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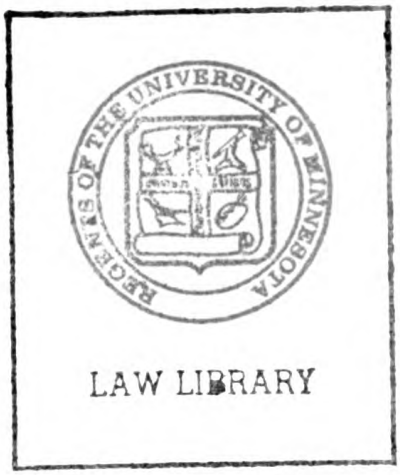
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STATE OF MICHIGAN

MICHIGAN ADMINISTRATIVE CODE 1979

By authority of Act No. 193 of the Public Acts of 1970, as amended, being §8.41 et seq. of the Michigan Compiled Laws



VOLUME III

COMPILED AND PUBLISHED BY THE

MICHIGAN LEGISLATIVE COUNCIL

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CERTIFICATE OF THE LEGISLATIVE COUNCIL

We, the undersigned members of the Legislative Council, directed by law to provide for the compilation of all administrative rules filed with the Secretary of State, hereby certify that the Council caused to be compiled the administrative rules of the State of Michigan promulgated through November 30, 1979, and further certify that this compilation, consisting of 3 volumes including index, meets the requirements of Act No. 193 of the Public Acts of 1970, being §8.41 et seq. of the Michigan Compiled Laws.

Dated: September 24, 1980
Lansing, Michigan

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PREFACE

The 1979 edition of the *Michigan Administrative Code*, published pursuant to Act No. 193 of the Public Acts of 1970, being §§8.41 to 8.48 of the *Michigan Compiled Laws*, is the third in a series of compilations of Michigan administrative rules.

The administrative rules of Michigan were first compiled in 1944 under the supervision of the Secretary of State by authority of former Act No. 88 of the Public Acts of 1943. The rules were arranged in alphabetical order by promulgating agency and published in one volume entitled *Michigan Administrative Code*.

A second compilation of administrative rules was completed in 1954 by the Michigan Compilation Commission under the supervision of the Secretary of State, again by authority of former Act No. 88 of the Public Acts of 1943. The 1954 compilation, also published in one volume, contained the rules of the 1944 compilation as amended, added to, or rescinded by rules appearing in 39 quarterly supplements to the 1944 edition of the *Michigan Administrative Code*.

A uniform numbering system was implemented in 1954, with each rule being assigned a compilation number, or "R" number, which appears in boldface type at the beginning of a rule. This system resulted in a change from an alphabetical arrangement of rules by promulgating agency to a sequential arrangement of rules by R number. The number to the left of the decimal point in the R number originally corresponded to the chapter of the *Michigan Compiled Laws* under which the promulgating agency was created, but the value of this taxonomy depreciated following the adoption of the *Constitution of the State of Michigan of 1963*, wherein Article 5, §2, required the allocation of executive and administrative agencies among and within not more than 20 principal departments. Since that time, the number to the left of the decimal point has generally corresponded to the chapter of the *Michigan Compiled Laws* containing the statutory authority under which an agency promulgates rules. Many

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rules promulgated by the Department of Agriculture and by the Department of Natural Resources exhibit R numbers containing 2 decimal points. In the case of the Department of Agriculture, the number between the 2 decimal points corresponds to a general regulation number assigned by that department. In the case of the Department of Natural Resources, the number between the 2 decimal points corresponds to a regulation number assigned each county by that department.

The 1979 edition of the *Michigan Administrative Code*, published in 3 volumes, includes rules contained in the 1954 edition as amended, added to, or rescinded by rules appearing in 101 quarterly supplements to the 1954 edition, covering the filing periods for administrative rules beginning October 1, 1954, and ending November 30, 1979. No attempt has been made to indicate any implied effect which one rule may have upon another.

The origin and amendments of each rule are indicated in a history note following the text of the rule. The effective date of each rule promulgated after September 30, 1954, is also indicated in the history note, an editorial feature incorporated for the first time in the 1979 edition of the *Michigan Administrative Code*. Principal abbreviations used in history notes, as well as in editor's notes, are as follows:

AC	Administrative Code
ACS	Administrative Code Supplement
AACS	Annual Administrative Code Supplement
Eff.	Effective

Other editorial features include the appearance of uniform authority paragraphs at the beginning of each set of rules in the Code containing citations to acts authorizing the promulgation of those rules; boldface catchlines preceding each rule indicating major topics covered in the rule; editor's notes furnishing information considered helpful to the reader; and the conversion of internal references by rule number to the corresponding R number.

Editorial revisions mandated by §8.43 of the *Michigan Compiled Laws* include the addition of catchlines to rules that appeared without catchlines in the 1954 edition of the Code; changes in the form and style of rules to correspond to current drafting practices; modification of agency headings, when feasible, to reflect executive reorganization of agencies; and the correction of obvious grammatical, typographical, and clerical errors.

A table of contents for the 1979 edition of the *Michigan Administrative Code* appears at the beginning of each volume. This table is arranged

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sequentially by R number, with principal executive departments highlighted in boldface capital letters.

Volume III contains a comprehensive index of all administrative rules appearing in the 1979 edition of the *Michigan Administrative Code*. Detailed index entries are arranged alphabetically under general subject matter headings and under principal executive department headings. Cross-references are liberally employed to aid the reader and to minimize unnecessary repetition of entries.

The 1979 edition of the *Michigan Administrative Code* will be updated each calendar quarter with the publication of a paperback supplement. This quarterly supplement will contain the full text of all permanent rules promulgated during the current quarter, together with notices of emergency rules promulgated during the same period.

In addition to quarterly supplements, an annual supplement will be published each year containing those permanent rules which previously appeared in the 4 quarterly supplements covering that calendar year. This annual supplement will also contain line references to all other permanent rules promulgated since the publication of the 1979 edition of the Code.

Both quarterly and annual supplements to the *Michigan Administrative Code* are published pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the *Michigan Compiled Laws*.

To the People of the State of Michigan, who enact the laws pursuant to which the administrative rules of Michigan are promulgated, these volumes are respectfully dedicated.

Herbert A. Finnegan
Legal Editor

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DEPARTMENT OF LABOR

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

SAFETY STANDARDS

(By authority conferred on the general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being §§408.1016 and 408.1021 of the Michigan Compiled Laws)

PART 1. GENERAL RULES

R 408.10001 Scope.

Rule 1. This part sets forth general rules for the employer and the employee in, around and about a place of employment, except that where a specific rule is set forth in another standard, the general rule is preempted.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974.

R 408.10003 Definitions; A to M.

Rule 3. (1) "Aisle" means a designated path of travel for mobile equipment and employees.

(2) "Approved" means approval by the director of labor or his duly designated representative.

(3) "Confined space" means an enclosed space, such as, but not limited to, a bin, furnace, cupola, tank, vessel, vault, or well.

(4) "Equivalent" means an alternate design or feature which provided at least as effective or greater degree of safety.

(5) "Explosive atmosphere" means an atmosphere in which the contaminants are within the minimum and maximum range in air, oxygen, or other oxidizer which would explode on introduction of a source of ignition.

(6) "Flammable" means to ignite easily, burn intensely, or to have a rapid rate of flame spread.

(7) "Hazard" means an unsafe condition or procedure which could result in an injury.

(8) "Machine" means a powered instrument or device which transmits force or motion in a predetermined manner. It may be fixed in place or transportable but is not hand held.

History: 1954 ACS 56, p. 29, Eff. Nov. 14, 1968; 1954 ACS 74, p. 85, Eff. Mar. 13, 1973; 1954 ACS 82, p. 85, Eff. Dec. 31, 1974; 1954 ACS 97, p. 68, Eff. Dec. 13, 1978.

Editor's note: This rule formerly appeared as R 408.5103.

R 408.10004 Definitions; P.

Rule 4. (1) "Passageway" means a path of travel for an employee only.

(2) "Pinch point" means a point at which it is possible to be caught between the moving parts of a machine, or between the moving and stationary parts of a machine or between material and any part of a machine.

(3) "Point of operation" means the point on a machine where work is performed.

(4) "Power failure" means the loss of power from the energy source.

(5) "Power source" means the energy supplied by hydraulic, pneumatic, electrical, or other sources.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974.

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R 408.10005 Definitions; S.

Rule 5. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(2) "Shall" means mandatory.

(3) "Should" means recommended.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974.

R 408.10011 Employer responsibilities.

Rule 11. An employer shall comply with all of the following:

(a) Provide training to each newly assigned employee regarding the operating procedures, hazards, and safeguards of the job.

(b) Not knowingly authorize a process, machine, or equipment to be used which does not meet applicable state safety standards.

(c) Establish, maintain, and assure the utilization of a lockout procedure as prescribed in R 408.10032.

(d) Provide a chain, bracket, or other device and assure its use at all times to restrain compressed gas cylinders from falling.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974; 1954 ACS 97, p. 68, Eff. Dec. 13, 1978.

R 408.10012 Employee responsibilities.

Rule 12. An employee shall:

(a) Not operate a machine or equipment until trained in the operating procedures, hazards and safeguards and has been assigned to do so by the employer.

(b) Report to his supervisor any recognized hazard.

(c) Use required personal protective equipment or devices as prescribed in this part or a specific standard.

(d) Not remove a guard or other safety device except for authorized servicing purposes. The guard or other safety device shall be replaced or equivalent guarding provided before the machine or equipment is returned to normal operation.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974.

R 408.10013 Personal protective equipment.

Rule 13. (1) Personal protective equipment shall be maintained in a condition to protect the employee from a hazard which would cause an injury or disease. (See occupational safety standards commission standards, parts 31 to 35, being R 408.13101 to R 408.13569 of the Michigan Administrative Code.)

(2) The equipment shall be of safe design and construction to perform the intended function.

(3) Personal protective equipment required by applicable state safety standards and employee owned equipment shall be maintained by an established program to assure the continuing adequacy, condition, and sanitation of the equipment.

History: 1954 ACS 82, p. 85, Eff. Dec. 31, 1974; 1954 ACS 97, p. 68, Eff. Dec. 13, 1978.

R 408.10015 Housekeeping.

Rule 15. (1) Materials, including scrap and debris, shall be piled, stacked, or placed in a container in a manner that does not create a hazard to an employee. All

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places of employment, aisles, passageways, storerooms, and service rooms shall be kept clean and orderly.

(2) Garbage capable of rotting or becoming putrid shall be placed in a covered container. Container contents shall be disposed of at frequent and regular intervals.

(3) The floor of a work area, passageway, or aisle shall be maintained in a manner that does not create a hazard to an employee, free of accumulations of scrap, debris, water, oil, grease, and other slip and trip hazards, except where an immediate emergency operation must be performed.

(4) Where a wet process, such as, but not limited to, plating operations, food processing, or car washing, is used, drainage shall be maintained or false floors, platforms, or mats used. Where an employee is required to work on a wet surface in a wet process, the surface shall be slip-resistant.

(5) Where vegetation is a hazard, an employee shall be protected by vegetation control or other means of protection, such as, but not limited to, a barrier, personal protective equipment, or medication.

History: 1954 ACS 82, p. 86, Eff. Dec. 31, 1974; 1954 ACS 88, p. 89, Eff. Aug. 18, 1976; 1954 ACS 97, p. 69, Eff. Dec. 13, 1978.

R 408.10016 Work in confined or hazardous spaces.

Rule 16. (1) This rule is intended to provide protection to an employee from traumatic injury. Where a health hazard such as possible toxic atmosphere or lack of oxygen may exist, reference is made to Michigan department of public health standards for tests and procedures to be followed before entry into a confined or hazardous space.

(2) When an employee enters a confined space, such as, but not limited to, a bin, silo, hopper, or tank, which contains bulk or loose material that could engulf the employee:

(a) The employee shall wear an approved safety belt attached to an approved lifeline.

(b) The lifeline shall be strung from the employee overhead and back down to the employee where it is tied to the employee's "D" ring, keeping the lifeline reasonably taut at all times. When this is done, another employee shall be in sight or within hearing distance. When this is not practical, the lifeline shall be snubbed overhead and kept reasonably taut at all times by a person stationed at a safe location who is capable of rendering assistance if required.

(c) Communications, such as visual, voice, or signal line, shall be maintained between the person outside the confined space and all employees in the confined space.

(d) If an employee working in a confined space must be lifted vertically to be removed from the space, there shall be not less than 1 employee working in the immediate vicinity to assist the employee stationed outside the confined space, or a mechanical means to lift the employee out of the confined space shall be provided before work starts.

(e) The supply of material shall be shut off, and the discharge shall be shut off, if feasible.

(3) Before an employee is permitted to enter a confined space which could contain an explosive atmosphere, the atmosphere shall be tested to determine if the atmosphere is within or above the explosive range.

(4) An employee shall not enter a confined space having an atmosphere in or above the explosive atmosphere unless involved in correcting a condition which

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caused the explosive atmosphere and the condition cannot be corrected by any other means and the atmosphere cannot be purged below the explosive limit. All sources of ignition shall be prohibited in or around the space.

(5) An atmosphere which could be deficient in oxygen or contain harmful toxic substances shall be tested as prescribed by the department of public health in O.H. rule 3301 of its standards.

History: 1954 ACS 82, p. 86, Eff. Dec. 31, 1974; 1954 ACS 97, p. 69, Eff. Dec. 13, 1978.

R 408.10017 Lubrication.

Rule 17. (1) Lubrication shall be accomplished by 1 of the following:

(a) Manually, when the machine can be shut off and locked out.

(b) Automatic pressure or gravity feed system.

(c) Extension pipe or tube leading to an area outside of guards or away from any hazard.

(d) A means of lubrication which would provide equal or greater protection than subdivision (a), (b), or (c) for the employee.

(2) Where access through a guard is provided, and the opening exceeds the table 2 specifications, the opening shall be provided with a hinged or sliding self-closing cover.

History: 1954 ACS 82, p. 86, Eff. Dec. 31, 1974; 1954 ACS 97, p. 70, Eff. Dec. 13, 1978.

R 408.10021 Aisles and floors.

Rule 21. (1) When mobile equipment and an employee use the same aisle, dock or doorway, clearances shall be provided and maintained to assure safe passage for the equipment and employee.

(2) An aisle and passageway shall be marked or otherwise identified.

(3) A floor shall be maintained free of holes, loose boards, and protruding objects which would be a hazard to an employee.

(4) The maximum designed safe load limit of a floor or roof shall not be exceeded.

History: 1954 ACS 82, p. 86, Eff. Dec. 31, 1974.

R 408.10022 Dockboards.

Rule 22. (1) A dockboard shall be of an approved design and construction capable of supporting the imposed load.

(2) A portable dockboard shall be:

(a) Secured in position by anchoring or devices which will prevent its slipping.

(b) Provided with handholds or other means for placement which will protect the employee while handling the dockboard.

(3) A positive means, such as, but not limited to, chocks, blocks, or brakes, shall be used to restrict a vehicle or rail car from moving while a dockboard is in position.

(4) A dockboard used in connection with a powered industrial truck shall also comply with rule 2165 of the occupational safety standards commission standard, Part 21. Powered Industrial Trucks, being R 408.12165 of the Michigan Administrative Code.

(5) A powered dockboard shall be designed and constructed as prescribed in United States department of commerce commercial standard CS202-56 (1961), industrial lifts and hinged loading ramps, which is hereby incorporated by reference, and may be inspected at the Lansing office of the Michigan department

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of labor. This standard may be purchased at a cost of $1.00 from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 82, p. 87, Eff. Dec. 31, 1974; 1954 ACS 88, p. 89, Eff. Aug. 18, 1976; 1954 ACS 97, p. 70, Eff. Dec. 13, 1978.

R 408.10026 Derailers, bumper blocks, and clearance signs.

Rule 26. (1) Where rolling railroad cars on a spur track could make contact with a railcar being loaded or unloaded, repaired or serviced, or enter a building, work or traffic area, derailers, bumper blocks, a blue flag or blue light, or other equivalent protection shall be used.

(2) A visible "Close Clearance" sign shall be used to indicate close clearance between a railcar and an adjacent fixed object if the fixed object is located less than 8½ feet from the center of a straight track and 9 feet from the center of a curved track.

History: 1954 ACS 82, p. 87, Eff. Dec. 31, 1974.

R 408.10031 Machine installations.

Rule 31. (1) Electrically powered machines shall be grounded as prescribed in article 250, paragraphs 42 and 43 of the national electrical code, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The national electrical code may be purchased at a cost of $5.50 from the National Fire Protection Association, 470 Atlantic, Boston, Massachusetts 02210, or the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

(2) A machine shall be placed so that it will not be necessary for the operator or other employee tending the machine to stand in an aisle.

(3) A machine shall be located so that there will be space for the employee to handle the material and operate the machine with no interference to or from another employee or machine.

(4) A machine installed on a bench, table, or stand shall be designed or secured to prevent unintentional movement or tipping.

(5) A stationary machine shall be anchored or provided with antislip pads to prevent unintentional movement.

History: 1954 ACS 82, p. 87, Eff. Dec. 31, 1974.

R 408.10032 Lock out.

Rule 32. (1) A power source of any machine to be repaired, serviced, or set up, where unexpected motion, or an electrical or other energy source would cause injury, shall be locked out by each employee doing the work except when motion is necessary during setup, adjustment, or troubleshooting. Any residual pressure shall be relieved prior to and during such work. A machine connected to a 110 volt source by a plug-in cord shall be considered in compliance if the plug is disconnected and tagged. Tags are acceptable for utility companies when the work involves deenergized lines and equipment associated with generation, transmission, and distribution of energy.

(2) Where 1 or more crews are working on the same machine with a single energy source, 1 of the following shall be complied with:

(a) Each employee shall place his lock as prescribed in subrule (1).

(b) An authorized employee of each crew shall be responsible for placing the lock required in subrule (1) and ascertaining that his crew is clear of the machine before removing the lock.

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(c) A supervisor shall place a departmental lock for which he has the only key, and he shall ascertain that all crews are clear from the machine before removing the lock.

(3) A knife switch on an open switchboard may be tagged instead of locked out. Access to a knife switch shall be restricted to an authorized employee by a barrier or enclosure.

(4) The tagging referred to in subrules (1) and (3) of this rule shall be as prescribed in Part 37. Accident Prevention Signs and Tags, being R 408.13701 et seq. of the Michigan Administrative Code.

History: 1954 ACS 82, p. 87, Eff. Dec. 31, 1974; 1954 ACS 97, p. 70, Eff. Dec. 13, 1978.

R 408.10033 Machine controls.

Rule 33. (1) When unexpected motion would cause injury, an actuating machine control, except an emergency device for a powered fixed or transportable machine, shall be guarded or so located as to prevent accidental actuation.

(2) Unless their function is self-evident, each operating control device shall be identified as to its function.

(3) A powered machine attended by more than 1 employee shall be equipped with an actuation device for each employee exposed to a point of operation hazard. The machine shall activate only after concurrent use of all actuation devices.

(4) When unexpected motion would cause injury, provisions shall be made to prevent a machine from automatically restarting upon restoration of power after a power failure.

(5) Where a machine work station is remotely located from the machine controls, an emergency stop device, colored red, shall be provided at the machine work station wherever a hazard exists which could cause an injury, or the actuation of the controls shall require continuous depression during the hazardous portion of the machine cycle.

(6) Equipment operated in series so that 1 automatically supplies another shall be interlocked so that when any equipment in the series is stopped for any reason, the initial stopping causes the upstream equipment to stop if continued operation would create a hazard. Reactivation shall require a separate positive action by the employee initiating the stop.

History: 1954 ACS 82, p. 88, Eff. Dec. 31, 1974; 1954 ACS 97, p. 70, Eff. Dec. 13, 1978.

R 408.10034 Machine guards and devices.

Rule 34. (1) Two hand-control devices shall be the anti-tie down type and located in a manner to prevent bridging. Operation shall require manual activation of both controls until a point is reached in the cycle where the operator cannot remove his hands and place them within a pinch point. If repeating would cause an injury, an anti-repeat device shall be incorporated into the control system.

(2) Guards shall be secured to the machine, if possible, or to other fixed objects. The guard shall not create a hazard in itself.

(3) A point of operation guard or device shall be as prescribed in a specific standard, or, in the absence of a specific standard, shall be designed and constructed, when required, to prevent the machine operator exposed to the hazard from having any part of his body in the hazardous area during the operating cycle. A guard or device for the point of operation of a nonproduction arbor press or straightening press is not required if the machine is equipped with a hand control that is designed to stop the ram action or return the ram to the up position when released.

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(4) Hand tools shall not be substituted for the required guarding or point of operation devices, except that a hand tool may be used as prescribed in subrule (5) for a press brake operation. Where hand tools are used for placing into, and removing material from, a point of operation, they shall be designed so that the operator is not required to place a hand within the point of operation.

(5) A bending operation on a press brake involving less than 25 pieces of 1 specific bend, if not guarded, shall require the use of a hand tool when the operator must hold the work piece within 4 inches of the point of operation, and a conspicuous sign shall be posted on the machine stating "Hand tools shall be used to hold stock."

(6) A revolving barrel, container, or drum exposed to contact shall be guarded by a standard barrier, an enclosure, or equivalent protection where a hazard exists. Access through a standard barrier or enclosure shall be by a gate equipped with an interlock, which shall disconnect the power when the gate is opened and require manual reactuation of a start button. A constant pressure jog control that bypasses the interlock may be used to aid loading and unloading.

(7) Blades of a fan, located within 7 feet of a floor or working level and used for ventilation or cooling of an employee, shall be guarded with a firmly affixed or secured guard. Any opening in the guard shall have not more than 1 of its dimensions more than 1 inch and the distance to the blade shall not be less than that prescribed in table 1.

(8) A fan used in process cooling whose blade is less than 7 feet above the floor or working level shall meet the distance requirements of table 2. Where the openings are larger than those shown in table 2, the distance from the guard to the blade shall prevent any part of the employee's body from making contact with the blade.

(9) When an employee is exposed to a hazard created by a pinch point other than point of operation, the hazard shall be guarded or the employee otherwise protected, except as permitted in R 408.10032(1).

(10) A band or circular saw shall be guarded as prescribed in general industry safety standards commission rules 2722 and 2732 of Part 27. Woodworking Machinery, being R 408.12722 and R 408.12732 of the Michigan Administrative Code.

(11) An extractor, parts washer, or tumbler, manually controlled and equipped with an inside revolving cylinder, shall be equipped with a cover or door interlocked in such a manner as to prevent opening the door when the inside cylinder is in motion, and to prevent power operation of the inside cylinder when the cover or door is open. An inch control or constant pressure control which bypasses the interlock may be used to aid loading and unloading.

(12) An employee shall not place his body beneath equipment, such as vehicles, machines, or materials, supported only by a jack, overhead hoist, chain fall, or any other temporary single supporting means, unless safety stands, blocks or other support system capable of supporting the total imposed weight is used to protect the employee in case of failure of the supporting system.

TABLE 1

Smallest dimension in guard (inches):	Minimum distance from guard to blade:
Greater than 0 up to ¼ inclusive	½ inch
Greater than ¼ up to ⅜ inclusive	1½ inches
Greater than ⅜ up to ½ inclusive	2½ inches
Greater than ½ up to ¾ inclusive	4 inches
Greater than ¾ up to 1 inclusive	6 times the smallest dimension

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TABLE 2

Distance of opening from point of operation hazard (inches)	Maximum width of opening (inches)
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2½

History: 1954 ACS 82, p. 88, Eff. Dec. 31, 1974; 1954 ACS 97, p. 71, Eff. Dec. 13, 1978; 1954 ACS 99, p. 104, Eff. Apr. 18, 1979

R 408.10036 Air under pressure.

Rule 36. (1) Air pressure at the discharge end of a portable air blowgun or portable air hose shall be less than 30 pounds per square inch gauge when dead-ended.

(2) When air under pressure is used to remove chips and dust, a chip guard, such as a fixed or removable shield, safely located, shall be provided to protect an employee in an adjacent area. The employee using air under pressure shall be provided personal protective equipment to protect against hazards created by the operation.

(3) Air under pressure, used in a manner which could cause injury, shall not be used for cleaning clothes while being worn or directly applied to any part of the body.

(4) Air under pressure shall not be used to move flammable dusts in an area containing open flames or spark producing equipment.

(5) Air under pressure shall not be used to remove toxic dusts in an employee environment.

(6) An employee shall be protected by guards or location when pressure tests are being performed on materials or equipment where rupture or failure would create a hazard.

History: 1954 ACS 97, p. 72, Eff. Dec. 13, 1978.

R 408.10051 Rescinded.

History: 1954 ACS 57, p. 13, Eff. Feb. 14, 1969; rescinded 1954 ACS 74, p. 85, Eff. Jan. 18, 1973.

PART 1A. ABRASIVE WHEELS

GENERAL PROVISIONS

R 408.10101 Scope.

Rule 101. This part sets forth rules and specifications for the safe use of abrasive wheels in, around and about places of employment. They include specifications for safety guards, flanges, chucks and rules for storage, handling, mounting and use of all grinding wheels, except natural sandstone wheels.

History: 1954 ACS 74, p. 86, Eff. Jan. 18, 1973.

R 408.10102 Definitions; A to C.

Rule 102. (1) "Abrasive wheel-wheel" means a cutting tool consisting of abrasive grains held together by a bonding material.

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(2) "Blotter" means a flat disc of compressible material used to cushion the area of a grinding wheel coming in contact with a flange.

(3) "Centerless O. D. grinding" means the precision grinding of the outer surface of any cylindrical work piece which is rotated by a regulating wheel and supported by a work blade.

(4) "Concrete sawing" means the cutting or slotting of materials such as concrete or asphalt where the sawing machine rides upon the surface being sawed.

(5) "Cutting off" means slicing or parting of any material or part.

(6) "Cylindrical O. D. grinding" means the precision grinding of the outer surface of any cylindrical work piece which is supported at 1 or both ends.

History: 1954 ACS 74, p. 86, Eff. Jan. 18, 1973.

R 408.10103 Definitions; D to L.

Rule 103. (1) "Disc or plate mounted grinding" means the removal of material by use of an abrasive wheel fastened to a metal plate.

(2) "Flange" means a collar, disc or plate between which abrasive wheels are mounted.

(3) "Guard" means an enclosure designed to restrain pieces of abrasive wheel and protect the employee in event of wheel breakage.

(4) "Internal grinding" means the precision grinding of the inside surface of the hole in a work piece.

(5) "Lapidary" means to cut off, shape or grind precious or semiprecious gemlike materials.

History: 1954 ACS 74, p. 86, Eff. Jan. 18, 1973.

R 408.10104 Definitions; M to R.

Rule 104. (1) "Masonry cutting" means the cutting off, notching or slotting of units of materials such as brick, tile, block or refractory shapes where the work piece is brought to the machine.

(2) "Mounted wheels" means various shaped abrasive wheels not more than 2 inches in diameter and mounted on a plain steel mandrel.

(3) "Off-hand grinding" means the grinding of any material which is held in an employee's hand.

(4) "Portable grinding" means a grinding operation where the machine is designed to be hand-held and may be easily moved from 1 location to another.

(5) "Precision grinding" means the grinding operation performed by machines used to finish work parts to specified dimensions and finish requirements.

(6) "Revolutions per minute—rpm" means the number of complete turns that a grinding wheel makes in 1 minute.

History: 1954 ACS 74, p. 86, Eff. Jan. 18, 1973.

R 408.10105 Definitions; S to W.

Rule 105. (1) "Snagging" means the grinding which removes relatively large amounts of material without regard to close tolerances or surface finish requirements.

(2) "Surface feet per minute—sfpm" means the distance in feet any 1 abrasive grain travels in 1 minute on a peripheral surface of a rotating grinding wheel.

(3) "Surface grinding" means the precision grinding of a plane or formed surface.

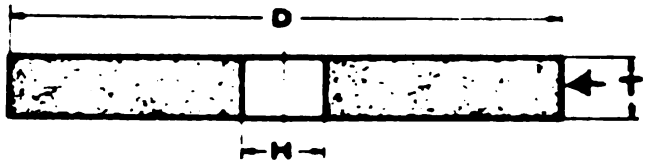
(4) "Tool or cutter grinding" means the precision grinding or sharpening of various types of cutting tools.

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(5) "Tuck pointing" means the removal, by grinding, of mortar, cement or other nonmetallic material.

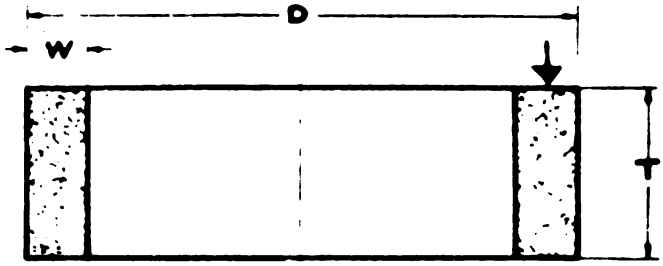
(6) "Wheel types" means the classification of abrasive wheels as listed in the following order:

SHAPE TYPES OF GRINDING WHEELS



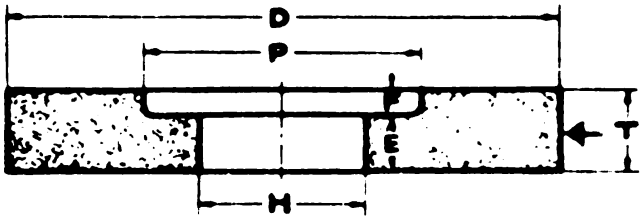
Type 1—Straight wheel.

Peripheral grinding wheel having a diameter, thickness and hole.



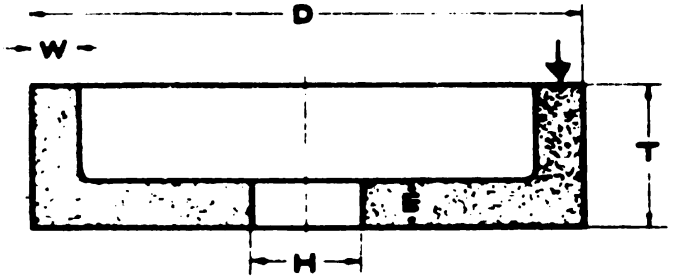
Type 2—Cylinder wheel.

Side grinding wheel having a diameter, thickness and wall—wheel is mounted on the diameter, or a similar wheel mounted in a chuck or on a plate.



Type 5—Wheel, recessed one side.

Peripheral grinding wheel having one side straight or flat and the opposite side recessed. A recessed wheel allows a wider faced grinding wheel to be used when the available mounting thickness (E) is less than the required overall thickness (T). The recess allows grinding clearance for the nut and flange.

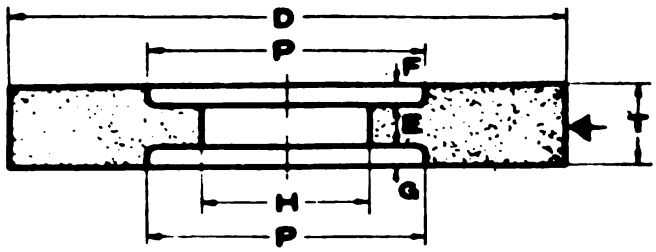


Type 6—Straight-cup wheel.

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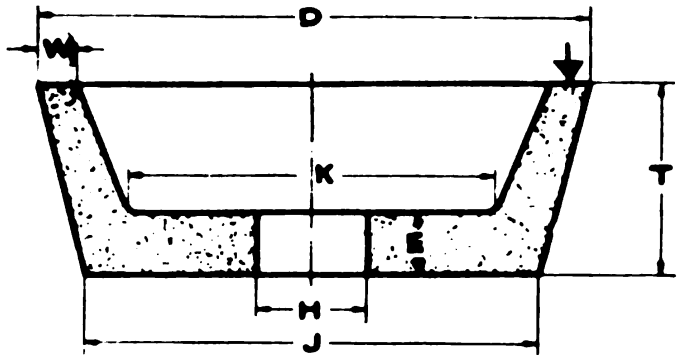
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from type 5 in that the grinding is performed by the wall (W). The wall dimension (W) takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.
NOTE: Arrows indicate grinding surface.

SHAPE TYPES OF GRINDING WHEELS



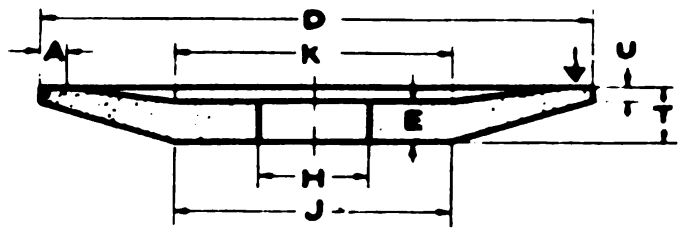
Type 7—Wheel, recessed two sides.

Peripheral grinding wheel having both sides recessed to allow grinding clearance for both flanges or recessed so that an unusually wide faced wheel may be mounted when the available mounting thickness (E) is less than the overall thickness (T).



Type 11—Flaring-cup wheel.

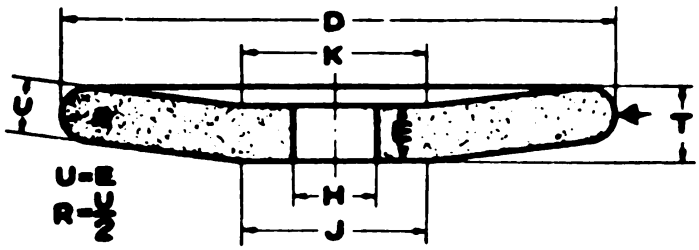
Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).



Type 12—Dish wheel.

Side grinding wheel known as a dish, differing from a type 11 in that type 12 always has a (U) dimension. The (W) dimension of a type 11 becomes the (A) dimension of a type 12. The grinding may be performed by the (U) face.

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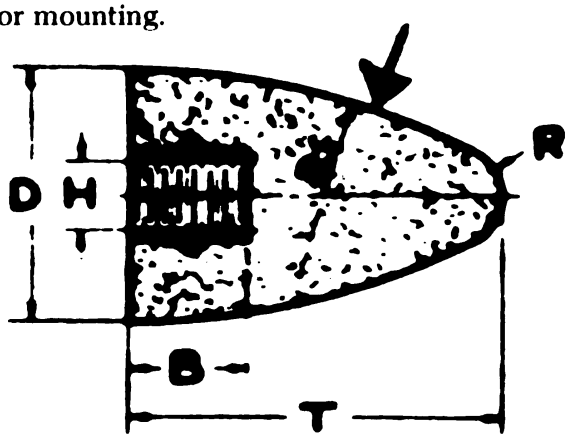
Type 13—Saucer wheel.

Peripheral grinding wheel known as a saucer, differing from a type 12 in that the cross-section is equal throughout (U = E).

The face is always half-round with $R = \frac{U}{2}$.

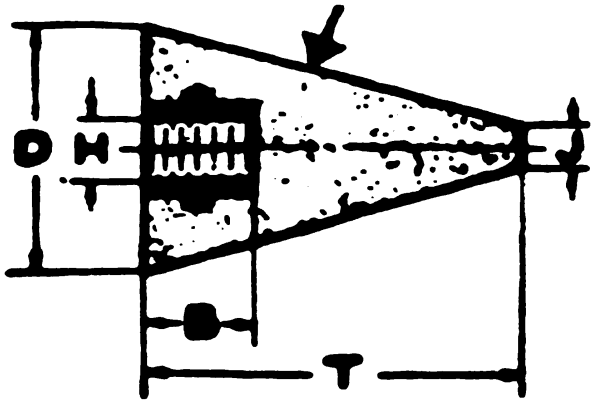
SHAPE TYPES OF GRINDING WHEELS
Cones and Plugs

On all cones and plugs grinding is performed by all surfaces except the flat (dimension "D") on the mounting side. These shapes normally have a blind hole threaded bushing for mounting.



Type 16—Cone, curved side.

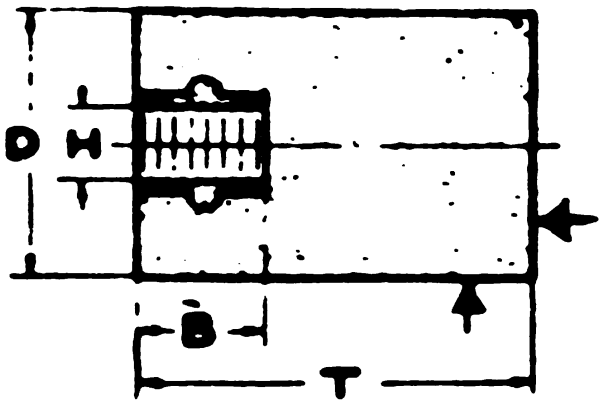
Curved sided cone with a radius nose sometimes referred to as "Bullet shape."



Type 17—Cone, straight side, square tip.

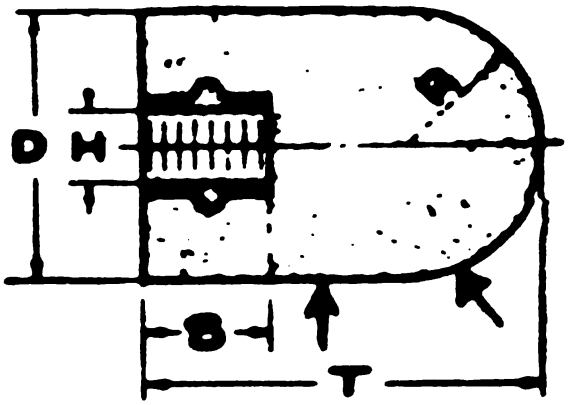
Cone with a straight side, square tip.

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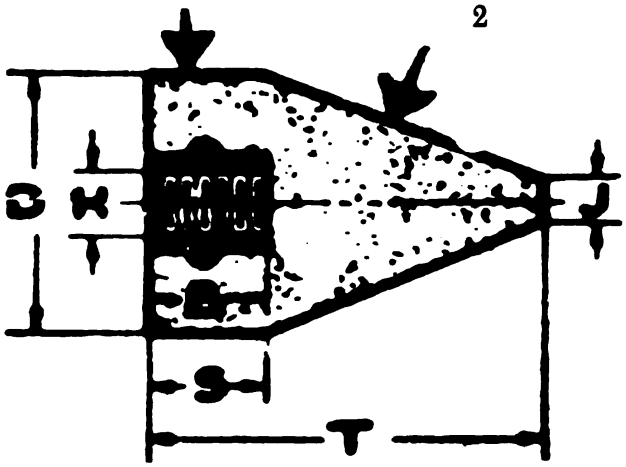
Type 18—Plug, square end.

Plug—Cylindrical in shape with a square end.



Type 18R—Plug, round end.

Plug—Cylindrical in shape with a radius nose. $R=\frac{D}{2}$



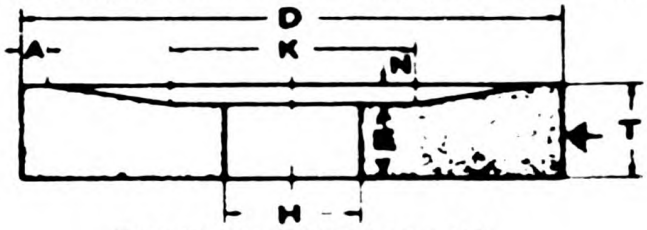
Type 19—Plugs, conical end, square tip.

Combination cone and plug with a square tip similar to type 17 and the cylindrical portion similar to type 18. The cylindrical portion (S) is normally equal to or greater than the depth of the blind hole threaded bushing (B).
NOTE: Arrows indicate grinding surface.

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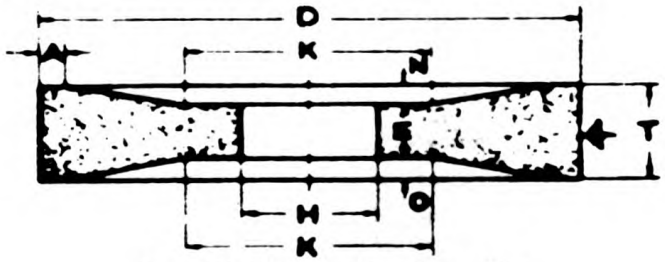
RELIEVED AND/OR RECESSED WHEELS

A relieved side is a depression in the side of a wheel which is tapered from a radial flat at the periphery (A) to an inside flat (K) or recess diameter (P).



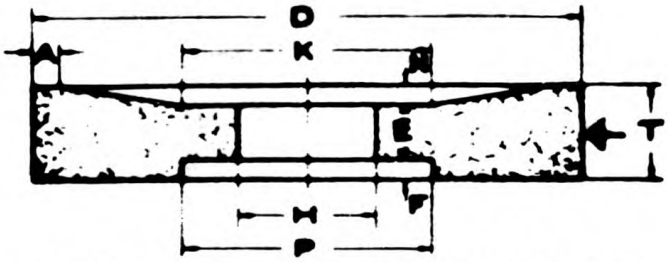
Type 20—Wheel, relieved one side.

Peripheral grinding wheel having one side straight or flat and the other side relieved to a flat.



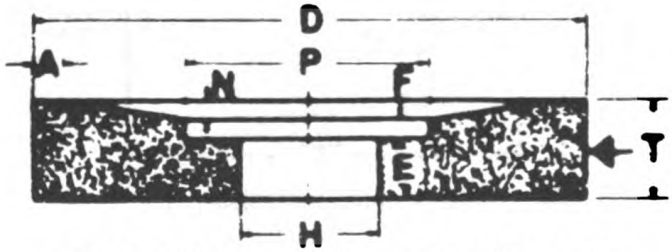
Type 21—Wheel, relieved two sides.

Peripheral grinding wheel having both sides relieved to a flat.



Type 22—Wheel, relieved one side, recessed other side.

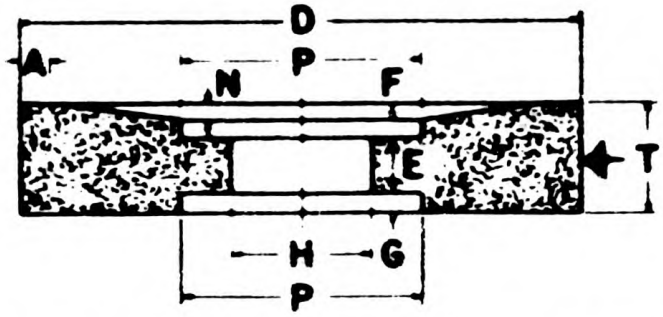
Peripheral grinding wheel having one side recessed and the other side relieved to a flat.



Type 23—Wheel, relieved and recessed same side.

Peripheral grinding wheel having one side straight or flat and the other side relieved to a recess.

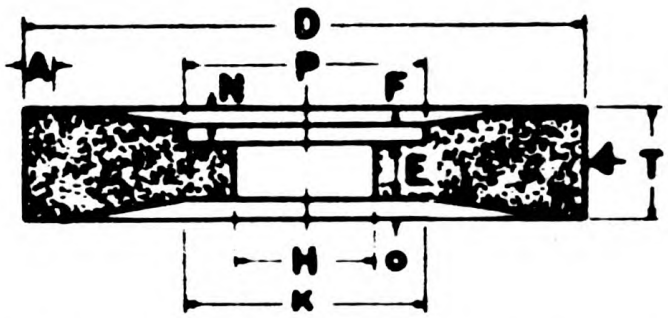
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Type 24—Wheel, relieved and recessed one side, recessed other side.

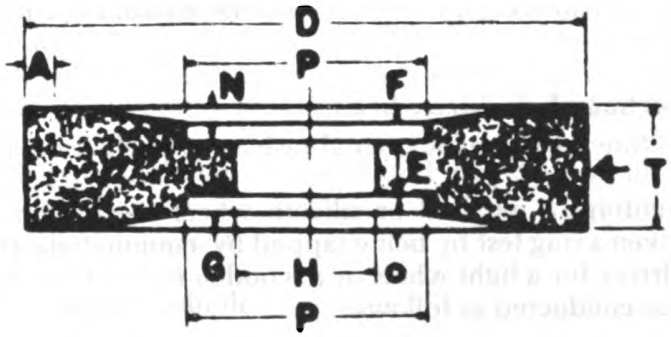
Peripheral grinding wheel having one side recessed and the other side relieved to a recess.

SHAPE TYPES OF GRINDING WHEELS



Type 25—Wheel, relieved and recessed one side, relieved other side.

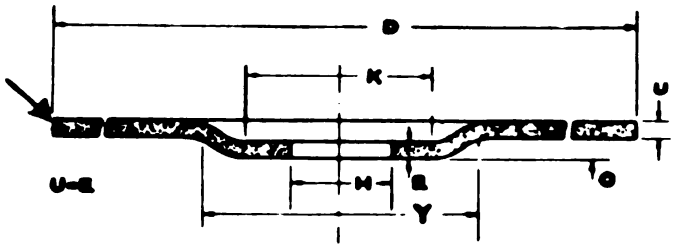
Peripheral grinding wheel having one side relieved to a flat and the other side relieved to a recess.



Type 26—Wheel, relieved and recessed both sides.

Peripheral grinding wheel having both sides relieved to a recess.

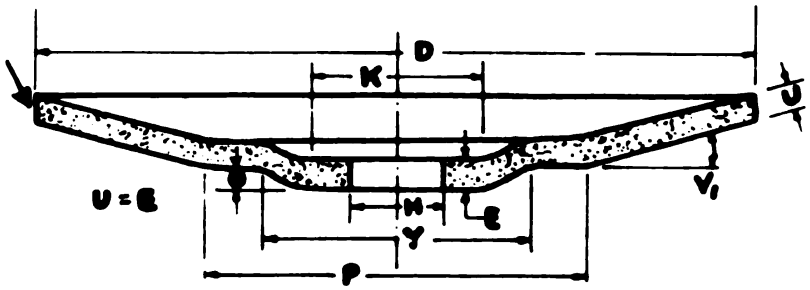
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Type 27—Wheel, depressed center.

Portable grinding: Grinding normally done by contact with work at approximately a 15 degree angle with face of wheel.

Cutting-off: When used as a cutting-off wheel, the periphery is the grinding face.



Type 28—Wheel, depressed center (saucer shaped grinding face).

Portable grinding: Grinding normally done by contact with work at approximately a 15 degree angle with face of wheel.

Note: Arrows indicate grinding surface.

History: 1954 ACS 74, p. 86, Eff. Jan. 18, 1973.

R 408.10111 Handling and storage of abrasive wheels.

Rule 111. (1) An abrasive wheel shall not be dropped, bumped, or rolled.

(2) An abrasive wheel shall be stored in a rack, bin, box, or drawer in a manner to prevent damage to the wheel.

(3) An abrasive wheel shall be disbursed on a first-in first-out basis.

(4) An abrasive wheel shall not be stored subject to:

(a) Exposure to high humidity, water, or other liquids.

(b) Freezing temperatures, or any temperature low enough to cause condensation on the wheel when moving it from storage to an area of higher temperature.

History: 1954 ACS 74, p. 91, Eff. Jan. 18, 1973.

R 408.10113 Inspection of abrasive wheels.

Rule 113. (1) At time of unpacking, an abrasive wheel shall be inspected for damage.

(2) Prior to mounting, a vitrified or silicate wheel more than 4 inches in diameter shall be given a ring test by being tapped by a nonmetallic tool such as a handle of a screwdriver for a light wheel or a wooden mallet for a heavy wheel. The ring test shall be conducted as follows:

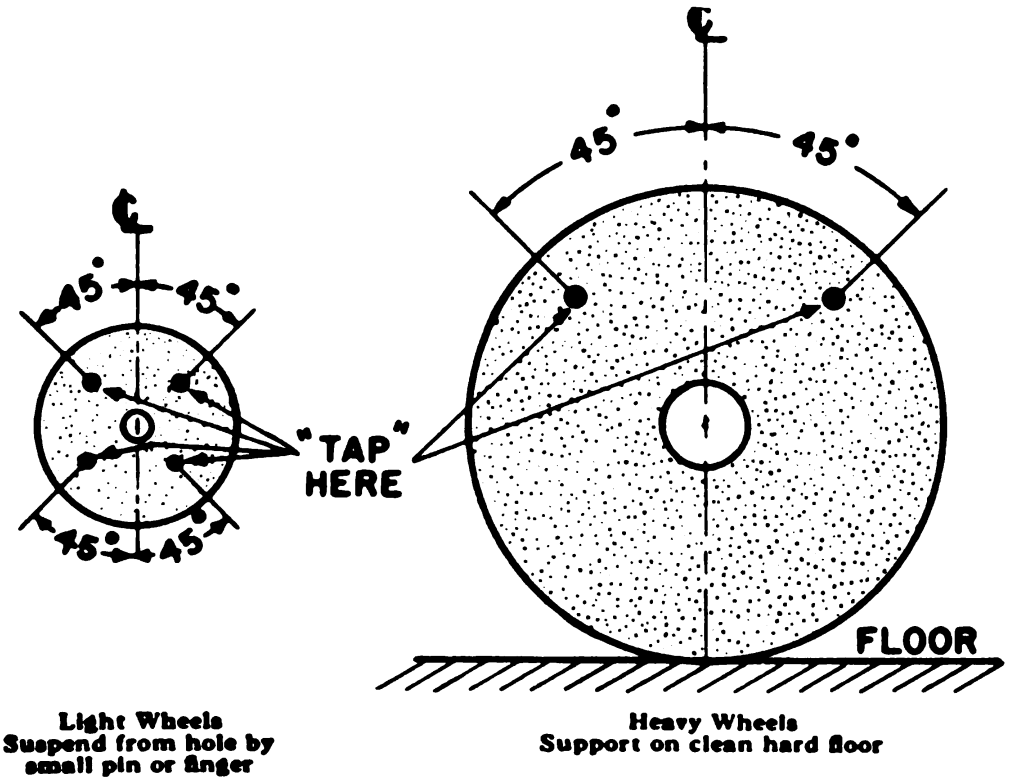
(a) Wheels must be dry and free from sawdust when applying the ring test, otherwise the sound will be deadened.

(b) Tap wheels about 45 degrees each side of the vertical center line and about 1 or 2 inches from the periphery as indicated by the spots in the figures below.

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(c) Then rotate the wheel 45 degrees and repeat the test.

(d) A sound and undamaged wheel will give a clear metallic tone. If cracked, there will be a dead sound and not a clear "ring."



History: 1954 ACS 74, p. 91, Eff. Jan. 18, 1973.

R 408.10114 Work rests.

Rule 114. (1) An off hand grinder shall be equipped with either a work rest so located that the point of grinding is on a horizontal plane with the wheel spindle, or a device which shall prevent the work piece from jamming between the abrasive wheel and the wheel guard. Where a work rest or device is used at a height other than the horizontal plane with the spindle, a warning sign shall be installed to prohibit use of the grinder for other than the job for which the work rest or device was set.

(2) A work rest shall be adjusted and maintained to within ⅛ inch of the abrasive wheel. The adjustment shall be accomplished when the abrasive wheel is at rest.

(3) A work rest shall be designed and constructed of metal capable of supporting the work piece.

History: 1954 ACS 74, p. 92, Eff. Jan. 18, 1973.

R 408.10115 Machine spindles.

Rule 115. (1) A wheel or flange secured by a spindle nut shall have the direction of the thread opposite that of the spindle rotation so that the nut will tighten as the spindle revolves.

(2) A spindle shall be long enough to engage all the threads within the nut.

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(3) Spindle threads shall extend inside the flange but not more than halfway within the hole of the abrasive wheel.

(4) A spindle shall be made within a tolerance of plus .000 minus .002 inches from nominal size. A wheel which must be forced on a spindle shall not be used.

(5) A spindle on which a threaded-hole wheel is mounted shall be threaded to allow the abrasive wheel to be screwed flat against the back flange, and:

(a) The direction of the thread shall be such that to remove the abrasive wheel it must be rotated in the same direction that it turns when in use.

(b) A spindle shaft shall not touch the bottom of a blind hole in an abrasive wheel.

(c) A back flange specified in this rule shall be flat, unrelieved and square to the spindle axis.

History: 1954 ACS 74, p. 92, Eff. Jan. 18, 1973.

GUARDING PROVISIONS

R 408.10121 General requirements.

Rule 121. (1) An abrasive wheel shall be provided with a guard, except as noted below, which shall cover the spindle end, nut and flange projections as well as the periphery. Exceptions:

(a) Internal grinding while within the work being ground.

(b) Mounted wheels not more than 2 inches in diameter.

(c) Plug and cones not more than 3 inches in diameter or 5 inches in length.

(d) Type I reinforced. Not more than 2 inches in diameter and ¼ inch in thickness with safety glasses and face shield protection worn.

(e) Lapidary grinding. A metal diamond lapidary blade, either notched, segmented or continuous rim, used with a coolant deflector requires no guards for speed of not more than 3,500 sfpm.

(f) Tuck point wheel, masonry or concrete saws may have the spindle end, nut and flange exposed as per figures 1 and 2.

(2) The guard shall be constructed of material capable of retaining pieces of a broken wheel. See material tables. The guard shall be mounted so as to maintain alignment with the abrasive wheel to contain wheel breakage, and the strength of the fastenings shall exceed the strength of the guard. The guard shall be in position before starting the wheel.

(3) Where flying particles or fragments are a hazard to employees other than the grinder operator, an enclosure or barrier shall be provided to isolate the operation from the remaining working area.

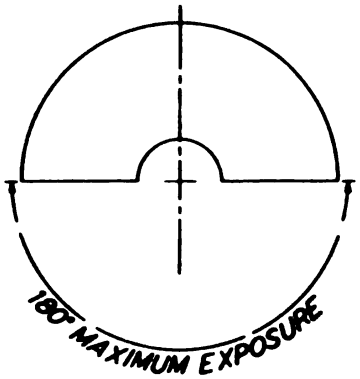


FIGURE 1

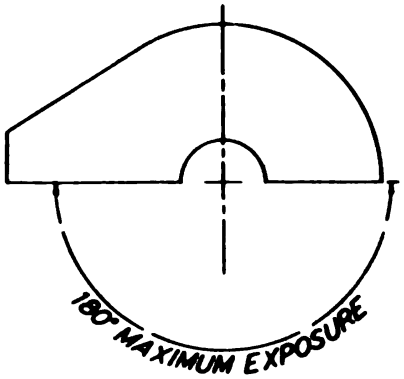


FIGURE 2

History: 1954 ACS 74, p. 92, Eff. Jan. 18, 1973.

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R 408.10122 Guard exposure angles.

Rule 122. The maximum angle of exposure in a guard opening shall be as prescribed in table 1.

TABLE 1
Guard Exposure Angle

Grinder Type	Exposure Above or Below Horizontal Plane	Total Exposure
Bench and floor	65 degrees above	* 90 degrees
Cylindrical grinder	65 degrees above	180 degrees
Surface grinder	15 degrees below	150 degrees
Cut-off machine	15 degrees below	150 degrees
Swing frame		180 degrees
Snagging		180 degrees
Top	30 degrees above	60 degrees
Portable		180 degrees
Masonry and concrete saws	35 degrees above	180 degrees
Tool and cutter grinder		180 degrees

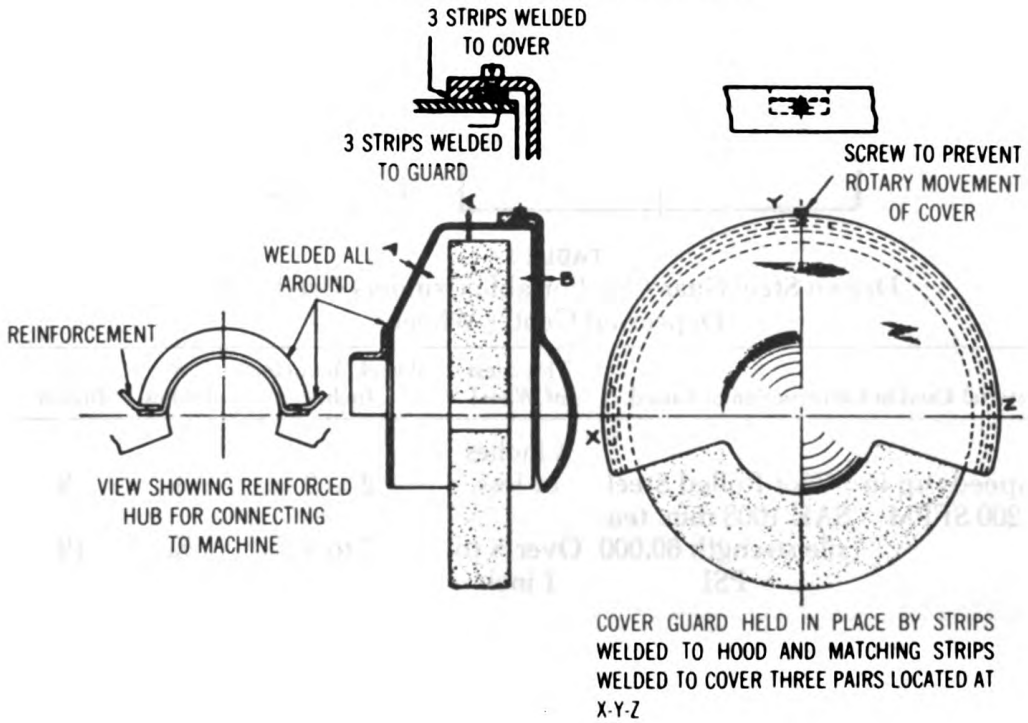
*Whenever the nature of the work requires contact with the abrasive wheel below the horizontal plane of the spindle, the exposure shall not exceed 125 degrees.

History: 1954 ACS 74, p. 93, Eff. Jan. 18, 1973.

R 408.10123 Guard for portable grinders.

Rule 123. A guard on a right angle head or vertical portable grinder shall have the guard located so as to be between the operator and the abrasive wheel during use (See figure 3 and table 2). A portable grinder using a depressed center wheel shall have a guard as prescribed in figure 4 and table 3.

FIGURE 3
Typical Drawn Steel Guard for Wheels
8 Inches Diameter and Smaller



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TABLE 2

Guide for Construction of Drawn Steel Guards for Wheel 2" Thick and Less, 8" and Less in Diameter

*Material Used in Construction of Guard Hot Rolled Steel SAE 1008 Min. Tensile Strength 60,000 PSI for speeds up to (SFPM)	Maximum Thickness of Wheel, Inches	2 to 5 Inches		Above 5 to 8 Inches	
		A	B	A	B
		Inches		Inches	
9,500	2	1/16	1/16	3/32	1/16
12,500	2	3/32	1/16	3/32	3/32
17,000	1	3/32	1/16	1/8	3/32

*The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

FIGURE 4

Drawn Steel Guard for Portable Grinders Used with Depressed Center Wheels

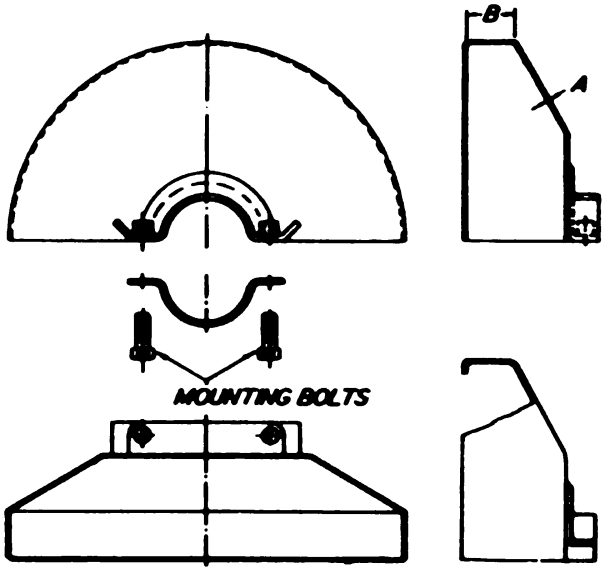


TABLE 3

Drawn Steel Guard for Portable Grinders Used with Depressed Center Wheels

Material Used in Construction of Guard		Thickness of Wheel	Wheel Diameter Inches	A Inches	B Inches
For speeds up to 14,200 SFPM	*Hot Rolled Steel SAE 1008 min. tensile strength 60,000 PSI	3/8 inches or less	2 to 9	1/16	1/2
		Over 3/8 to 1 inch	7 to 9	3/32	1 1/8

*The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

History: 1954 ACS 74, p. 93, Eff. Jan. 18, 1973.

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R 408.10124 Guarding cup wheels.

Rule 124. (1) A cup wheel on a portable grinder shall be protected by band-type or revolving cup guard.

(2) A band-type guard shall be constructed as prescribed in figures 5 and 6 and tables 4 and 5 and adjusted within ½ inch of the working surface of the abrasive wheel.

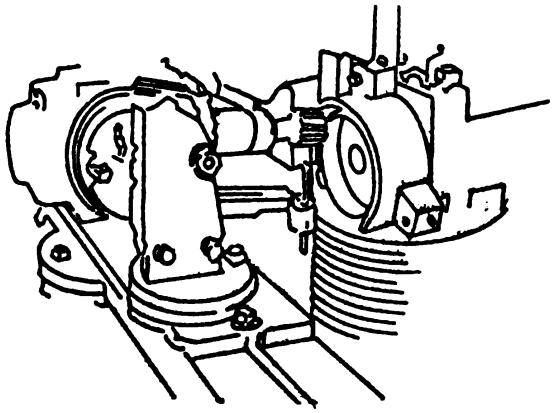
(3) A revolving cup guard shall enclose the abrasive wheel for a distance of ⅓ the thickness measured from the back. A clearance of a minimum of 1/32 inch to a maximum of 1/16 inch shall be maintained between the guard and the abrasive wheel. The use of a revolving cup guard on cup wheels shall be discontinued 195 days after filing this part with the secretary of state.

(4) A guard for a tool and cutter grinder cup wheel shall be as follows:

(a) Not less than 180 degrees of the periphery and the back side of the wheel shall be guarded.

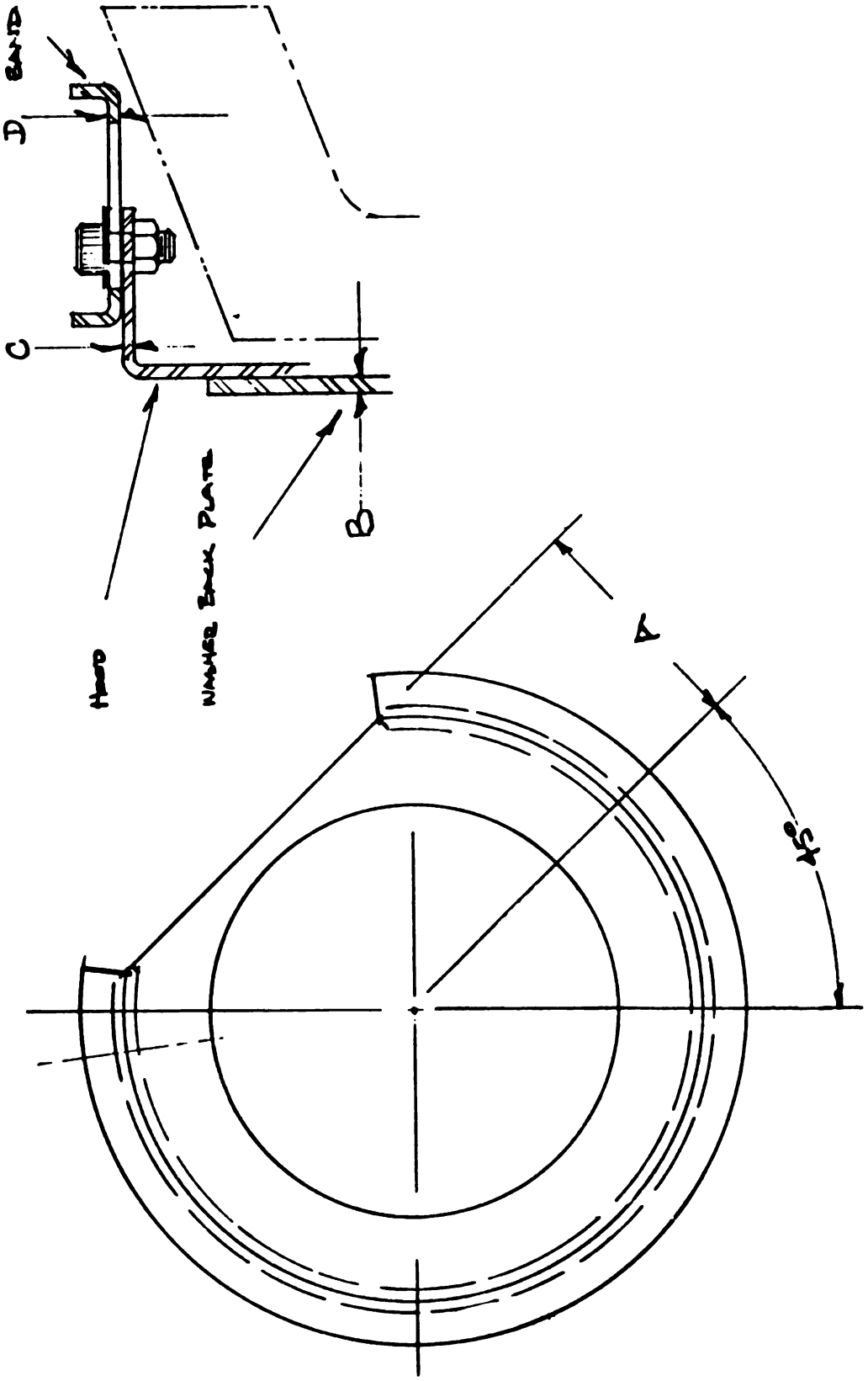
(b) The spindle end and nut and front of the wheel need not be guarded if the spindle end and nut are inside the plane of the working face of the wheel. See figure 5.

FIGURE 5



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FIGURE 6
Typical Drawn Steel Band-Type Guard for Tapered Cup Wheels



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TABLE 4
Table for Fabricated Steel Guards
for Squared or Tapered Cup Wheels

Wheel Diameter	*Back Thickness	*Band Thickness	Bolts Connecting Band to Back Member	
4″	.056 - .064	.112 - .128	3	5/16 - 18
5″	.082 - .098	.112 - .128	3	5/16 - 18
6″	.082 - .098	.112 - .128	3	3/8 - 16

TABLE 5
Table for Drawn Steel Guards for Tapered Cup Wheels

Wheel Diameter	"A"	Bolts to Machine No.		Bolts Connecting Hood to Band No.		Washer Back Plate Thickness	"B" O.D.	*"C" Hood	*"D" Band
4″	1 1/8	4	1/4 - 20	3	5/16 - 18 x 3/4	.097 - .112	4	.056 - .064	.112 - .128
5″	2 1/8	4	5/16 - 18	3	5/16 - 18 x 3/4	.097 - .112	4 3/4	.082 - .098	.112 - .128
6″	2 5/8	4	5/16 - 18	4	5/16 - 18 x 3/4	.097 - .112	4 3/4	.082 - .098	.112 - .128

*The recommendations listed in the above tables are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

History: 1954 ACS 74, p. 95, Eff. Jan. 18, 1973; 1954 ACS 99, p. 106, Eff. Apr. 18, 1979.

R 408.10125 Exposure adjustments.

Rule 125. A guard for an abrasive wheel on a bench, floor, or cylindrical grinder shall be constructed so that the peripheral protecting member can be adjusted to the decreasing diameter of the abrasive wheel. The distance between the abrasive wheel and the end of the peripheral member at the top shall not exceed 1/4 inch. An adjustable tongue may be used to achieve this dimension.

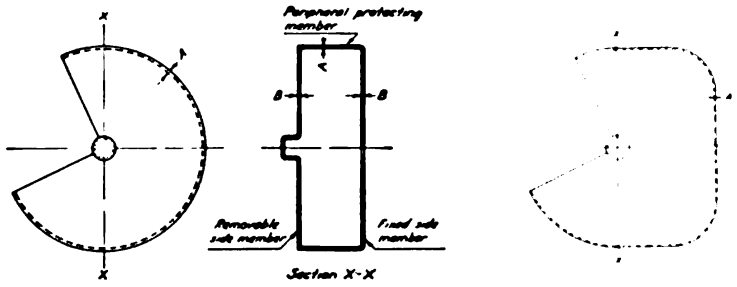
History: 1954 ACS 74, p. 95, Eff. Jan. 18, 1973.

R 408.10126 Material requirements and minimum dimensions.

Rule 126. (1) Figures 7 and 8 and table 6 shall be followed for material requirements and minimum dimensions of peripheral and side members for guards. A cutting-off wheel 16 inches or less in diameter and operating at not more than 16,000 surface feet per minute may use cast or malleable iron as prescribed in table 6.

(2) A cutting-off wheel larger than 16 inches and operating at not more than 14,200 surface feet per minute shall have guards as prescribed in table 6 or 7.

FIGURE 7 **FIGURE 8**
Minimum Basic Thicknesses of Peripheral and
Side Members for Safety Guards



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TABLE 6

Minimum Basic Thicknesses of Peripheral and Side Members for Safety Guards

Material Used in Construction of Guard		Maximum Thickness of Grinding Wheel	Grinding Wheel Diameters													
			3 to 6 inches		Over 6 to 12 inches		Over 12 to 16 inches		Over 16 to 20 inches		Over 20 to 24 inches		Over 24 to 30 inches		Over 30 to 48 inches	
			A	B	A	B	A	B	A	B	A	B	A	B	A	B
		Inches	Inches		Inches		Inches		Inches		Inches		Inches		Inches	
Material Satisfactory* for speeds up to 8,000 SFPM	Cast Iron (Min. Tensile Strength 20,000 PSI) Class 20	2	1/4	1/4	3/8	5/16	1/2	3/8	5/8	1/2	7/8	5/8	1	3/4	1 1/4	1
		4	5/16	5/16	3/8	5/16	1/2	3/8	3/4	5/8	1	5/8	1 1/8	3/4	1 3/8	1
		6	3/8	5/16	1/2	7/16	5/8	1/2	1	5/8	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
		8			5/8	9/16	7/8	3/4	1	3/4	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
		10			3/4	11/16	7/8	3/4	1	3/4	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
		16					1 1/8	1	1 1/4	1	1 3/16	1	1 7/16	1 1/16	1 3/4	1 3/8
		20							1 3/8	1 1/8	1 3/8	1 1/8	1 1/2	1 3/8	2	1 3/8
Material Satisfactory* for speeds up to 9,000 SFPM	Malleable Iron (Min. Tensile Strength 50,000 PSI) Grade 32510	2	1/4	1/4	3/8	5/16	1/2	3/8	5/8	1/2	3/4	5/8	7/8	3/4	1	7/8
		4	5/16	5/16	3/8	5/16	1/2	3/8	5/8	1/2	3/4	5/8	7/8	3/4	1 1/8	7/8
		6	3/8	5/16	1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
		8			1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
		10			1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
		16					13/16	11/16	13/16	11/16	1	3/4	1 1/8	7/8	1 3/8	1
		20							7/8	3/4	1	3/4	1 1/8	7/8	1 1/2	1 1/8
Materials Satisfactory* for speeds up to 16,000 SFPM	Steel Castings (Min. Tensile Strength 60,000 PSI) Grade V60-30	2	1/4	1/4	5/16	5/16	3/8	3/8	1/2	7/16	5/8	1/2	3/4	5/8	7/8	3/4
		4	1/4	1/4	1/2	1/2	1/2	1/2	9/16	1/2	5/8	1/2	3/4	5/8	1	3/4
		6	3/8	1/4	3/4	5/8	3/4	5/8	3/4	5/8	13/16	11/16	13/16	11/16	1 1/8	3/4
		8			7/8	3/4	7/8	3/4	7/8	3/4	7/8	3/4	15/16	13/16	1 3/8	1
		10			1	7/8	1	7/8	1	7/8	1 1/8	15/16	1 1/8	1	1 7/16	1 1/16
		16					1 1/4	1 1/8	1 1/4	1 1/8	1 1/4	1 1/8	1 1/4	1 1/8	1 13/16	1 7/16
		20							1 3/8	1 1/4	1 3/8	1 1/4	1 7/16	1 3/16	2 1/16	1 11/16
	Structural Steel (Min. Tensile Strength 60,000 PSI)	2	1/8	1/16	5/16	1/4	5/16	1/4	5/16	1/4	5/16	1/4	3/8	5/16	1/2	3/8
		4	1/8	1/16	3/8	5/16	3/8	5/16	3/8	5/16	3/8	5/16	3/8	5/16	1/2	3/8
		6	3/16	1/16	1/2	3/8	7/16	3/8	7/16	3/8	7/16	3/8	7/16	3/8	3/4	1/2
		8			1/2	3/8	9/16	7/16	9/16	7/16	9/16	7/16	5/8	1/2	3/4	1/2
		10			9/16	7/16	5/8	1/2	5/8	1/2	5/8	1/2	5/8	1/2	7/8	5/8
		16					5/8	9/16	3/4	5/8	3/4	5/8	13/16	11/16	1 1/16	13/16
		20							13/16	11/16	13/16	11/16	7/8	3/4	1 3/16	13/16

*The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

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TABLE 7

Minimum Basic Thickness for Peripheral and Side Members for Safety Guards Used with Cutting-off Wheels

Material Used in Construction of Guard	Maximum Thickness of Cutting-Off Wheel	Speed Not to Exceed	Cutting-Off Wheel Diameters									
			6 to 11 inches		Over 11 to 20 in.		Over 20 to 30 in.		Over 30 to 48 in.		Over 48 to 72 in.	
			A	B	A	B	A	B	A	B	A	B
*Structural Steel (Min. Tensile Strength 60,000 PSI)	½ inch or less	14,200 SFPM	inches									
			1/16	1/16	3/32	3/32	1/8	1/8	3/16	3/16	1/4	1/4
	½ inch or less	16,000 SFPM	inches									
			3/32	1/8	1/8	1/8	3/16	1/8	1/4	3/16	5/16	1/4

*The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

History: 1954 ACS 74, p. 99, Eff. Jan. 18, 1973.

R 408.10127 Construction of fabricated guards.

Rule 127. (1) A fabricated guard made of structural steel shall be as prescribed in table 8.

(2) Column A of table 8 shall also apply to cast guards.

(3) Column B of table 8 shall apply where an adjustable tongue is held by bolts.

(4) Any means of fastening shall be considered satisfactory if, when assembled, it has strength at least equal to the members being joined.

TABLE 8

Dimensional Requirements for Construction of Fabricated Guards
Maximum Wheel Speed 10,000 SFPM

	A	B	C	D	E	F	G	H
Diameter of Wheel Inches	Length of Tongue Inches	Diameter of Bolts Medium Carbon Quenched & Tempered Inches	Size of Angle Supports Tongue and Rest Inches	Diameter of Rivets for Supports Inches	Diameter of End Connecting Bolts Inches	Thickness of Tongue Inches	Maximum Space Between New Wheel and Guard at Periphery Inches	Maximum Inside Width of Guard Inches
Under 12	3½	5/16	1½x1½x5/16	4 ea. @ ½	½	¼	1½	1½ wider than wheel
16	5	⅜	2 x 2 x 5/16	4 ea. @ ⅝	9/16	5/16	1½	2 wider than wheel
24	6	¾	2 x 2 x ½	6 ea. @ ⅝	⅝	½	1½	2 wider than wheel
30	7	11/16	2½x2½x½	6 ea. @ 11/16	11/16	½	1½	2 wider than wheel

Note: Column D assumes low carbon steel (38,000 PSI tensile) rivets. Two rivets per bar 12 and 16" diameter. Four rivets per bar 24 and 30" diameter.

History: 1954 ACS 74, p. 101, Eff. Jan. 18, 1973.

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R 408.10128 Construction of drawn steel guards.

Rule 128. (1) A drawn steel guard for an abrasive wheel 8 inches and smaller on a portable grinder shall be as prescribed in figure 3 and table 2.

(2) A drawn steel guard for a depressed center wheel shall be as prescribed in figure 4 and table 3. The lip, shown as dimension B in figure 4, shall curl inward to deflect pieces if an abrasive wheel breaks.

History: 1954 ACS 74, p. 101, Eff. Jan. 18, 1973.

R 408.10129 Construction of band type guards.

Rule 129. A band type guard for a segment, ring or nut inserted disc wheel shall be constructed as follows:

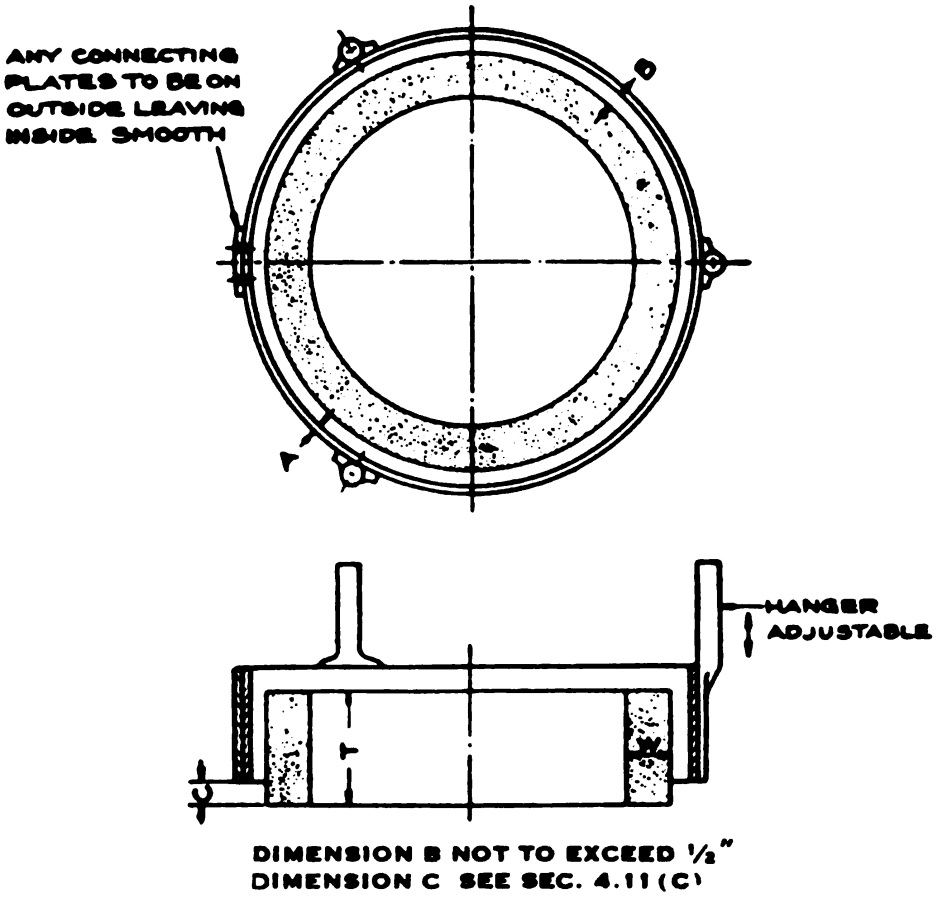
(a) The band shall be steel plate or material of equal strength and as prescribed in figure 9 and table 9. The band shall be continuous with the ends being welded, riveted or bolted in such a manner as to leave the inside free of projections.

(b) The inside diameter of the band shall not be more than 1 inch larger than the outside diameter of the abrasive wheel and shall be concentric with the abrasive wheel.

(c) The width and adjustment of the band shall be such that the wheel will not protrude beyond the edge of the band a distance greater than that prescribed in table 10.

FIGURE 9

Band Type Guard for Ring, Segment, Nut Inserted Wheels



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TABLE 9
Guide for Construction of Band Type Guards
Maximum Wheel Speed 7000 SFPM
For Ring, Segment, Nut Inserted Wheels

Minimum Material Specifications	Diameter of Wheel Inches	Minimum Thickness of Band A Inches	Minimum Diameter of Rivets Inches	Maximum Distance Between Centers of Rivets Inches
*Hot Rolled Steel SAE 1008	Under 8	1/16	3/16	3/4
	8 to 24	1/8	1/4	1
	Over 24 to 30	1/4	3/8	1 1/4

*The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

TABLE 10
Guide for Construction of Band Type Guards
Exposure Versus Wheel Thickness

Overall Thickness of Wheel (T) Inches	Maximum Exposure of Wheel (C) Inches
1/2	1/4
1	1/2
2	3/4
3	1
4	1 1/2
5 and over	2

History: 1954 ACS 74, p. 101, Eff. Jan. 18, 1973.

FLANGE PROVISIONS

R 408.10141 General requirements.

Rule 141. (1) An abrasive wheel shall be mounted between flanges, except as noted below, which shall not be less than 1/3 the diameter of the abrasive wheel. Exceptions:

(a) Mounted wheel.
(b) Portable cup, plug and cone wheels with threaded inserts or studs.
(c) Abrasive disc of the inserted nut, inserted washer and projecting stud type.
(d) Plate mounted wheel.
(e) Cylinder, cup or segmented wheel mounted in a chuck.
(f) Depressed center wheel.
(g) Internal wheel less than 2 inches in diameter.
(h) Straight and flaring cup wheel for terrazzo use.
(i) Cutting-off wheel (see subrule (2)).
(j) Masonry and concrete saws.

(2) A straight cutting-off wheel shall be mounted between relieved flanges which are not less than 1/4 the wheel diameter. A depressed center cutting-off wheel more than 16 inches in diameter shall be mounted between flat unrelieved flanges not less than 1/4 the wheel diameter.

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(3) A masonry saw using a reinforced resinoid and steel-centered wheel may use 4-inch diameter flanges for wheels through 20-inch diameter.

(4) Concrete saws using a steel-centered wheel 20-inch and larger may use flanges ⅛ the wheel diameter.

History: 1954 ACS 74, p. 103, Eff. Jan. 18, 1973.

R 408.10142 Flange construction.

Rule 142. (1) Whenever a wheel is mounted between flanges, the flange shall be designed to transmit the driving torque from the spindle to the abrasive wheel. They shall be dimensionally accurate and balanced with no rough surfaces or sharp edges.

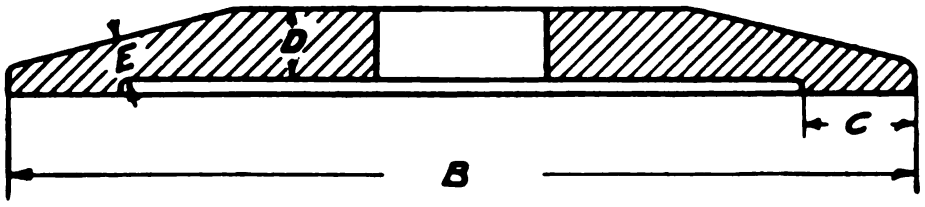
(2) A flange shall be made of steel, cast iron or materials of equal strength and rigidity so that when tightened, the radial width of the bearing surface of contact on the abrasive wheel is maintained (See figure 10).

(3) Two flanges between which an abrasive wheel is mounted, except when a special adaptor is used on a depressed center wheel, shall have the same dimensions and bearing surface.

(4) The minimum dimensions for the following types of flanges shall be maintained according to the listed figures and tables:

(a) Straight relieved flange—figure 10 and table 11.
(b) Straight unrelieved flange—figure 11 and table 12.
(c) Straight adaptor flange—figure 12 and table 13.
(d) Straight flange—figures 13 and 14 and table 14.
(e) Straight adaptor flange—figure 15 and table 15.
(f) Straight adaptor flange—heavy duty—figures 16 and 17 and table 16.
(g) Arborless wheel flange—figures 18 and 19 and table 17.
(h) Straight flange for wheel sleeves—figure 20 and table 18.

FIGURE 10



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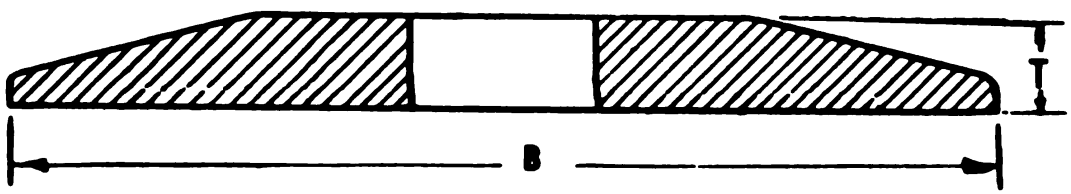
TABLE 11
Minimum Dimensions for Straight Relieved Flanges

A*	B	C		D	E
Diameter of Wheel Inches	**Minimum Outside Diameter of Flanges Inches	Radial Width of Bearing Surface		Minimum Thickness of Flange at Bore Inches	Minimum Thickness of Flange at Edge of Recess Inches
		Minimum Inches	Maximum Inches		
1	⅜	1/16	⅛	1/16	1/16
2	¾	⅛	3/16	⅛	3/32
3	1	⅛	3/16	3/16	3/32
4	1⅜	⅛	3/16	3/16	⅛
5	1¾	3/16	¼	¼	⅛
6	2	¼	½	⅜	3/16
7	2½	¼	½	⅜	3/16
8	3	¼	½	⅜	3/16
10	3½	5/16	⅝	⅜	¼
12	4	5/16	⅝	½	5/16
14	4½	⅜	¾	½	5/16
16	5½	½	1	½	5/16
18	6	½	1	⅝	⅜
20	7	⅝	1¼	⅝	⅜
22	7½	⅝	1¼	⅝	7/16
24	8	¾	1¼	⅝	7/16
26	8½	¾	1¼	⅝	½
28	10	⅞	1½	¾	½
30	10	⅞	1½	¾	⅝
36	12	1	2	⅞	¾
42	14	1	2	⅞	¾
48	16	1¼	2	1⅛	1
60	20	1¼	2	1¼	1⅛
72	24	1½	2½	1⅜	1¼

*Flanges for wheels under 2 inches diameter may be unrelieved and shall be maintained flat and true.

**See R 408.10141.

FIGURE 11



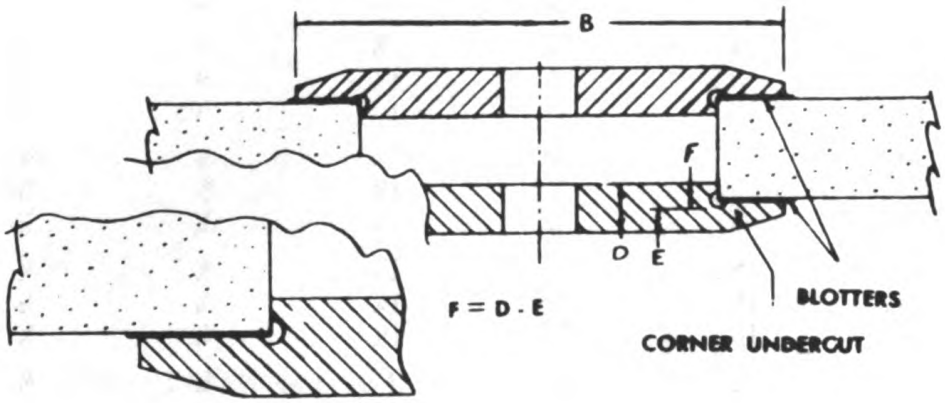
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TABLE 12
Minimum Dimensions for Straight Unrelieved Flanges
for Wheels with Threaded Inserts or Projecting Studs

A Diameter of Wheel Inches	B* Minimum Outside Diameter of Flange Inches	T Minimum Thickness of Flange Inches
1	5/8	1/8
2	1	1/8
3	1	3/16
4	1 3/8	3/16
5	1 3/4	1/4
6	2	3/8

*Note: Must be large enough to extend beyond the bushing. Where prong anchor or cupback bushing are used, this footnote does not apply.

FIGURE 12



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TABLE 13
Minimum Dimensions for Straight Adaptor Flange—for Organic Bonded Wheels Over 1¼ Inch Thick*

Wheel Diameter Inches	Wheel Hole Diameter Inches	B Minimum Flange Diameter Inches	D Minimum Thickness of Flange at Bore Inches	E Minimum Thickness of Flange at Edge of Undercut Inches	F* (D-E) Minimum Thickness Inches
12	4	6	⅞	⅜	½
to	5	7	⅞	⅜	½
14	6	8	⅞	⅜	½
Larger than	4	6	⅞	⅜	½
14	5	7	⅞	⅜	½
to	6	8	⅞	⅜	½
18	7	9	⅞	⅜	½
	8	10	⅞	⅜	½
Larger than	6	8	1	½	½
18	7	9	1	½	½
to	8	10	1	½	½
24	10	12	1	½	½
	12	14	1	½	½
Larger than 24 to 30	12	15	1	½	½
Larger than 30 to 36	12	15	1⅜	⅞	½

*For wheels under 1¼ inch thick F dimension shall not exceed 40% of wheel thickness.

FIGURE 13
Central Nut Mounting

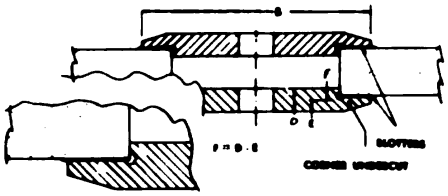
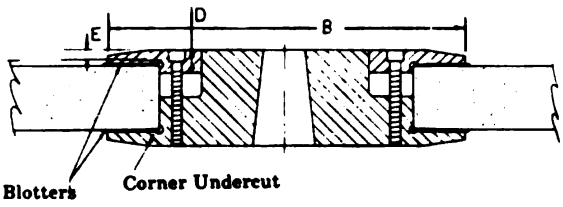


FIGURE 14
Multiple Screw Mounting



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TABLE 14

Minimum Dimensions for Straight Flanges—for Automatic Snag Machines 12,500 SFPM to 16,500 SFPM[1]

Wheel Diameter	Wheel Hole Diameter	B Minimum Flange Diameter	D Minimum Thickness of Flange at Bore	E Minimum Thickness of Flange at Edge of Undercut	F* (D-E) Minimum Thickness
20	6	8	1	½	½
20	8	10	1½	¾	¾
24	12	15	1½	¾	¾
30	12	15	1½	¾	¾
36	12	15	1½	¾	¾

[1]Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 25-30.
*For wheels under 1¼ inch thick F dimension shall not exceed 40% of wheel thickness.

FIGURE 15

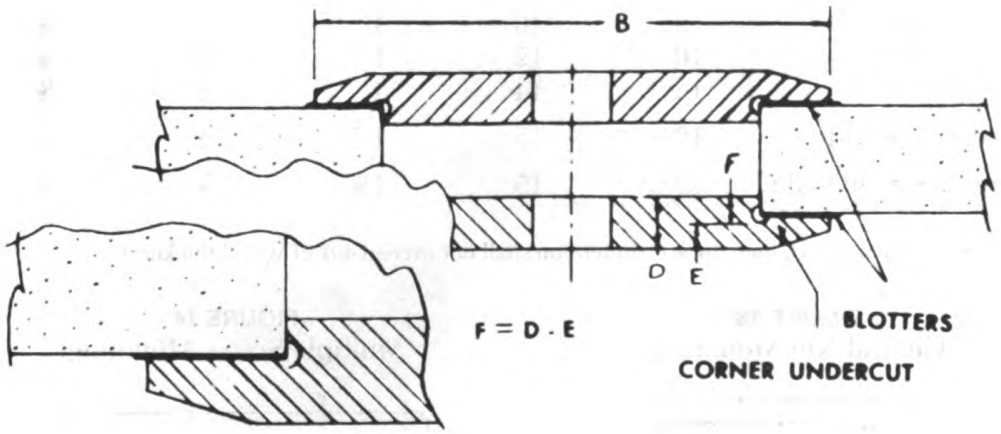


TABLE 15

Minimum Dimensions for Straight Adaptor Flange—for Organic Bonded Wheels Used on Swing Frame Grinders at 12,500 SFPM to 16,500 SFPM[1]

Wheel Diameter	Wheel Hole Diameter	B Minimum Flange Diameter	D Minimum Thickness of Flange at Bore	E Minimum Thickness of Flange at Edge of Undercut	F* (D-E) Minimum Thickness
20	6	8	1	½	½
20	8	10	1	½	½
24	12	15	1	½	½
30	12	15	1	½	½

[1]Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 25-30.
*For wheels under 1¼ inch thick F dimension shall not exceed 40% of wheel thickness.

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FIGURE 16
Multiple Screw Mounting

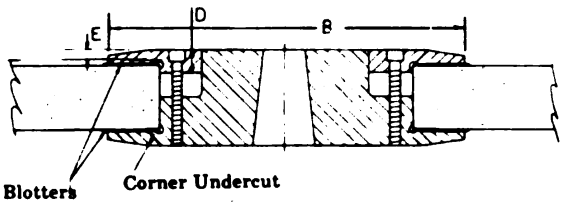


FIGURE 17
Central Nut Mounting

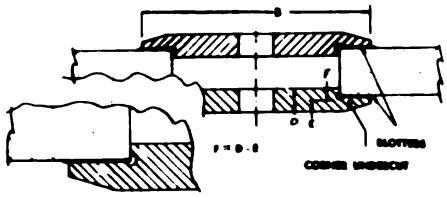


TABLE 16
Minimum Dimensions for Straight Flanges for Heavy Duty, High Speed Floor Stand Grinders[1]
12,500 SFPM to 16,500 SFPM

Wheel Diameter	Hole Diameter	B Minimum Flange Diameter	D Minimum(2) Thickness of Flange at Bore
20	6 thru 10	8 thru 12	1
24	12	15	1
30	12	15	1

[1]Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 25-30.

FIGURE 18
Double End Spindle

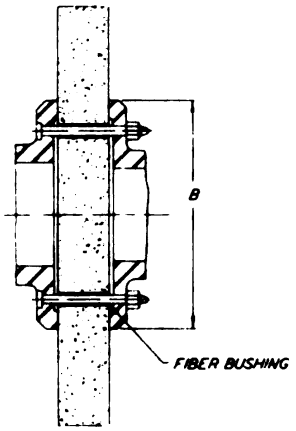


FIGURE 19
Open End Spindle

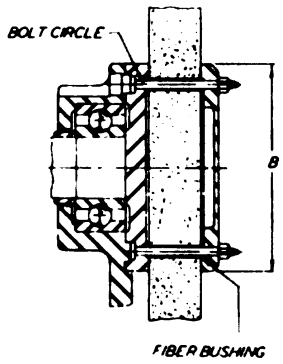


TABLE 17
Minimum Dimensions for Flanges for Arborless Wheels—Organic Bond

Wheel Diameter	Bolt Circle Diameter	"B" Minimum Flange Diameter	Torque Used in Mounting Ft. Lbs.	Mounting Hole Size Dimensions. (8 holes) (holes equally spaced)
16	6½	8⅞	30-40	All mounting holes shall be 17/32" inside diameter, with a fiber bushing in place, not to exceed 21/32" outside diameter.
20	8	10⅝	30-40	
24	9⅝	12	40-60	
30	12	14⅜	40-60	

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FIGURE 20

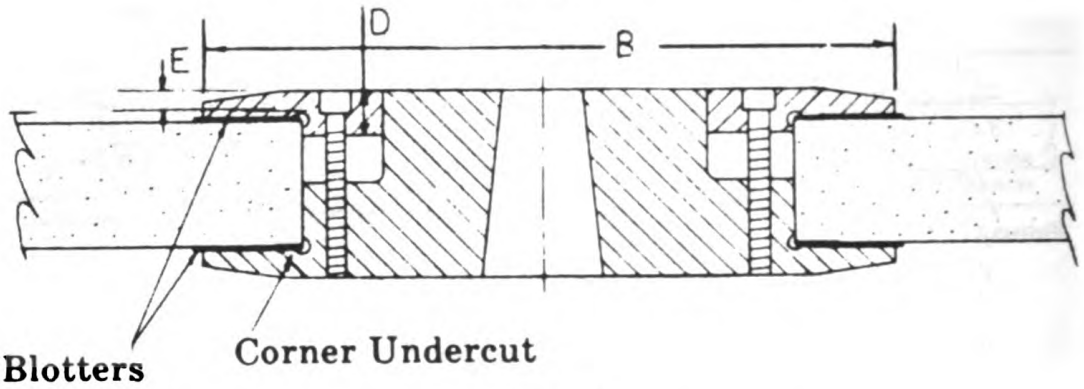


TABLE 18

Minimum Dimensions for Straight Flanges Used as Wheel Sleeves for Precision Grinding Only

Wheel Diameter Inches	Wheel Hole Diameter Inches	B Minimum Outside Diameter of Flange Inches	D Minimum Thickness of Flange at Bore Inches	E Minimum Thickness of Flange at Edge of Undercut Inches
12 to 14	5	7	½	7/16
Larger than 14 to 20	5	7	5/8	7/16
	6	8	5/8	7/16
	8	10	5/8	7/16
	10	11½	5/8	7/16
	12	13½	5/8	7/16
Larger than 20 to 30	8	10	¾	½
	10	11½	¾	½
	12	13½	¾	½
	16	17½	¾	½
Larger than 30 to 42	12	13½	¾	½
	16	17½	¾	½
	18	19½	¾	½
	20	21½	¾	½
Larger than 42 to 60	16	20	1	¾
	20	24	1	¾
	24	29	1⅛	⅞

Note: These flanges may be clamped together by means of a central nut, or by a series of bolts or some other equivalent means of fastening. For hole sizes smaller than shown in this table, use table 9.

History: 1954 ACS 74, p. 103, Eff. Jan. 18, 1973.

R 408.10143 Maintenance for flanges.

Rule 143. A flange with a worn, warped, sprung, or damaged bearing surface shall be repaired or replaced.

(2) When resurfacing a straight relieved flange, a recess of not less than 1/16 inch shall be maintained on the side next to the wheel for a distance prescribed in table 11.

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(3) When resurfacing a straight flange of the adaptor or sleeve type, the undercut shown in figures 13 and 14 shall be maintained to insure that there will be no bearing on the sides of the abrasive wheel within ⅛ inch of the arbor hole.

History: 1954 ACS 74, p. 108, Eff. Jan. 18, 1973.

MOUNTING PROVISIONS

R 408.10151 Bushings.

Rule 151. A bushing used in mounting an abrasive wheel shall not be greater than the width of the wheel or make contact with the flange.

History: 1954 ACS 74, p. 109, Eff. Jan. 18, 1973.

R 408.10152 Blotters.

Rule 152. A blotter shall be used between a flange and the abrasive wheel. The blotter shall cover the entire contact area of the flange. Exceptions:

(a) Mounted, cone and plug wheels.
(b) Abrasive discs—inserted nut, inserted washer and projecting stud type.
(c) Plate mounted wheels.
(d) Cylinders, cups or segmented wheels that are chuck mounted.
(e) Type 27 and 28 depressed center wheels.
(f) Cutting-off wheels.
(g) Internal wheels not more than 2 inches in diameter.
(h) Type 4 tapered wheels.
(i) Diamond and Borzon type wheels.
(j) Terrazzo wheels.
(k) Type 27A cutting-off wheels.

History: 1954 ACS 74, p. 109, Eff. Jan. 18, 1973.

R 408.10153 Multiple wheel mounting.

Rule 153. When mounting more than 1 abrasive wheel between a pair of flanges, the wheels shall be cemented together, separated by spacers having low compressibility such as soft copper or brass or especially manufactured for mounting without cementing or use of the prescribed spacers. The spacers shall be equal in diameter to the flanges and have equal bearing surfaces.

History: 1954 ACS 74, p. 109, Eff. Jan. 18, 1973.

R 408.10154 Mounting nuts.

Rule 154. (1) A single spindle nut shall be tightened only enough to drive the abrasive wheel and prevent slippage.

(2) A multiple screw flange shall be tightened uniformly to distribute pressure over the flange surface and prevent springing of the flange.

History: 1954 ACS 74, p. 109, Eff. Jan. 18, 1973.

R 408.10155 Mounting of abrasive disc wheels.

Rule 155. (1) An inserted nut wheel shall be mounted with a steel machine face plate of the same diameter as the wheel. The thickness of the machine face plate shall be as prescribed in table 19.

(2) A screw hole in the machine face plate shall be located to match the threaded hole in the inserted nut and large enough so the screw will not bind. Each screw hole in the plate shall be countersunk to a uniform depth to accommodate the screw head. A screw shall engage the threads of the inserted nuts, but not touch the bottom of the hole.

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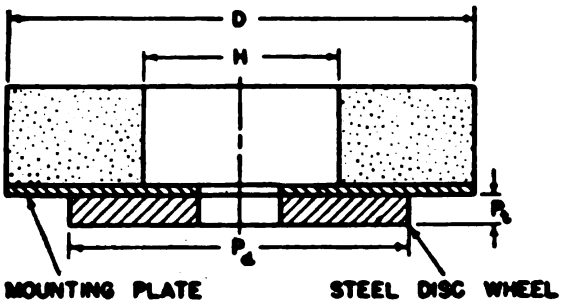
(3) A machine face plate shall be flat, concentric and mounted at a 90 degree angle to the machine spindle.

(4) A plate mounted wheel having a mounting plate thinner than prescribed in table 19 shall have an additional machine face plate installed to provide the additional strength needed. The added machine face plate shall have the same diameter as the wheel (see figure 21 and table 20).

TABLE 19
Minimum Thickness of Steel Disc Wheels (Machine Face Plate)
For Mounting Abrasive Discs

Diameter Inches	Minimum Thickness Inches
8 to 14 inclusive	½
15 to 18 inclusive	⅝
19 to 26 inclusive	¾
27 to 36 inclusive	⅞
37 to 40 inclusive	1
41 to 72 inclusive	1⅛

FIGURE 21



(Machine Face Plate)

P_d shall never be less than $\frac{D + H}{2}$ nor shall the difference between D and P_d exceed 2 inches. It is recommended that P_d equal D wherever practical.

TABLE 20
Minimum Thickness of Steel Disc Wheels for Machines Using
Plate Mounted Wheels Having Thin Mounting Plates

Abrasive Disc Diameter D (Inches)	Minimum Thickness Pt (Inches)
12 and smaller	⅜
14 to 16 inclusive	½
17 to 18 inclusive	⅝
19 to 26 inclusive	¾
27 to 36 inclusive	⅞

History: 1954 ACS 74, p. 109, Eff. Jan. 18, 1973.

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R 408.10156 Mounting depressed center wheels.

Rule 156. (1) A depressed center wheel, except as prescribed in rule 157, shall be mounted with specially designed adaptors.

(2) The back flange shall extend beyond the central hub or raised portion and contact the wheel to counteract the side pressure on the wheel in use.

(3) The adaptor nut which is less than the minimum ⅓ diameter of the wheel shall fit into the depressed side to prevent interference in side grinding and drive the wheel by its clamping force against the depressed portion of the back flange.

(4) Adaptors affixed by the depressed center wheel manufacturer shall not be reused.

History: 1954 ACS 74, p. 110, Eff. Jan. 18, 1973.

R 408.10157 Mounting depressed center cutting-off wheels.

Rule 157. A depressed center cutting-off wheel more than 16 inches in diameter shall be mounted with flat unrelieved flanges having matching bearing surfaces not less than ¼ the wheel diameter.

History: 1954 ACS 74, p. 110, Eff. Jan. 18, 1973.

R 408.10158 Mounting cylinder wheels.

Rule 158. (1) A cylinder wheel shall be cemented or chucked onto a machine face plate which shall be flat, concentric and mounted at 90 degrees to the machine spindle.

(2) A cylinder wheel shall be used only on a machine equipped with a band-type guard as prescribed in R 408.10129.

History: 1954 ACS 74, p. 110, Eff. Jan. 18, 1973.

R 408.10159 Mounting segments.

Rule 159. (1) Segments shall be chucked in a holding mechanism as prescribed by the manufacturer of the chucking device.

(2) The segments shall be used only on a machine equipped with a band-type guard as prescribed in R 408.10129.

History: 1954 ACS 74, p. 110, Eff. Jan. 18, 1973.

SPEED PROVISIONS

R 408.10171 Wheel speed.

Rule 171. (1) An abrasive wheel shall be run at a speed not more than that prescribed in table 21 nor more than the rated speed on the wheel. The revolutions per minute may be increased as the wheel diameter decreases provided the original surface feet per minute is not exceeded. Wheel speed shall be computed from the free running speed of the machine spindle.

(2) An abrasive wheel or its package shall show the maximum operating speed as revolutions per minute. The use of a package for this marking shall be limited to those shapes which make marking unfeasible.

(3) An employer shall purchase and use only an abrasive wheel, except as noted below, which has been speed tested as prescribed in table 22 by the manufacturer. Exceptions:

(a) A wheel less than 6 inches in diameter.
(b) A diamond wheel, metal and organic bond.
(c) Ball grinding wheel.
(d) Segmental disc wheel and disc wheel.
(e) Regulating wheel for centerless grinders.
(f) Mounted wheel.

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(g) Segment.

(4) The operating speed and overhang of a mounted wheel shall not be more than that prescribed in tables 23 to 31 (See figure 22).

History: 1954 ACS 74, p. 111, Eff. Jan. 18, 1973.

R 408.10172 Deviations.

Rule 172. An employer desiring to use an abrasive wheel in excess of the maximum speeds listed in table 21 may petition the department of labor for a deviation.

TABLE 21

Standard Maximum Speeds in Surface Feet Per Minute

Classification Number	Types of Wheels (See Section 1 for Definitions)	Inorganic Bonds			Organic Bonds		
		Low Strength	Medium Strength	High Strength	Low Strength	Medium Strength	High Strength
		OPERATING SPEED SHALL NOT EXCEED:					
		SFPM	SFPM	SFPM	SFPM	SFPM	SFPM
1	Type 1—Straight Wheels—except classifications 6, 7, 9, 10, 11, 12 and 13 below. Type 4[1]—Taper Side Wheels Types 5, 7, 20, 21, 22, 23, 24, 25, 26 Recessed, Dovetailed and/or relieved wheels. (Except Classification 7 below.) Type 12—Dish Wheels Type 13—Saucer Wheels Types 16, 17, 18, 19—Cones and Plugs	5,500	6,000	6,500	6,500	8,000	9,500
2	Type 2—Cylinder Wheels including plate mounted, inserted nut and projecting stud—Segments	5,000	5,500	6,000	5,000	6,000	7,000
3	Cup Shape Tool Grinding Wheels (For Fixed Base Machines) Type 6—Straight Side Cups Type 11—Flaring Cups	4,500	5,000	6,000	6,000	7,500	8,500

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TABLE 21 (Cont.)
Standard Maximum Speeds in Surface Feet Per Minute

Classification Number	Types of Wheels (See Section 1 for Definitions)	Inorganic Bonds			Organic Bonds		
		Low Strength	Medium Strength	High Strength	Low Strength	Medium Strength	High Strength
		OPERATING SPEED SHALL NOT EXCEED:					
		SFPM	SFPM	SFPM	SFPM	SFPM	SFPM
4	Cup Shape Snagging Wheels (For Portable Machines) Type 6—Straight Side Cups Type 11—Flaring Cups	4,500	5,500	6,500	6,000	8,000	9,500
5	Abrasive Discs: Plate Mounted Inserted Nut and Projecting Stud: Solid or Segmental	5,500	6,000	6,500	5,500	7,000	8,500
6[2]	Reinforced Wheels Type 1 Max. Dia. 4″ Max. Thickness ¼″	X	X	X	9,500	12,500	16,000
	Max. Dia. 10″ Max. Thickness ½″	X	X	X	9,500	12,500	14,200
	All Other Dias. and Thicknesses	X	X	X	9,500	12,500	12,500
	Reinforced Wheels—Types 27 and 28 Max. Dia. 9″ Max. Thickness ⅜″	X	X	X	9,500	12,500	14,200
	Max. Dia. 9″—Over ⅜″ Thick	X	X	X	X	9,500	11,000
7	Type 1 Wheels for Bench and Pedestal Grinders and Types 1 and 5 for Surface Grinders in following sizes only. 7″ dia. up to 2″ thick and up to 2″ hole.	5,500	6,325	6,600	6,500	8,000	9,500
	8″ dia. up to 2″ thick and up to 2″ hole.	5,500	6,325	7,550	6,500	8,000	9,500

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TABLE 21 (Cont.)

Standard Maximum Speeds in Surface Feet Per Minute

Classification Number	Types of Wheels (See Section 1 for Definitions)	Inorganic Bonds			Organic Bonds		
		Low Strength	Medium Strength	High Strength	Low Strength	Medium Strength	High Strength
		OPERATING SPEED SHALL NOT EXCEED:					
		SFPM	SFPM	SFPM	SFPM	SFPM	SFPM
8	Diamond Wheels Cutting-Off—IAI, IAIR, IAIRS[3]	X	X	16,000	X	X	16,000
	Metal Bond	X	X	12,000	X	X	X
	Resin Bond	X	X	X	X	X	9,500
	Vitrified Bond	X	X	6,500	X	X	X
9	Cutting-Off Wheels Type 1 and 27A Larger than 16″ dia., Including Reinforced Organic	X	X	X	9,500	12,000	14,200
10	Cutting-Off Wheels Type 1 and 27A 16″ dia., and Smaller—Including Reinforced Organic	X	X	X	9,500	12,000	16,000
11	Thread and Flute Grinding Wheels	8,000	10,000	12,000	8,000	10,000	12,000
12	Crankshaft and Camshaft Grinding Wheels	5,500	8,000	8,500	6,500	8,000	9,500
13	Type 1 Snagging Wheels 16″ dia. and Larger, Organic Bond, Non-Reinforced Used on Specially Designed Swing Frame and Mechanical Grinders	X	X	X	X	X	12,500
14	Internal Wheels—Type 1 and 5 Maximum dia. 6″	5,500	8,000	8,500	6,500	8,500	9,500

[1]Non-standard shape.
[2]Classification 6 excludes cut-off wheels.
[3]Standard diamond wheel shapes.

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TABLE 22
Wheel Manufacturers' Testing Speeds

Class of Wheel	Operating Speed Surface Feet Per Minute	Minimum Test Factor*
Cutting-off Wheels	All speeds	1.20
All Bonds and Wheel Types (Except Cutting-off wheels)	Up to 5,000	1.25
All Bonds and Wheel Types (Except Cutting-off wheels)	Faster than 5,000	1.50

*Actual operating speed shall be multiplied by this test factor to establish minimum speed at which wheels shall be tested by the wheel manufacturer.

FIGURE 22
Defining Overhand Dimensions in Tables 23 to 31

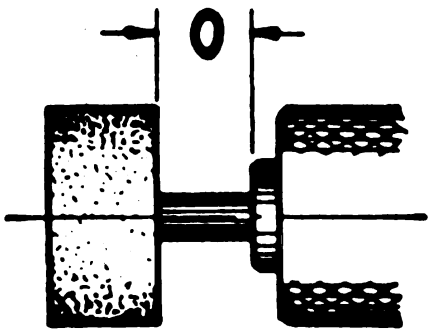


TABLE 23
Group W—(Plain Wheels)
Maximum Operating Speeds (RPM) for 3/32" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	1/2" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1 1/2"	2"	2 1/2"
W 141	3/32	3/32	93,750	53,250	37,500	25,500	16,500
W 142	3/32	1/4	93,750	53,250	37,500	25,500	16,500
W 143	1/8	1/8	93,750	53,250	37,500	25,500	16,500
W 144	1/8	1/4	93,750	53,250	37,500	25,500	16,500
W 145	1/8	3/8	88,500	49,500	35,250	24,000	15,750
W 146	1/8	1/2	81,000	43,750	31,500	22,500	15,000
W 147	3/32	1/32	93,750	53,250	37,500	25,500	16,500
W 148	3/32	1/16	93,750	53,250	37,500	25,500	16,500
W 149	3/32	1/4	90,750	50,250	36,000	24,750	15,750
W 150	3/16	1/16	93,750	53,250	37,500	25,500	16,500
W 151	3/16	1/8	93,750	53,250	37,500	25,500	16,500
W 152	3/16	1/4	83,250	47,250	33,000	23,250	15,000
W 153	3/16	3/8	73,500	42,000	28,500	21,000	13,500
W 154	3/16	1/2	66,000	38,250	25,500	18,750	12,750

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TABLE 23 (Cont.)

Group W—(Plain Wheels)
Maximum Operating Speeds (RPM) for 3/32" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 155	1 3/64	¼	78,000	44,250	30,750	21,750	14,250
W 156	¼	1/32	93,750	53,250	37,500	25,500	16,500
W 157	¼	1/16	93,750	53,250	37,500	25,500	16,500
W 158	¼	⅛	93,750	53,250	37,500	25,500	16,500
W 159	¼	3/16	78,000	44,250	30,750	21,750	14,250
W 160	¼	¼	69,000	42,000	27,750	18,750	13,500
W 161	¼	5/16	66,000	39,750	24,750	17,250	12,750
W 162	¼	⅜	57,000	34,500	23,250	16,500	11,250
W 165	5/16	1/16	93,000	51,750	37,500	25,500	16,500
W 166	5/16	⅛	84,750	48,750	28,500	19,500	14,250
W 167	5/16	¼	61,500	39,000	24,750	18,000	12,000
W 168	5/16	5/16	56,250	33,750	22,500	16,500	12,000
W 169	5/16	⅜	48,000	28,500	20,250	15,000	11,250
W 170	5/16	½	39,750	26,250	16,500	12,750	9,750
W 171	5/16	¾	27,750	19,500	13,500	10,500	8,250
W 172	⅜	1/16	85,500	48,750	33,750	24,000	15,000
W 173	⅜	⅛	71,250	46,500	30,000	19,500	12,750
W 174	⅜	¼	54,000	32,250	21,000	15,000	10,500
W 175	⅜	⅜	41,250	24,000	18,000	12,750	9,750
W 176	⅜	½	33,750	21,000	15,750	12,000	9,000

TABLE 24

Group W—(Plain Wheels)
Maximum Operating Speeds (RPM) for ⅛" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 143	⅛	⅛	105,000	64,500	46,650	32,400	21,370
W 144	⅛	¼	105,000	64,500	46,650	32,400	21,370
W 145	⅛	⅜	105,000	64,500	46,650	32,400	21,370
W 146	⅛	½	105,000	64,500	46,650	32,400	21,370
W 151	3/16	⅛	105,000	64,500	46,650	32,400	21,370
W 152	3/16	¼	105,000	64,500	46,650	32,400	21,370
W 153	3/16	⅜	80,850	52,500	37,500	26,250	17,620
W 154	3/16	½	70,500	45,600	31,500	21,970	15,220
W 157	¼	1/16	123,000	65,625	47,770	33,150	21,750
W 158	¼	⅛	105,000	64,500	46,650	32,400	21,370
W 159	¼	3/16	92,400	57,370	39,370	27,900	18,900
W 160	¼	¼	81,370	51,000	34,120	24,000	16,870

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TABLE 24 (Cont.)

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ⅛" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 161	¼	5/16	77,250	45,970	30,900	22,500	16,120
W 162	¼	⅜	68,400	42,370	28,870	20,850	15,000
W 163	¼	½	60,000	38,020	26,250	18,750	13,870
W 164	¼	¾	45,900	30,000	21,750	15,900	11,850
W 165	5/16	1/16	107,400	62,470	41,250	29,250	20,250
W 166	5/16	⅛	96,970	57,000	35,620	25,120	18,000
W 167	5/16	¼	75,000	45,750	31,120	22,500	15,750
W 168	5/16	5/16	68,400	41,770	28,650	21,000	15,000
W 169	5/16	⅜	61,650	37,720	27,000	19,870	14,250
W 170	5/16	½	52,500	33,000	23,020	16,650	12,600
W 171	5/16	¾	37,120	25,500	18,750	14,620	10,020
W 172	⅜	1/16	99,370	59,250	41,020	29,250	20,250
W 173	⅜	⅛	87,600	53,250	35,250	24,750	17,250
W 174	⅜	¼	69,000	41,250	27,750	20,400	15,000
W 175	⅜	⅜	54,000	33,000	24,150	18,000	13,500
W 176	⅜	½	45,370	28,500	21,000	15,900	12,150
W 177	⅜	¾	33,750	23,250	17,620	13,650	10,350
W 178	⅜	1	26,250	18,750	14,250	10,870	8,250
W 181	½	1/16	76,390	55,500	36,750	25,500	17,850
W 182	½	⅛	73,500	43,650	29,100	20,770	15,450
W 183	½	¼	51,750	31,870	22,500	17,250	12,900
W 184	½	⅜	41,020	26,400	19,500	15,000	11,400
W 185	½	½	34,500	22,500	16,870	13,120	9,900
W 186	½	¾	26,250	17,400	12,750	9,750	8,020
W 187	½	1	20,620	13,870	10,120	7,870	6,370
W 190	⅝	1/16	61,120	48,000	31,500	22,650	16,870
W 191	⅝	⅛	58,870	34,500	25,120	18,900	14,250
W 192	⅝	¼	43,120	27,370	19,870	15,220	11,620
W 193	⅝	⅜	32,250	23,020	16,500	12,520	9,750
W 194	⅝	½	29,400	19,120	13,500	10,500	8,250
W 195	⅝	¾	22,120	14,250	10,120	7,650	6,150
W 196	⅝	1	17,620	11,620	8,100	6,150	5,100
W 199	¾	1/16	50,930	44,770	30,000	21,750	15,750
W 200	¾	⅛	50,930	33,520	23,850	17,850	13,350
W 201	¾	¼	38,250	24,370	17,400	13,270	9,970
W 202	¾	⅜	30,600	19,500	13,500	10,120	7,800
W 203	¾	½	25,500	15,900	10,870	8,250	6,600
W 204	¾	¾	18,900	12,000	8,400	6,220	5,250

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TABLE 24 (Cont.)

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ⅛" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 210	⅞	1/16	43,650	35,250	25,720	18,900	14,320
W 211	⅞	⅛	43,650	27,900	20,400	15,820	12,220
W 212	⅞	¼	33,750	20,400	14,400	11,020	9,000
W 213	⅞	⅜	27,000	16,870	11,250	8,250	6,600
W 215	1	⅛	38,200	24,900	18,000	13,870	10,500
W 216	1	¼	30,520	18,600	12,750	9,520	7,500

TABLE 25

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for 3/16" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 158	¼	⅛	121,500	66,750	48,000	36,000	26,250
W 159	¼	3/16	112,500	63,000	47,250	34,650	25,120
W 160	¼	¼	103,500	60,000	44,250	33,000	24,000
W 161	¼	5/16	93,750	58,120	42,750	31,870	22,500
W 162	¼	⅜	89,250	56,250	41,250	30,000	21,750
W 163	¼	½	78,750	52,500	39,000	28,870	20,620
W 164	¼	¾	62,250	39,750	30,000	23,250	16,500
W 166	5/16	⅛	118,500	65,250	47,250	35,250	25,500
W 167	5/16	¼	100,500	58,500	43,500	32,620	23,250
W 168	5/16	5/16	93,000	57,000	42,000	30,750	22,120
W 169	5/16	⅜	87,370	55,350	40,870	28,880	21,000
W 170	5/16	½	76,500	47,250	34,500	25,500	18,750
W 171	5/16	¾	57,000	37,500	27,750	21,750	15,750
W 173	⅜	⅛	101,900	65,250	46,500	34,500	24,750
W 174	⅜	¼	98,850	57,750	42,750	32,250	23,250
W 175	⅜	⅜	81,750	50,620	36,750	27,750	20,250
W 176	⅜	½	66,750	43,120	31,350	23,620	17,400
W 177	⅜	¾	54,000	36,000	26,250	20,250	15,000
W 178	⅜	1	42,000	29,250	22,500	17,250	12,900
W 182	½	⅛	76,390	56,250	39,870	29,250	21,750
W 183	½	¼	75,000	47,400	33,370	24,900	18,750
W 184	½	⅜	57,750	39,750	29,250	21,750	15,750
W 185	½	½	49,870	33,750	25,500	19,500	14,620
W 186	½	¾	39,000	28,120	21,370	15,750	12,000
W 187	½	1	32,250	23,250	18,370	13,500	10,500
W 188	½	1½	22,870	17,620	13,870	11,250	. . .
W 189	½	2	17,250	13,500	10,500	8,620	. . .

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TABLE 25 (Cont.)

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for 3/16" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
W 191	⅝	⅛	61,120	51,370	36,370	27,000	20,250
W 192	⅝	¼	61,120	43,500	30,750	23,400	18,000
W 193	⅝	⅜	52,500	34,870	25,500	18,750	15,000
W 194	⅝	½	44,400	31,120	23,400	18,000	13,500
W 195	⅝	¾	34,500	24,000	18,370	14,250	10,500
W 196	⅝	1	25,870	18,900	15,000	11,620	9,370
W 197	⅝	2	14,770	11,770	8,700	7,270	. . .
W 200	¾	⅛	50,930	48,750	33,750	25,500	19,500
W 201	¾	¼	50,930	37,500	27,900	21,370	16,500
W 202	¾	⅜	45,750	31,500	24,370	18,000	13,870
W 203	¾	½	39,750	27,370	20,620	15,900	12,000
W 204	¾	¾	29,250	20,250	15,000	12,000	9,370
W 205	¾	1	24,750	17,250	12,750	10,500	8,620
W 206	¾	1¼	19,500	14,250	11,620	9,000	6,750
W 207	¾	1½	16,500	12,370	9,750	7,870	. . .
W 208	¾	2	12,750	9,370	7,500	6,000	. . .
W 211	⅞	⅛	43,650	43,650	31,870	24,000	18,370
W 212	⅞	¼	43,650	34,500	25,870	19,870	14,620
W 213	⅞	⅜	42,370	28,120	21,370	16,500	12,370
W 215	1	⅛	38,200	38,200	31,120	23,620	18,000
W 216	1	¼	38,200	33,750	24,750	19,120	14,250
W 217	1	⅜	38,200	27,000	19,870	15,750	12,000
W 218	1	½	32,700	22,120	16,870	12,900	10,350
W 219	1	¾	25,120	17,620	12,900	9,900	8,400
W 220	1	1	19,500	14,250	11,250	8,620	7,120
W 221	1	1½	13,120	9,370	7,120	6,000	. . .
W 222	1	2	9,000	7,120	5,620	4,870	. . .
W 225	1¼	¼	30,560	28,870	21,220	16,270	12,300
W 226	1¼	⅜	30,560	22,120	16,350	12,750	10,270
W 227	1¼	½	27,750	19,120	13,950	10,650	8,700
W 228	1¼	¾	20,620	14,620	11,020	8,770	7,120
W 229	1¼	1	16,500	12,000	8,620	6,900	5,770
W 230	1¼	1¼	13,270	9,150	6,970	5,700	. . .
W 231	1¼	1½	10,270	7,270	6,000	5,100	. . .
W 232	1¼	2	7,500	6,000	4,870	4,500	. . .
W 235	1½	¼	25,470	24,900	18,900	15,150	11,770
W 236	1½	½	25,470	18,750	13,870	10,500	8,620
W 237	1½	1	15,750	11,250	7,870	6,370	5,620
W 238	1½	1½	9,900	6,970	5,470	4,870	. . .

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TABLE 26

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ¼" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O						
				1"	1½"	2"	2½"	3"	4"	5"
W 176	⅜	½	81,000	54,379	42,000	33,000	25,500	20,400	13,260	9,550
W 177	⅜	¾	66,000	46,500	32,250	27,370	21,000	16,800	10,920	7,860
W 178	⅜	1	55,200	40,500	30,000	23,250	17,250	13,800	8,970	6,460
W 179	⅜	1¼	45,750	33,750	25,720	19,720	15,300	12,240	7,960	5,730
W 182	½	⅛	76,390	62,400	45,750	35,400	27,520	22,020	14,310	10,300
W 183	½	¼	76,390	54,750	40,500	31,120	24,000	19,200	12,480	8,990
W 184	½	⅜	71,250	47,620	35,020	27,000	20,850	16,680	10,840	7,800
W 185	½	½	61,500	42,000	31,500	24,000	18,370	14,700	9,560	6,880
W 186	½	¾	51,000	36,370	27,750	21,220	16,120	12,900	8,390	6,040
W 187	½	1	40,500	30,000	24,000	18,750	14,250	11,400	7,410	5,340
W 188	½	1½	30,370	24,000	18,900	15,000	12,000	9,600	6,240	4,490
W 189	½	2	24,000	18,750	15,000	12,150	9,900	7,920	5,150	3,710
W 190	⅝	1/16	61,120	61,120	48,000	31,500	29,020	23,220	15,090	10,800
W 191	⅝	⅛	61,120	60,000	44,250	34,500	27,000	21,600	14,040	10,110
W 192	⅝	¼	61,120	51,750	38,400	29,770	23,250	18,680	12,140	8,740
W 193	⅝	⅜	61,120	45,000	33,370	25,870	20,100	16,080	10,450	7,520
W 194	⅝	½	56,400	39,750	29,400	22,720	17,400	13,920	9,050	6,520
W 195	⅝	¾	46,500	32,400	24,900	19,720	15,370	12,300	8,000	5,760
W 196	⅝	1	35,250	27,000	21,300	16,870	13,120	10,500	6,830	4,920
W 197	⅝	2	21,000	16,500	12,900	10,870	8,700	6,960	4,520	3,250
W 198	⅝	2½	16,500	12,900	10,870	8,700	7,000	5,600	3,640	2,620
W 201	¾	¼	50,930	50,930	38,100	29,020	22,500	18,000	11,700	8,420
W 202	¾	⅜	50,930	44,100	32,400	25,120	19,350	15,480	10,060	7,240
W 203	¾	½	50,930	36,370	27,750	21,750	16,870	13,500	8,780	6,320
W 204	¾	¾	42,750	30,750	23,250	18,000	14,020	11,220	7,290	5,250
W 205	¾	1	34,500	25,870	19,500	15,000	12,000	9,600	6,240	4,490
W 206	¾	1¼	28,720	21,520	17,020	13,500	10,800	8,640	5,620	4,050
W 207	¾	1½	24,000	18,520	14,620	12,000	9,900	7,920	5,150	3,710
W 208	¾	2	18,750	15,370	12,000	9,900	8,000	6,400	4,160	3,000
W 209	¾	2½	15,000	12,150	10,500	8,400	6,800	5,440	3,540	2,550
W 211	⅞	⅛	43,650	43,650	42,900	33,000	26,250	21,000	13,650	9,820
W 212	⅞	¼	43,650	43,650	35,100	27,600	21,370	17,100	11,120	8,010
W 213	⅞	⅜	43,650	40,870	29,400	23,400	18,370	14,700	9,560	6,880
W 215	1	⅛	38,200	38,200	38,200	33,750	25,500	20,400	13,260	9,550
W 216	1	¼	38,200	38,200	33,750	26,250	20,250	16,200	10,530	7,580
W 217	1	⅜	38,200	38,200	28,500	22,500	17,400	13,920	9,050	6,520
W 218	1	½	38,200	32,770	24,900	19,500	14,850	11,880	7,720	5,560

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TABLE 26 (Cont.)

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ¼" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O						
				1"	1½"	2"	2½"	3"	4"	5"
W 219	1	¾	35,100	24,520	18,750	15,000	12,000	9,600	6,240	4,490
W 220	1	1	25,500	19,120	15,750	12,370	10,500	8,400	5,460	3,930
W 221	1	1½	19,120	14,620	12,000	10,500	8,400	6,720	4,370	3,150
W 222	1	2	15,900	12,370	9,750	8,620	6,900	5,520	3,590	2,580
W 223	1	2½	12,370	9,900	8,620	6,900	5,500	4,400	2,860	2,060
W 225	1¼	¼	30,560	30,560	30,560	24,000	18,750	15,000	9,750	7,020
W 226	1¼	⅜	30,560	30,560	26,250	20,100	15,750	12,600	8,190	5,900
W 227	1¼	½	30,560	29,620	22,650	18,000	14,100	11,280	7,330	5,280
W 228	1¼	¾	30,520	22,500	17,850	14,250	11,400	9,120	5,930	4,270
W 229	1¼	1	24,000	18,750	15,370	12,000	9,900	7,920	5,150	3,710
W 230	1¼	1¼	20,400	15,900	12,750	10,500	8,400	6,720	4,370	3,150
W 231	1¼	1½	17,620	13,500	10,650	9,000	7,200	5,760	3,740	2,690
W 232	1¼	2	14,250	10,650	9,000	7,500	6,000	4,800	3,120	2,250
W 235	1½	¼	25,470	25,470	25,470	22,720	17,620	14,100	9,170	6,600
W 236	1½	½	25,470	25,470	21,750	17,250	13,650	10,920	7,100	5,110
W 237	1½	1	22,500	17,620	13,270	10,870	9,520	7,620	4,950	3,560
W 238	1½	1½	15,600	12,000	9,750	8,250	6,600	5,280	3,430	2,470
W 239	1½	2	12,750	9,900	8,000	6,400	5,100	4,080	2,650	1,910
W 240	1½	2½	10,500	8,400	6,800	5,500	4,400	3,520	2,290	1,650
W 241	1½	3	9,000	7,250	6,000	4,800	3,900	3,120	2,030	1,460
W 242	2	1	19,100	15,950	11,750	10,000	8,800	7,040	4,580	3,300
W 243	2	1½	14,500	12,750	9,800	7,800	6,300	5,040	3,280	2,360
W 244	2	2	11,750	10,500	7,500	6,200	5,030	4,000	2,600	1,870
W 245	2	2½	9,600	7,250	6,400	5,300	4,250	3,400	2,210	1,590
W 246	2	3	8,250	6,750	5,600	4,600	3,700	2,960	1,920	1,380

TABLE 27

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ⅜" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O						
				1"	1½"	2"	2½"	3"	4"	5"
W 185	½	½	76,390	76,390	63,000	48,000	36,740	29,400	19,120	13,760
W 186	½	¾	76,390	72,740	55,500	42,440	32,240	25,800	16,780	12,080
W 187	½	1	76,390	60,000	48,000	37,500	28,500	22,800	14,820	10,680
W 188	½	1½	60,740	48,000	37,800	30,000	24,000	19,200	12,480	8,980
W 189	½	2	48,000	37,500	30,000	24,300	19,800	15,840	10,300	7,420

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TABLE 27 (Cont.)

Group W—(Plain Wheels)

Maximum Operating Speeds (RPM) for ⅜" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O						
				1"	1½"	2"	2½"	3"	4"	5"
W 194	⅝	½	61,120	61,120	58,800	45,440	34,800	27,840	18,100	13,040
W 195	⅝	¾	61,120	61,120	49,800	39,440	30,740	24,600	16,000	11,520
W 196	⅝	1	61,120	54,000	42,600	33,740	26,240	21,000	13,660	9,840
W 197	⅝	2	42,000	33,000	25,800	21,740	17,400	13,970	9,040	6,500
W 198	⅝	2½	33,000	25,800	21,740	17,400	14,000	11,200	7,280	5,240
W 203	¾	½	50,930	50,930	50,930	43,500	33,740	27,000	17,560	12,640
W 204	¾	¾	50,930	50,930	46,500	36,000	28,040	22,440	14,580	10,500
W 205	¾	1	50,930	50,930	39,000	30,000	24,000	19,200	12,480	8,980
W 206	¾	1¼	50,930	43,040	34,040	27,000	21,600	17,280	11,240	8,100
W 207	¾	1½	48,000	37,040	29,240	24,000	19,800	15,840	10,300	7,420
W 208	¾	2	37,500	30,740	24,000	19,800	16,000	12,800	8,320	6,000
W 209	¾	2½	30,000	24,300	21,000	16,800	13,600	10,880	7,080	5,100
W 218	1	½	38,200	38,200	38,200	38,200	29,700	23,760	15,440	11,120
W 219	1	¾	38,200	38,200	37,500	30,000	24,000	19,200	12,480	8,980
W 220	1	1	38,200	38,200	31,500	24,740	21,000	16,800	10,920	7,860
W 221	1	1½	38,200	29,240	24,000	21,000	16,800	13,440	8,740	6,300
W 222	1	2	31,800	24,740	19,500	17,240	13,800	11,040	7,180	5,160
W 223	1	2½	24,740	19,800	17,240	13,800	11,000	8,800	5,720	4,120
W 227	1¼	½	30,560	30,560	30,560	30,560	28,200	22,560	14,660	10,560
W 228	1¼	¾	30,560	30,560	30,560	28,500	22,800	18,240	11,860	8,540
W 229	1¼	1	30,560	30,560	30,560	24,000	19,800	15,840	10,300	7,420
W 230	1¼	1¼	30,560	30,560	25,500	21,000	16,800	13,440	8,740	6,300
W 231	1¼	1½	30,560	27,000	21,300	18,000	14,400	11,520	7,480	5,380
W 232	1¼	2	28,500	21,300	18,000	15,000	12,000	9,600	6,240	4,500
W 236	1½	½	25,470	25,470	25,470	25,470	25,470	21,840	14,200	10,220
W 237	1½	1	25,470	25,470	25,470	21,740	19,040	15,240	9,900	7,120
W 238	1½	1½	25,470	24,000	19,500	16,500	13,200	10,560	6,860	4,940
W 239	1½	2	25,470	19,800	16,000	12,800	10,200	8,160	5,300	3,820
W 240	1½	2½	21,000	16,800	13,600	11,000	8,800	7,040	4,580	3,300
W 241	1½	3	18,000	14,500	12,000	9,600	7,800	6,240	4,060	2,920
W 242	2	1	19,100	19,100	19,100	19,100	17,600	14,080	9,160	6,600
W 243	2	1½	19,100	19,100	19,100	15,600	12,600	10,080	6,560	4,720
W 244	2	2	19,100	19,100	15,000	12,400	10,000	8,000	5,200	3,740
W 245	2	2½	19,100	14,500	12,800	10,600	8,500	6,800	4,420	3,180
W 246	2	3	16,500	13,500	11,200	9,200	7,400	5,920	3,840	2,760

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TABLE 28

Group B—(Shaped Wheels)
Maximum Operating Speeds (RPM) for 3/32" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	1/2" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1 1/2"	2"	2 1/2"
B 43	1/4	5/16	67,500	41,250	27,000	18,750	12,750
B 44	7/32	3/8	57,000	34,500	22,500	16,500	11,250
B 45	3/16	5/16	86,250	50,250	35,250	24,000	15,000
B 46	1/8	5/16	87,000	52,500	36,750	24,750	16,500
B 47	1/8	5/32	87,000	52,500	36,750	24,750	16,500
B 53	1/4	3/8	49,500	30,750	20,250	14,250	10,500
B 55	1/8	1/4	87,000	52,500	36,750	24,750	16,500
B 63	1/4	3/16	76,500	46,500	30,750	21,750	14,250
B 64	1/4	1/16	87,000	52,500	36,750	24,750	16,500
B 65	1/8	1/8	87,000	52,500	36,750	24,750	16,500
B 70	3/4	1/8	50,930	33,750	21,750	15,750	11,250
B 71	5/8	1/8	61,120	39,000	24,750	17,250	12,750
B 72	1/2	1/8	60,750	35,250	23,250	16,500	12,000
B 73	1/2	1/8	60,750	35,250	23,250	16,500	12,000
B 74	7/32	3/32	87,000	52,500	36,750	24,750	16,500
B 81	3/4	3/16	50,930	33,750	21,750	15,750	11,250
B 82	1/2	1/4	67,500	41,250	27,000	18,750	12,750
B 83	3/8	3/16	72,750	43,500	27,750	19,500	12,750
B 84	5/16	3/16	87,000	52,500	36,750	24,750	16,500
B 92	1/4	1/4	67,500	41,250	27,000	18,750	12,750
B 93	3/16	3/16	87,000	52,500	36,750	24,750	16,500
B 94	11/64	3/32	87,000	52,500	36,750	24,750	16,500
B 95	1/8	3/16	87,000	52,500	36,750	24,750	16,500
B 96	1/8	1/4	87,000	52,500	36,750	24,750	16,500
B 97	1/8	3/8	87,000	52,500	36,750	24,750	16,500
B 98	3/32	1/4	87,000	52,500	36,750	24,750	16,500
B 104	5/16	3/8	57,000	34,500	22,500	16,500	11,250
B 105	1/4	1/4	86,250	50,250	35,250	24,000	15,000
B 106	1/8	7/64	87,000	52,500	36,750	24,750	16,500
B 112	3/8	1/2	37,500	23,250	16,500	12,750	9,000
B 113	1/4	1/4	67,500	41,250	27,000	18,750	12,750
B 114	7/32	3/8	57,000	34,500	22,500	16,500	11,250
B 115	3/32	1/8	87,000	52,500	36,750	24,750	16,500
B 122	3/8	3/8	51,000	30,750	21,000	15,000	10,500
B 123	3/16	3/16	86,250	50,250	35,250	24,000	15,000
B 124	1/8	1/8	87,000	52,500	36,750	24,750	16,500

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TABLE 29

Group B—(Shaped Wheels)
Maximum Operating Speeds (RPM) for ⅛" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
B 41	⅝	⅜	33,750	23,250	17,620	13,650	10,350
B 42	½	¾	33,750	23,250	17,620	13,650	10,350
B 43	¼	5/16	81,370	51,000	34,120	24,000	16,870
B 44	7/32	⅜	68,400	42,370	28,870	20,850	15,000
B 45	3/16	5/16	104,250	61,870	44,620	30,900	20,250
B 46	⅛	5/16	105,000	64,500	46,650	32,400	21,370
B 47	⅛	3/32	105,000	64,500	46,650	32,400	21,370
B 51	7/16	¾	45,370	28,500	21,000	15,900	12,150
B 52	⅜	¾	45,370	28,500	21,000	15,900	12,150
B 53	¼	⅝	60,000	38,020	26,250	18,750	13,870
B 54	¼	½	60,000	38,020	26,250	18,750	13,870
B 55	⅛	¼	105,000	64,500	46,650	32,400	21,370
B 61	¾	5/16	38,250	24,370	17,400	13,270	9,970
B 62	½	⅜	41,020	26,400	19,500	15,000	11,400
B 63	¼	3/16	92,400	57,370	39,370	27,900	18,900
B 64	¼	1/16	105,000	64,500	46,650	32,400	21,370
B 65	⅛	⅛	105,000	64,500	46,650	32,400	21,370
B 70	¾	⅛	50,930	41,250	27,750	20,400	15,000
B 71	⅝	⅛	61,120	48,000	31,500	22,650	16,870
B 72	½	⅛	73,500	43,650	29,100	20,770	15,450
B 73	½	⅛	73,500	43,650	29,100	20,700	15,450
B 74	7/32	3/32	105,000	64,500	46,650	32,400	21,370
B 81	¾	3/16	50,930	41,250	27,750	20,400	15,000
B 82	½	¼	76,390	51,000	34,120	24,000	16,870
B 83	⅜	3/16	87,600	53,250	35,250	24,750	17,250
B 84	5/16	3/16	105,000	64,500	46,650	32,400	21,370
B 91	½	⅝	34,500	22,500	16,870	13,120	9,900
B 92	¼	¼	81,370	51,000	34,120	24,000	16,870
B 93	3/16	3/16	105,000	64,500	46,650	32,400	21,370
B 94	1 1/64	3/32	105,000	64,500	46,650	32,400	21,370
B 95	⅛	3/16	105,000	64,500	46,650	32,400	21,370
B 96	⅛	¼	105,000	64,500	46,650	32,400	21,370
B 97	⅛	⅜	105,000	64,500	46,650	32,400	21,370
B 98	3/32	¼	105,000	64,500	46,650	32,400	21,370
B 101	⅝	1 1/16	33,750	23,250	17,620	13,650	10,350
B 102	⅝	½	45,370	28,500	21,000	15,900	12,150
B 103	⅝	3/16	61,120	41,250	27,750	20,400	15,000
B 104	5/16	⅜	68,400	42,370	28,870	20,850	15,000
B 105	¼	¼	104,250	61,870	44,620	30,900	20,250
B 106	⅛	7/64	105,000	64,500	46,650	32,400	21,370
B 111	7/16	1 1/16	33,750	23,250	17,620	13,650	10,350

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TABLE 29 (Cont.)

Group B—(Shaped Wheels)

Maximum Operating Speeds (RPM) for ⅛" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
B 112	⅜	½	45,370	28,500	21,000	15,900	12,150
B 113	¼	¼	81,370	51,000	34,120	24,000	16,870
B 114	7/32	⅜	68,400	42,370	28,870	20,850	15,000
B 115	3/32	⅛	105,000	64,500	46,650	32,400	21,370
B 121	½	½	45,370	28,500	21,000	15,900	12,150
B 122	⅜	⅜	61,650	37,720	27,000	19,870	14,250
B 123	3/16	3/16	104,250	61,820	44,620	30,900	20,250
B 124	⅛	⅛	105,000	64,500	46,650	32,400	21,370
B 131	½	½	34,500	22,500	16,870	13,120	9,900
B 132	⅜	½	45,370	28,500	21,000	15,900	12,150
B 133	⅜	⅜	54,000	33,000	24,150	18,000	13,500
B 134	5/16	⅜	61,650	37,720	27,000	19,870	14,250
B 135	¼	½	60,000	38,020	26,250	18,750	13,870
B 136	¼	5/16	77,250	45,920	30,900	22,500	16,120

TABLE 30

Group B—(Shaped Wheels)

Maximum Operating Speeds (RPM) for ¼" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O			
				1"	1½"	2"	2½"
B 41	⅝	⅝	61,120	46,500	35,250	27,370	21,000
B 42	½	¾	61,120	46,500	35,250	27,370	21,000
B 51	7/16	¾	81,000	54,370	42,000	33,000	25,500
B 52	⅜	¾	81,000	54,370	42,000	33,000	25,500
B 61	¾	5/16	50,930	50,930	38,100	29,020	22,500
B 62	½	⅜	71,250	47,620	35,020	27,000	20,850
B 71	⅝	⅛	61,120	61,120	48,000	37,500	29,020
B 72	½	⅛	76,390	62,400	45,750	35,400	27,520
B 73	½	⅛	76,390	62,400	45,750	35,400	27,520
B 91	½	⅝	61,500	42,000	31,500	24,000	18,370
B 101	⅝	1 1/16	61,120	46,500	35,250	27,370	21,000
B 102	⅝	½	61,120	54,370	42,000	33,000	25,500
B 111	7/16	1 1/16	66,000	46,500	35,250	27,370	21,000
B 112	⅜	½	81,000	54,370	42,000	33,000	25,500
B 121	½	½	76,390	54,370	42,000	33,000	25,500
B 131	½	½	61,500	42,000	31,500	24,000	18,370
B 132	⅜	½	81,000	54,370	42,000	33,000	25,500

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TABLE 31

Group A—(Shaped Wheels)
Maximum Operating Speeds (RPM) for ¼" Mandrels

Shape No.	Wheel Diameter Inches	Wheel Thickness Inches	½" Overhang & Thd. Mdls.	Overhang—Dimension O				
				1"	1½"	2"	2½"	3"
A 1	¾	2½	19,800	16,500	13,120	10,650	9,000	6,750
A 2	1	1¼	38,200	32,620	25,500	20,620	16,870	13,500
A 3	1	2¾	16,100	13,080	10,730	8,720	6,710	4,700
A 4	1¼	1¼	30,560	24,750	20,250	16,120	13,120	10,500
A 5	¾	1⅛	45,000	33,750	27,000	21,000	16,500	13,500
A 6	¾	1⅛	39,000	29,700	24,000	18,970	15,000	12,000
A 11	⅞	2	19,860	15,100	12,000	9,810	8,220	7,020
A 12	1 1/16	1¼	48,000	35,250	27,370	21,750	17,250	13,500
A 13	1⅛	1⅛	33,950	32,250	25,500	20,620	16,500	12,750
A 14	1 1/16	⅞	55,560	40,500	30,750	24,370	19,500	15,000
A 15	¼	1 1/16	72,750	47,620	34,500	26,250	19,870	13,870
A 21	1	1	34,500	26,250	21,000	17,250	13,870	10,870
A 22	¾	⅝	50,930	40,500	30,750	24,370	19,500	15,000
A 23	¾	1	39,370	30,370	24,370	19,500	15,000	12,000
A 24	¼	¾	76,500	49,500	36,370	27,000	20,250	15,370
A 25	1	1	35,620	27,370	22,120	18,000	14,250	11,250
A 26	⅝	⅝	61,120	46,500	35,250	27,750	21,370	15,750
A 31	1⅜	1	27,780	26,250	21,000	17,250	13,500	10,870
A 32	1	⅝	38,200	38,200	30,000	24,000	18,900	15,000
A 33	1	½	38,200	38,200	30,000	24,000	18,900	15,000
A 34	1½	⅜	25,470	25,470	25,470	21,970	18,000	13,870
A 35	1	⅜	38,200	38,200	31,500	25,500	20,250	15,900
A 36	1⅜	⅜	23,520	23,520	23,520	21,750	17,620	13,870
A 37	1¼	¼	30,560	30,560	30,560	28,100	22,500	18,000
A 38	1	1	34,500	26,250	21,000	17,020	13,500	10,650
A 39	¾	¾	47,250	35,250	27,750	22,120	17,250	13,120

History: 1954 ACS 74, p. 111, Eff. Jan. 18, 1973.

OPERATING PROVISIONS

R 408.10181 Machine speeds.

Rule 181. (1) The wheel spindle speed on a grinding machine shall be checked with a tachometer whenever a pulley or motor is changed. The speed shall not exceed the rating of the machine or the abrasive wheel. The spindle speed shall be permanently marked on the machine and maintained.

(2) A grinding machine with a vari-speed control shall have the speed adjustment supervised by an authorized and trained employee.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

R 408.10182 Training.

Rule 182. An employee shall be instructed in the care, use, and protection of an abrasive wheel and equipment before assignment.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

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R 408.10183 Wheel breakage.

Rule 183. (1) A cracked or broken wheel shall not be used.

(2) Wheel breakage shall be investigated by the employer to determine and correct the cause.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

R 408.10184 Starting new wheels.

Rule 184. After mounting an abrasive wheel, it shall be run with the guard in place or in an enclosure at operating speed for not less than 1 minute before applying work. During this time an employee shall not stand in front of or in line with the wheel.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

R 408.10185 Truing and dressing wheels.

Rule 185. An out-of-truth abrasive wheel shall be trued by a trained employee. A wheel which cannot be trued shall not be used.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

R 408.10186 Side grinding.

Rule 186. Side grinding shall be performed on an abrasive wheel designed for that purpose. A wheel designed for grinding on the periphery shall not be used for side grinding. Form grinding is not considered the standard practice of side grinding.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

R 408.10187 Maintenance.

Rule 187. (1) An employer shall maintain grinding equipment in a condition which will not create a hazard for the employee.

(2) An employer shall instruct the employee to report defective equipment to the employee's supervisor.

(3) A rheostat controlled direct current motor driven grinder, a vari-speed control grinder or an air grinder shall be speed checked not less than once a week.

History: 1954 ACS 74, p. 121, Eff. Jan. 18, 1973.

PART 2. FLOOR AND WALL OPENINGS, STAIRWAYS, AND SKYLIGHTS

R 408.10201 Scope.

Rule 201. This part is intended to provide safety of life and limb in all places of employment where there is danger of persons, materials, or equipment falling through or into floor and wall holes or openings, or from stairways or runways. This part applies to temporary or emergency conditions as well as to permanent conditions.

History: 1954 ACS 60, p. 62, Eff. Nov. 14, 1969; 1954 ACS 68, p. 41, Eff. Sept. 15, 1971; 1954 ACS 88, p. 89, Eff. Aug. 18, 1976.

R 408.10205 Definitions; D to F.

Rule 205. (1) "Detour guard" means a barrier or other device used to direct employees from contact with hazards.

(2) "Fixed industrial stairs" means a series of steps leading from 1 level or floor to provide limited access for maintenance or operating employees.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension, in a floor, platform, pavement or yard, through or into which persons, materials or equipment may fall, such as a belt hole, pipe opening or slot opening.

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(4) "Floor opening" means an opening measuring 12 inches or more in its least dimension, in a floor, platform, pavement or yard, through or into which persons, material or equipment may fall, including but not limited to a hatchway, stair or ladder opening, pit or large manhole. A floor opening occupied by an elevator or dumbwaiter is excluded from this part as it is covered by the elevator law, Act No. 227 of the Public Acts of 1967, being §§408.801 to 408.824 of the Michigan Compiled Laws.

History: 1954 ACS 60, p. 62, Eff. Nov. 14, 1969; 1954 ACS 68, p. 41, Eff. Sept 15, 1971; 1954 ACS 76, p. 56, Eff. Aug. 29, 1973.

R 408.10206 Definitions; H to R.

Rule 206. (1) "Handrail" means a single member supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold.

(2) "Hazardous substance" means a substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or which generates pressure through decomposition, heat or other means, if the substance or mixture of substances may cause clinical evidence of personal injury or illness during or as a direct result of a customary or reasonably anticipated handling or use.

(3) "Means of egress" means a continuous path of travel from any point in a building to the open air outside at ground level and consists of 3 separate and distinct parts: the exit access, the exit and the exit discharge. A means of egress comprises both vertical and horizontal means of travel.

(4) "Platform" means a working space for 1 or more persons, elevated above the surrounding floor or ground level, such as a balcony or platform for the operation of machinery and equipment or storage.

(5) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, including but not limited to a footwalk along shafting or a walkway between buildings.

History: 1954 ACS 68, p. 41, Eff. Sept. 15, 1971; 1954 ACS 76, p. 56, Eff. Aug. 29, 1973.

R 408.10207 Definitions; S.

Rule 207. (1) "Skylight" means an opening in a roof or floor covered by a translucent or transparent material not capable of supporting 300 pounds applied perpendicularly on any 1 area.

(2) "Stair railing" means a barrier erected in conjunction with a stairway to prevent falls of persons.

(3) "Stairway" means a flight of stairs of 4 or more risers.

(4) "Standard barrier" means a barrier erected along exposed edges of a floor opening, wall opening, ramp, platform or runway to prevent falls of persons or material.

History: 1954 ACS 60, p. 63, Eff. Nov. 14, 1969; 1954 ACS 68, p. 41, Eff. Sept. 15, 1971; 1954 ACS 76, p. 57, Eff. Aug. 29, 1973.

R 408.10208 Definitions; T to W.

Rule 208. (1) "Temporary barrier" means a portable barrier to shield and identify a floor opening.

(2) "Toeboard" means a barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, ramp or a wall hole to prevent falls of materials.

(3) "Wall hole" means an opening less than 30 inches but more than 1 inch in height, of unrestricted width, or more than 1 inch but less than 18 inches wide and of unrestricted height, in a wall or partition.

(4) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in a wall or partition, through or into which persons may fall.

History: 1954 ACS 68, p. 42, Eff. Sept. 15, 1971.

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R 408.10211 Guards for stairway openings.

Rule 211. (1) A stairway floor opening shall be guarded by a standard barrier as specified in R 408.10231 to R 408.10236. It shall be provided on all exposed sides, except at the entrance to the stairway. A standard toeboard shall be installed where activities present the probability of objects or materials falling or rolling over the edge of the opening.

(2) For a stairway where traffic across the opening prevents the use of a fixed standard barrier such as when located in an aisle space, the barrier shall consist of a hinged floor opening cover as specified in R 408.10239 and removable standard barriers on all exposed sides, except at the entrance to the stairway. The removable barriers should be hinged or mounted so as to come into use automatically with the opening of the cover.

(3) Where a door or gate opens directly on a stairway, a platform shall be provided, and the swing of the door or gate shall not reduce the floor area leading to the stairs to a width less than 20 inches.

History: 1954 ACS 60, p. 63, Eff. Nov. 14, 1969.

R 408.10213 Guards for open-sided floors, platforms, and runways.

Rule 213. (1) Regardless of height, an open-sided floor, walkway, platform or runway above or adjacent to dangerous equipment shall be guarded with a standard barrier and toeboard as specified in R 408.10231(1) and R 408.10233(2).

(2) An open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard barrier as specified in R 408.10231 on all open sides, except where there is entrance to a ramp, stairway or fixed ladder. The barrier shall be provided with a toeboard as specified in R 408.10233(2) where, beneath the open sides, (a) persons can pass, (b) there is moving machinery, or (c) there is equipment with which falling materials could create a hazard. The intermediate sections of the barrier and the toeboard may be eliminated when materials are regularly passed over the end of the floor, as in lumber storage. A stationary elevated platform secured to a building or structure used exclusively for the service and maintenance of overhead bridge cranes and similar mobile equipment may be equipped with standard barriers and toeboards that are removable in lieu of fixed standard barriers and toeboards on the side adjacent to the machinery, if such barriers and toeboards are secured against falling when they are not serving as protective barriers.

(3) Guards shall be provided for a platform or runway of gratings used as a working area, which will prevent tools or materials from falling on persons below.

(4) Open sides of a loading or storage platform which is used primarily for loading or unloading railroad cars or trucks, and open hearth pouring platforms are exempt from the provisions of this part.

(5) A runway shall be guarded by a standard barrier and toeboard as specified in R 408.10231 and R 408.10233 on all open sides 4 feet or more above floor or ground level. The barrier and toeboard on 1 side of a runway used exclusively for special purposes, including but not limited to oiling, servicing or filling tank cars, may be omitted if the runway is not less than 18 inches wide.

History: 1954 ACS 60, p. 63, Eff. Nov. 14, 1969; 1954 ACS 68, p. 42, Eff. Sept. 15, 1971.

R 408.10215 Guards for other floor openings or platforms.

Rule 215. (1) A ladderway floor opening or platform shall be guarded by a standard barrier with standard toeboard on all exposed sides and with the passage through the barrier either provided with a gate which swings away from the opening or so offset that a person cannot walk directly into the opening.

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(2) A hatchway, floor opening, or floor hole into which persons may accidentally walk or through which material may fall shall be guarded by 1 of the following:

(a) A hinged floor opening covered as specified in R 408.10239 and equipped with standard barriers permanently attached thereto so as to leave only 1 exposed side. If the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard barriers.

(b) A removable standard barrier with toeboard on not more than 2 sides of the opening and fixed standard barriers with toeboards as specified in R 408.10231 and R 408.10233(2) on all other exposed sides. The removable standard barriers shall be kept in place when the opening is not in use and should preferably be hinged or mounted so as to be conveniently replaceable. A barrier may be omitted around the perimeter of a pit used for vehicle servicing, if a yellow caution line is installed around the perimeter of the pit. The line shall be 12 inches wide and maintained so as to be clearly visible.

(c) A floor opening cover as specified in R 408.10239.

(3) Where operating conditions necessitate the feeding of material into a hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(4) A manhole floor opening shall be covered by a floor hole cover as prescribed in R 408.10239, which need not be hinged in place when secured or constructed to prevent accidental displacement. When the cover is not in place, the manhole opening shall be constantly attended by an employee or by an outside service, or shall be protected by temporary barriers.

(5) A temporary floor opening shall have a temporary barrier or shall be constantly attended by a person.

(6) A floor hole or floor opening into which persons cannot accidentally walk, on account of fixed machines, equipment, or walls, but tools or materials can fall on employees or equipment, shall be protected by a cover that leaves no openings more than 1 inch wide unless this opening is connected to a chute-type device. The cover shall be securely held in place to prevent tools or materials from falling through.

(7) An area below a floor hole or floor opening, or wall hole or wall opening, where material is being lowered shall be guarded by a standard fixed or temporary barrier, or attended by a person.

(8) A skylight less than 36 inches above a roof or floor shall be guarded by a standard barrier or skylight guard, as prescribed in R 408.10231 or R 408.10240, on all exposed sides.

History: 1954 ACS 60, p. 64, Eff. Nov. 14, 1969; 1954 ACS 68, p. 42, Eff. Sept. 15, 1971; 1954 ACS 76, p. 57, Eff. Aug. 29, 1973; 1954 ACS 88, p. 89, Eff. Aug. 18, 1976; 1954 ACS 99, p. 107, Eff. Apr. 18, 1979.

R 408.10217 Guards for wall openings, holes, and pits above floor or ground level.

Rule 217. (1) A wall opening from which there is a drop of more than 4 feet or where a person may fall on or into a hazard shall be equipped with standard barrier or a wall opening screen, specified in R 408.10231 and R 408.10237. Where there is exposure below to falling materials, a toeboard shall also be provided. If the barrier has to be removable, it should be hinged or mounted so as to be conveniently replaceable. When the opening is not in use for handling materials, the barrier shall be kept in position regardless of a door on the opening. Where a removable standard barrier is used, a grab handle as specified in R 408.10237 shall

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be provided on each side of the opening with its center approximately 4 feet above floor level.

(2) A chute wall opening from which there is a drop of more than 4 feet shall be guarded by a barrier as specified in R 408.10231.

(3) A window wall opening at a stairway landing, floor, platform or balcony from which there is a drop of more than 4 feet and where the bottom of the opening is less than 3 feet above the platform, floor or landing, shall be guarded by standard wall opening screens or standard barrier as specified in R 408.10231 and R 408.10237. Where the window opening is less than 4 inches above the landing, floor or platform, a standard toeboard shall be provided as specified in R 408.10233.

(4) A temporary wall opening shall have barriers and toeboards as specified in R 408.10231 and R 408.10233.

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole is more than 4 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in R 408.10233 and R 408.10237.

(6) If a wall hole has an unrestricted height of 48 inches or more and is more than 12 inches in width, and the near side is less than 42 inches above the floor level and the far side of the hole is more than 4 feet above the next lower level, the hole shall be protected to the height of a standard barrier.

(7) Where a stairway or ladder landing ends in direct proximity to hazards, detour guards shall be installed or used to protect employees against contact with such hazards.

History: 1954 ACS 60, p. 64, Eff. Nov. 14, 1969; 1954 ACS 68, p. 43, Eff. Sept. 15, 1971.

R 408.10219 Open tanks or vats.

Rule 219. When the top of an open tank or vat containing a hazardous substance is less than 36 inches from the floor, platform, or ground level, a barrier shall be erected to a height of not less than 36 inches on all exposed sides.

History: 1954 ACS 76, p. 57, Eff. Aug. 29, 1973.

R 408.10220 Access to other elevations.

Rule 220. (1) One of the following shall be used to gain access to another elevation of more than 16 inches:

(a) Flight of stairs.

(b) Fixed industrial stairs.

(c) Ramp.

(d) Fixed ladder.

(e) A portable ladder, as prescribed in the occupational safety standards commission standard, Part 4. Portable Ladders, being R 408.10401 to R 408.10456 of the Michigan Administrative Code, may be used for temporary access to another elevation.

(2) After the effective date of this part, a winding stairway shall not be installed except for limited usage or secondary access. A winding stair may be installed on a tank or other round structure with a diameter of not less than 5 feet.

History: 1954 ACS 76, p. 57, Eff. Aug. 29, 1973.

R 408.10221 Stairway railings and guards.

Rule 221. (1) A stairway having 4 or more risers shall be equipped with handrails, as specified in R 408.10235 and R 408.10236, or a stair railing, as specified in R 408.10233 to R 408.10236, as follows:

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(a) On a stairway less than 44 inches wide, having both sides enclosed, at least 1 handrail, preferably on the right side when descending.

(b) On a stairway less than 44 inches wide, having 1 side open, at least 1 stair railing on the open side.

(c) On a stairway less than 44 inches wide, having both sides open, 1 stair railing on each side.

(d) On a stairway 44 or more inches wide, but less than 88 inches wide, 1 handrail on each enclosed side and 1 stair railing on each open side.

(e) On a stairway 88 or more inches wide, 1 handrail on each enclosed side, 1 stair railing on each open side, and 1 intermediate stair railing located approximately midway of the width.

(2) A winding stairway shall be equipped with a handrail offset to prevent walking on portions of the treads having a width of less than 6 inches. A winding stairway existing at the effective date of this rule is exempted from this requirement. Future alterations shall comply with this rule.

History: 1954 ACS 60, p. 65, Eff. Nov. 14, 1969; 1954 ACS 68, p. 44, Eff. Sept. 15, 1971; 1954 ACS 76, p. 57, Eff. Aug. 29, 1973; 1954 ACS 88, p. 90, Eff. Aug. 18, 1976.

R 408.10223 Stairway slopes, treads, and risers.

Rule 223. (1) A stairway or a fixed industrial stair slope shall not have a slope of more than 50 degrees nor less than 30 degrees from the horizontal. Where the slope is less than 18 degrees a ramp shall be used. Where the slope is more than 75 degrees a fixed or portable ladder shall be used.

(2) Each tread and riser shall be of uniform dimensions in each flight. The minimum tread run shall not be less than 8 inches. The sum of the tread run and riser shall be a minimum of 17 inches or a maximum of 18 inches. Tread run does not include the nosing.

(3) A stairway existing at the effective date of this rule is exempt from this rule. Future alterations shall comply with this rule.

History: 1954 ACS 60, p. 65, Eff. Nov. 14, 1969; 1954 ACS 68, p. 44, Eff. Sept. 15, 1971; 1954 ACS 76, p. 57, Eff. Aug. 29, 1973.

R 408.10227 Fixed industrial stairs and platforms.

Rule 227. (1) A fixed industrial stair shall have:

(a) Design and construction to carry a load of not less than 5 times the normal live load, but never less than 1,000 pounds.

(b) A minimum width of 22 inches.

(c) A vertical clearance of not less than 7 feet from any tread nose to an overhead object. Projections such as pipes, raceways, air ducts or fixtures between 5 and 7 feet above the tread nose are permissible if guarded and marked.

(d) The tread and riser as prescribed in subrule (2) of R 408.10223. A tread shall have a slip resistant surface.

(2) Where a stair platform is used, its width shall be not less than the width of the stair nor shall its length be less than 30 inches measured in the direction of travel.

(3) A stair railing with intermediate rail shall be installed on any open side of a fixed industrial stair and platform. A handrail shall be installed on not less than 1 side of a closed fixed industrial stair, preferably on the right descending side. The railing and handrail shall be as prescribed in R 408.10233 and R 408.10236, and shall be installed on stairs of 4 or more risers.

(4) A flight of stairs installed after the effective date of this rule shall consist of not more than a 12-foot continuous rise. An intermediate platform as prescribed in

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subrule (2) shall be used to provide relief where more than a 12-foot rise is necessary to reach the next level.

History: 1954 ACS 76, p. 57, Eff. Aug. 29, 1973; 1954 ACS 88, p. 90, Eff. Aug. 18, 1976.

R 408.10231 Standard barrier specifications.

Rule 231. (1) A standard barrier shall consist of a vertical barrier not less than 42 inches high. Such a barrier existing at the effective date of this part may be not less than 36 inches in height, except that future alterations shall comply. Intermediate rails, screen, or solid material shall be used to prevent a fall of an employee through the area between the top of the barrier and the floor or ground level. Anchoring and framing of all members shall be of such construction that the completed structure shall be capable of withstanding a load of 300 pounds applied in any direction at any point.

(2) Where a barrier is likely to receive heavy stresses from crowds, trucking, or handling materials, it shall be constructed to withstand these loads.

(3) Where the top of the barrier is used as a handrail the surface shall be smooth throughout its length.

(4) The barrier to a height of 7 feet shall not present a hazard by protruding objects and sharp edges.

History: 1954 ACS 60, p. 65, Eff. Nov. 14, 1969; 1954 ACS 68, p. 44, Eff. Sept. 15, 1971; 1954 ACS 76, p. 58, Eff. Aug. 29, 1973.

R 408.10232 Temporary barriers.

Rule 232. (1) A temporary barrier shall consist of a free-standing frame or stanchions 42 inches high with top and midrail of 2 x 4's, pipe, rope, or chain.

(2) A temporary barrier shall be identified by a warning device including, but not limited to, a light, flags, or colors to warn persons of a hazardous area.

History: 1954 ACS 68, p. 44, Eff. Sept. 15, 1971; 1954 ACS 88, p. 91, Eff. Aug. 18, 1976.

R 408.10233 Stair railing and toeboard specifications.

Rule 233. (1) A stair railing shall be of construction similar to a standard barrier as required in R 408.10231 but the vertical height shall be not more than 34 inches nor less than 30 inches from the upper surface of the top rail to the surface of the tread in line with the face of the riser. The 34-inch requirement is modified to 38 inches for a stair railing existing at the effective date of this rule.

(2) A standard toeboard shall be not less than 4 inches in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ¼ inch clearance above floor level. The toeboard shall be constructed of solid material or with openings of not over 1 inch in greatest dimension. Where material is piled to such height that a standard toeboard and construction of the standard barrier does not provide protection, the toeboard shall be extended vertically to the height of the piled material.

History: 1954 ACS 60, p. 65, Eff. Nov. 14, 1969.

R 408.10235 Handrail specifications.

Rule 235. (1) A handrail shall consist of a lengthwise member so mounted on a wall or partition as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of a configuration that will furnish an adequate handhold for a person grasping it to avoid falling. The ends of the handrail shall be arranged so as not to constitute a hazard.

(2) The handrail shall be not more than 34 inches nor less than 30 inches in height from the upper surface of the handrail vertically to the surface of the tread in line with the face of riser or to the surface of the ramp. The 34-inch requirement

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is modified to 38 inches for a handrail existing at the effective date of this rule.

(3) A handrail shall be of such size and mounted so that the completed structure is capable of withstanding a load of at least 300 pounds applied in any direction at any point on the rail.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 68, p. 44, Eff. Sept. 15, 1971.

R 408.10236 Clearance for handrails and stair railings.

Rule 236. (1) A handrail, stair railing, and the top of a standard barrier used as a railing shall be provided with a clearance of not less than 1½ inches between the handrail or railing and any other object.

(2) A handrail or stair railing in existence before the effective date of this rule may have a clearance of less than 3 inches, but not less than 1¼ inches, between the handrail or stair railing and any other object.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 68, p. 44, Eff. Sept. 15, 1971; 1954 ACS 88, p. 91, Eff. Aug. 18, 1976.

R 408.10237 Wall opening grab handles and screens.

Rule 237. (1) A wall opening grab handle shall be not less than 12 inches in length and shall be mounted to give at least 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 300 pounds applied in any direction at any point of the handle.

(2) A grab rail in existence before the effective date of this rule may have a clearance of less than 3 inches but not less than 1½ inches between the grab rail and any other object.

(3) A wall opening screen shall be of such construction and mounting that it is capable of withstanding a static load of at least 300 pounds applied horizontally at any point on the screen. It may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 68, p. 45, Eff. Sept. 15, 1971.

R 408.10239 Floor opening and floor hole covers.

Rule 239. (1) A floor opening and floor hole cover shall be of any material or construction that will support at least 3 times the normal load, except that when located in a plant roadway, it shall be designed to carry a truck rear axle load of 24,000 pounds.

(2) The top of a cover shall be of materials no more slippery than the surrounding floor surface and should be flush with the surface. A cover projection not more than 1 inch above the floor level may be used if all edges are chamfered to an angle with the horizontal of not more than 30 degrees.

(3) Hinges, handles, bolts, or other parts shall be set flush with the floor or cover surface.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 68, p. 45, Eff. Sept. 15, 1971.

R 408.10240 Skylight guards.

Rule 240. (1) A skylight guard shall be designed and constructed to withstand a 300-pound load applied perpendicularly at any 1 area on the screen.

(2) The guard construction shall be of grillwork with openings not more than 4 inches long or slatwork with an opening not more than 2 inches wide with length unrestricted. Ordinary loads or impacts shall not deflect the material downward to break the skylight glass.

History: 1954 ACS 76, p. 58, Eff. Aug. 29, 1973.

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R 408.10241 Maintenance.

Rule 241. Floors, platforms, stair treads, and landings shall be maintained free of broken, worn, splintered, or loose pieces that would constitute a tripping or falling hazard. Material used for repair of these components shall meet the design strength of the component.

History: 1954 ACS 68, p. 45, Eff. Sept. 15, 1971.

PART 3. FIXED LADDERS

R 408.10301 Purpose and scope.

Rule 301. This part is intended to provide reasonable safety for life and limb by establishing minimum standards for the design and installation of fixed ladders and safe use by employees. A fixed ladder shall be designed to carry a designed minimum load under varying circumstances depending upon placement, length, method of fastening, and other requirements of the installation. Therefore, all parts and appurtenances necessary for a safe and efficient ladder shall necessarily be integral parts of that design. Utility poles and radio, television and transmission towers are excluded from this part.

History: 1954 ACS 69, p. 57, Eff. Nov. 15, 1971.

R 408.10305 Definitions; C to F.

Rule 305. (1) "Cage," "cage guard," or "basket guard" means an enclosure fastened to the side rails of a fixed ladder or to the structure to encircle the climbing space of the ladder for the safety of a climber.

(2) "Cleats" means ladder crosspieces of rectangular cross section placed on edge on which an employee may step.

(3) "Fastenings" means a device, including, but not limited to, a fixed, hinged, bearing or slide-type fastening, to attach a ladder to a structure, building, or equipment.

(4) "Fixed ladder" means a ladder permanently attached to a structure, building, or stationary equipment.

History: 1954 ACS 69, p. 57, Eff. Nov. 15, 1971.

R 408.10306 Definitions; G to L.

Rule 306. (1) "Grab bar" means a handhold placed adjacent to or as an extension above a ladder for the purpose of providing access beyond the limits of the ladder.

(2) "Individual rung ladder" means a fixed ladder having each rung individually attached to a structure, building, or equipment.

(3) "Ladder" means an appliance usually consisting of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step.

(4) "Ladder height" means the distance from ground or floor level to the topmost landing or top of a ladder.

(5) "Ladder safety device" means a device, other than a cage or well, designed to eliminate or reduce the possibility of accidental falls.

History: 1954 ACS 69, p. 57, Eff. Nov. 15, 1971.

R 408.10307 Definitions; P to R.

Rule 307. (1) "Pitch" means the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

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(2) "Railings" means any combination of railings defined in the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.

(3) "Rail ladder" means a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure or equipment.

(4) "Rungs" means crosspieces of circular or oval cross section on which an employee may step.

History: 1954 ACS 69, p. 58, Eff. Nov. 15, 1971.

R 408.10308 Definitions; S to W.

Rule 308. (1) "Side-step ladder" means a ladder from which an employee getting off at the top needs to step sideways to reach the landing.

(2) "Steps" means the flat crosspieces of a ladder on which an employee may step.

(3) "Through ladder" means a ladder which an employee getting off at the top needs to step through to reach the landing.

(4) "Well" means a permanent complete enclosure around a fixed ladder to protect a climber. Proper clearance for a well will give the same protection as a cage.

History: 1954 ACS 69, p. 58, Eff. Nov. 15, 1971.

R 408.10321 Design.

Rule 321. A fixed ladder, its appurtenances and fastenings shall be designed to meet the following load requirements:

(a) The minimum design live load shall be a single concentrated load of 300 pounds. A ladder installed before the effective date of this part may have a minimum design load of 200 pounds.

(b) The number and position of additional concentrated live load units of 300 pounds each, or 200 pounds each if installed before the effective date of this part, as determined from anticipated usage of the ladder shall be considered in the design.

(c) The live loads shall be considered to be concentrated at that point or points causing the maximum stress in the structural member.

(d) The weight of the ladder and appurtenances together with the live load shall be considered in the design of rails and fastenings.

History: 1954 ACS 69, p. 58, Eff. Nov. 15, 1971.

R 408.10323 Rungs, cleats, and steps.

Rule 323. (1) The distance between rungs, cleats, and steps shall be not more than 12 inches from the top of 1 rung, cleat, or step to the top of the next rung, cleat, or step above, and shall be uniformly spaced throughout the length of the ladder.

(2) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or hazardous projections.

History: 1954 ACS 69, p. 58, Eff. Nov. 15, 1971.

R 408.10324 Rungs and cleats.

Rule 324. (1) The clear length of rungs and cleats shall be not less than 16 inches.

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(2) The rungs of an individual rung ladder shall be so designed that an employee's foot cannot slide off the end. (See figure 1.)

(3) Metal rungs installed after November 15, 1971, shall have a diameter of not less than ¾ inch steel rod or material of equivalent strength, except as provided in subrule (1) of R 408.10341.

(4) Metal cleats shall be made of steel or material of equal strength and have a bearing surface of not less than ½ inch.

(5) Wood cleats and other wood components of a fixed ladder shall be as prescribed in the USAS standard, A14.1-1968, portable wood ladders, which is incorporated herein by reference. This standard is available for inspection at the Lansing office of the Michigan department of labor. The standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $4.00 each.

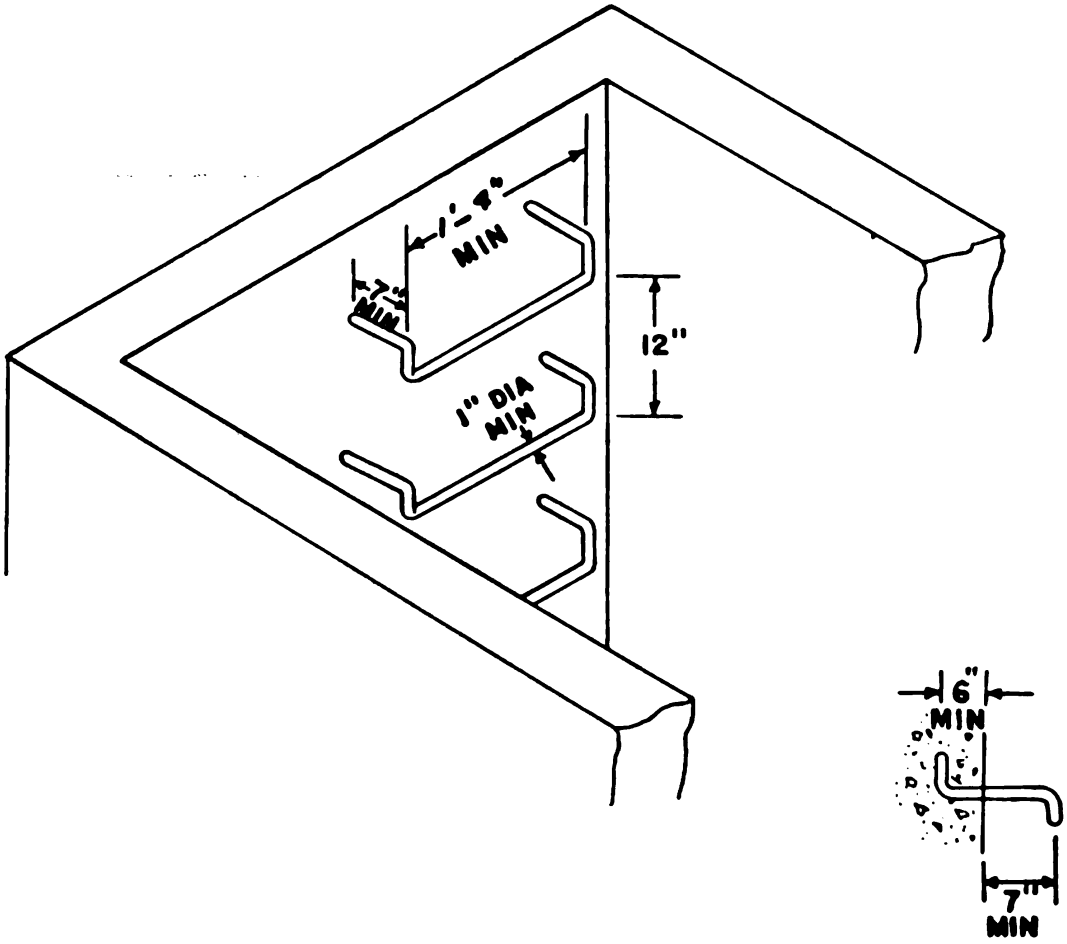


FIGURE 1
Suggested Design for Rungs on Individual Rung Ladder

History: 1954 ACS 69, p. 58, Eff. Nov. 15, 1971; 1954 ACS 79, p. 51, Eff. May 16, 1974.

R 408.10325 Side rails.

Rule 325. A side rail which might be used as a climbing aid shall be of such cross section as to afford a gripping surface without sharp edges, splinters, or burrs.

History: 1954 ACS 69, p. 59, Eff. Nov. 15, 1971.

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R 408.10326 Fastenings.

Rule 326. Fastenings shall be as strong as the rails and shall be of sufficient length to allow a minimum distance, as required by R 408.10335, between a permanent structure and the rungs of a ladder. Fastenings shall be attached to the permanent structure either by being built into it or by through bolts, rivets, or expansion bolts grouted, leaded, or the equivalent.

History: 1954 ACS 69, p. 59, Eff. Nov. 15, 1971.

R 408.10328 Splices.

Rule 328. A splice shall meet the design requirements specified in R 408.10321. A splice or connection shall have a smooth transition with the original members and shall not have sharp or extensive projections.

History: 1954 ACS 69, p. 59, Eff. Nov. 15, 1971.

R 408.10331 Protection from deterioration.

Rule 331. (1) Dissimilar metals shall be protected from electrolytic action when they are joined.

(2) A metal ladder and appurtenances installed in a corrosive environment shall be coated or otherwise treated to resist corrosion.

(3) A wood ladder subject to deterioration shall be treated with a transparent preservative. Paint shall not be used as a preservative. The design and construction shall prevent or minimize the accumulation of water on or between wood parts.

History: 1954 ACS 69, p. 59, Eff. Nov. 15, 1971.

R 408.10333 Maintenance.

Rule 333. (1) A fixed ladder shall be inspected regularly with the intervals being determined by the use and exposure to deteriorating elements.

(2) Rungs, cleats, side rails, and other appurtenances shall be maintained to withstand the minimum loads established by this part.

(3) A fixed ladder which does not meet the requirements of this part shall be repaired or removed from service.

History: 1954 ACS 69, p. 60, Eff. Nov. 15, 1971; 1954 ACS 79, p. 51, Eff. May 16, 1974.

R 408.10335 Clearance.

Rule 335. (1) The perpendicular distance from the center line of the rungs on the climbing side of a fixed ladder shall be not less than 36 inches for a pitch of 76 degrees, and not less than 30 inches for a pitch of 90 degrees to the nearest permanent object, except with respect to a cage or well installation. The minimum clearance for intermediate pitches between these 2 limits shall be in proportion to the slope. (See figure 2.)

(2) A clear width of not less than 15 inches shall be provided each way from the center line of the fixed ladder to the nearest permanent object, except with respect to a cage or well installation.

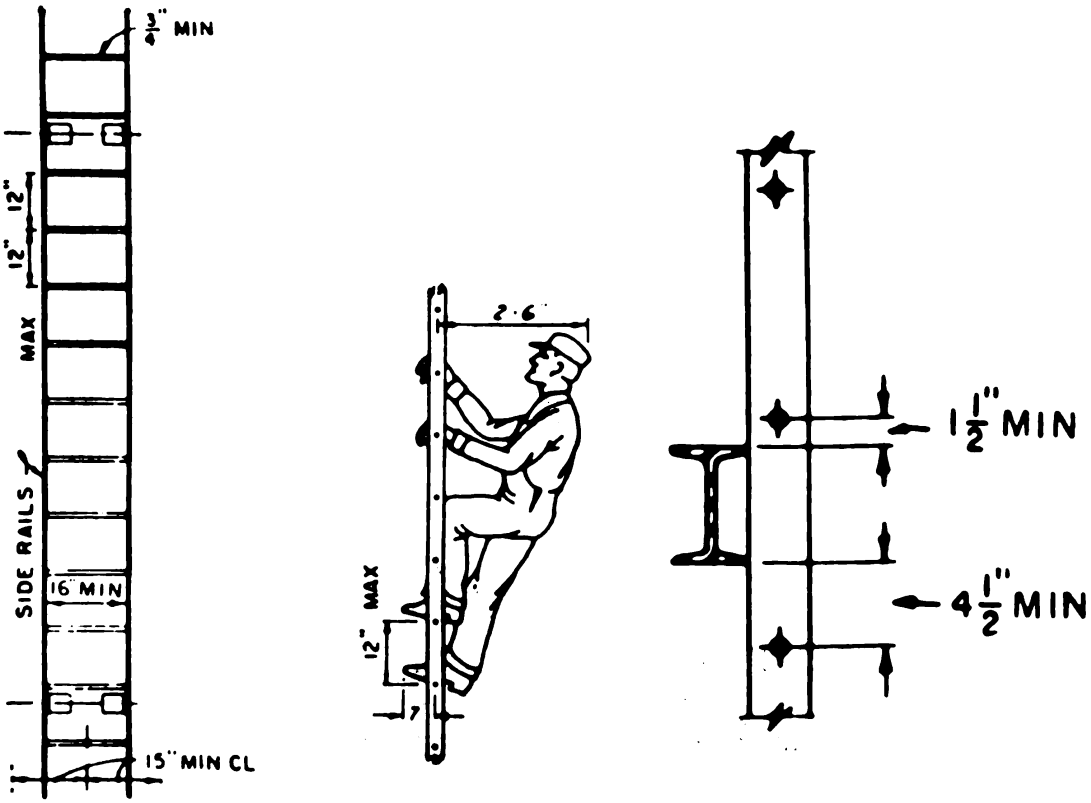
(3) The perpendicular distance from the center line of the rung on the back side of a fixed ladder to the nearest permanent object shall be not less than 7 inches, except that when an unavoidable object is encountered, the minimum clearances shown in figure 2 shall be followed.

(4) The distance from the center line of a grab bar to the nearest permanent object in back of the grab bar shall be not less than 4 inches. A grab bar shall not protrude on the climbing side.

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(5) The step across distance from the nearest edge of a fixed ladder to equipment or a structure shall be not less than 2½ inches nor more than 12 inches. (See figure 3.)

(6) Where used, a counterweighted hatch cover shall open not less than 60 degrees from the horizontal. The distance from the center line of the rungs or cleats to the edge of the hatch opening on the climbing side shall be not less than 24 inches for offset walls or 30 inches for straight walls. Protruding potential hazards shall not be permitted within 24 inches of the center line of the rungs or cleats. Such hazards within 30 inches of the center line of the rungs or cleats shall be fitted with deflector plates placed at an angle of 60 degrees to the horizontal. (See figure 4.) The relationship of a fixed ladder to a counterweighted hatch cover shall be as prescribed in figure 5.



RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

FIGURE 2

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

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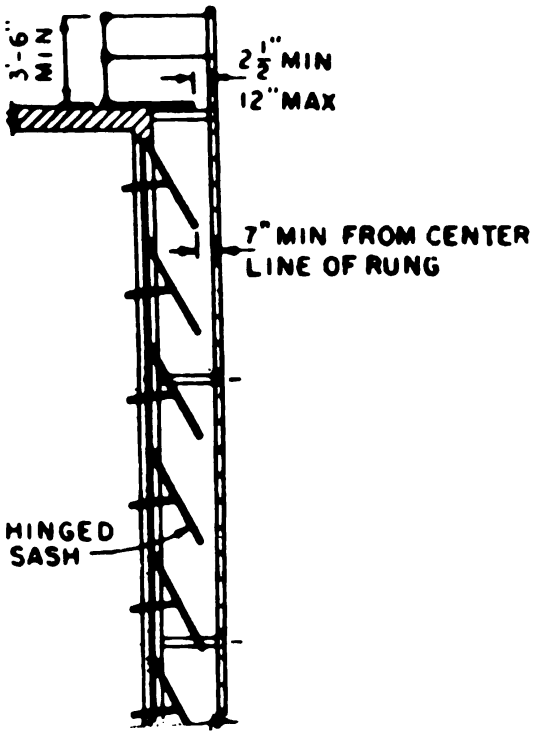


FIGURE 3

Ladder Far from Wall

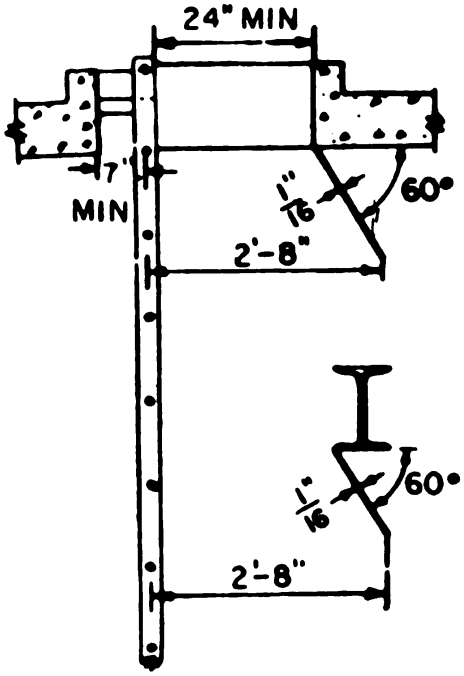


FIGURE 4

Deflector Plates for Head Hazards

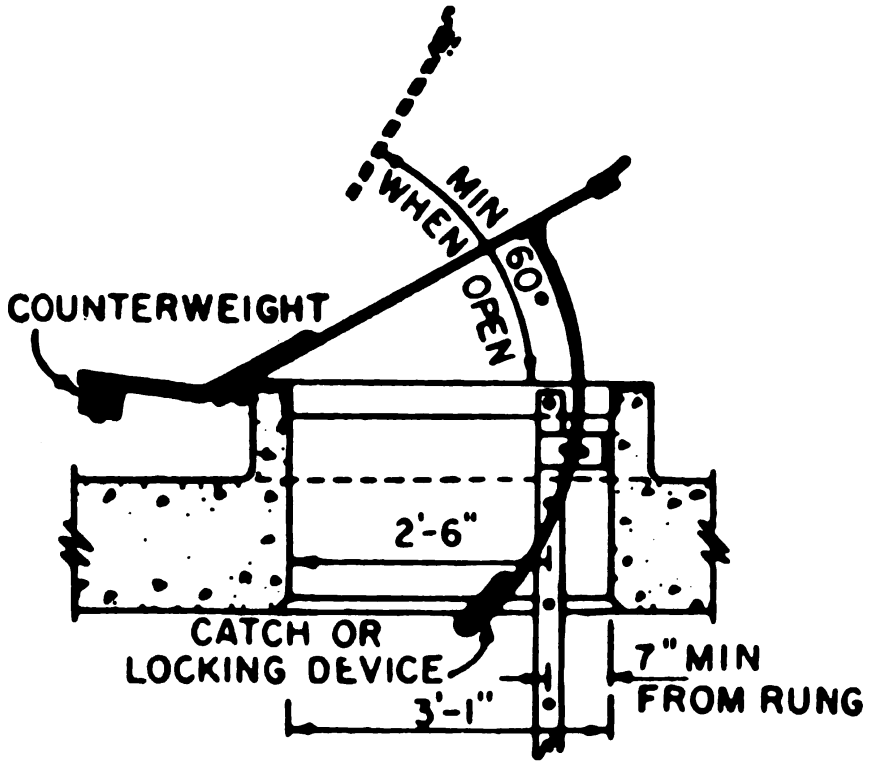


FIGURE 5

Relationship of Fixed Ladder to a Safe Access Hatch

History: 1954 ACS 69, p. 60, Eff. Nov. 15, 1971; 1954 ACS 79, p. 51, Eff. May 16, 1974.

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R 408.10341 Special rules for utility manhole fixed ladders.

Rule 341. (1) A utility manhole fixed ladder shall have:

(a) Rungs of not less than ¾ inch diameter steel rod or material capable of supporting 300 pounds with not less than 10-inch clear length. Rungs existing before the effective date of this part may be ⅝ inch diameter steel rod or material of equal strength capable of supporting 200 pounds.

(b) Rungs not less than 4 inches from the center of the rungs to the wall on the side opposite the climbing side. The rungs shall be embedded not less than 3 inches in the wall and aligned 1 above another.

(c) Rungs not less than 27 inches from the center of the rungs to the wall or projections on the climbing side.

(d) After November 15, 1971, rung configuration shall be so designed that an employee's foot cannot slide off the end. (See figure 1.)

(e) Spacing between rungs of not more than 16 inches on center and uniformly spaced throughout the entire length.

(2) A utility manhole with a conical shape shall not be provided with a fixed ladder. Access shall be by a portable ladder only.

History: 1954 ACS 69, p. 60, Eff. Nov. 15, 1971; 1954 ACS 79, p. 54, Eff. May 16, 1974.

R 408.10351 Safety devices.

Rule 351. (1) A cage, well, or ladder safety device shall be provided on a ladder of more than 20 feet to an unbroken length of not more than 30 feet.

(2) A ladder safety device shall be used on a fixed ladder over 30 feet in unbroken length, or the ladder shall be removed from service by removing that portion of the ladder which is within 20 feet of the ground or floor, sealing the upper level from access to the ladder, prohibiting use of the ladder, and attaching a prominent, lettered durable sign on the bottom of the remaining ladder stating, "DANGER—Do Not Use This Ladder." The lettering shall remain legible. The ladder may be retained in service for employee emergency descent only by equipping the ladder with a cage as prescribed in R 408.10352, and having a prominent, lettered durable sign on the bottom of the ladder stating, "For Emergency Use Only." The lettering shall remain legible.

(3) A ladder safety device, such as one that incorporates a life belt, friction brake, or sliding attachment, shall meet the design requirements of the ladder it serves.

History: 1954 ACS 69, p. 60, Eff. Nov. 15, 1971; 1954 ACS 99, p. 107, Eff. Apr. 18, 1979.

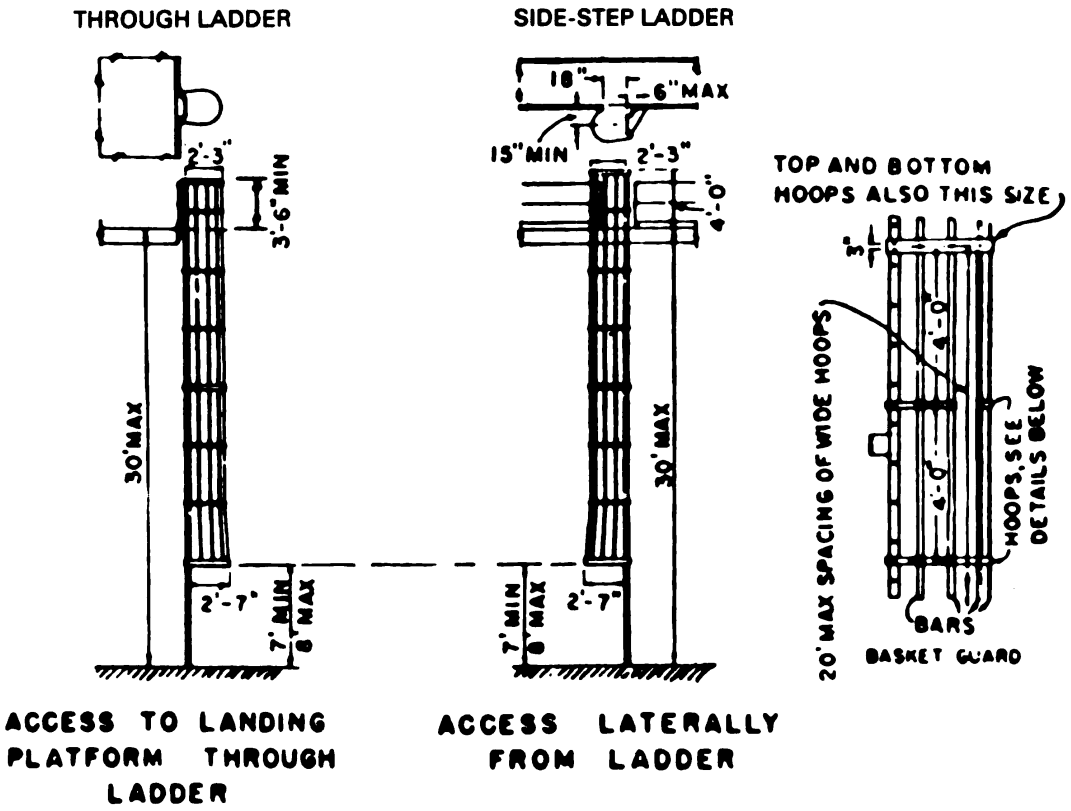
R 408.10352 Cages.

Rule 352. (1) A cage shall extend not less than 42 inches above the top of a landing, unless other approved protection is provided. (See figure 6.)

(2) A cage shall extend down a ladder to a point not less than 7 feet nor more than 8 feet above the ground, floor or platform. The bottom shall be flared not less than 4 inches or the part of the cage opposite the ladder shall be carried to the base.

(3) A cage shall extend not less than 27 nor more than 28 inches from the center line of the rungs of a ladder. A cage shall be not less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a spacing of not more than 40 degrees around the circumference of the cage, allowing a spacing of not more than approximately 9½ inches from center to center.

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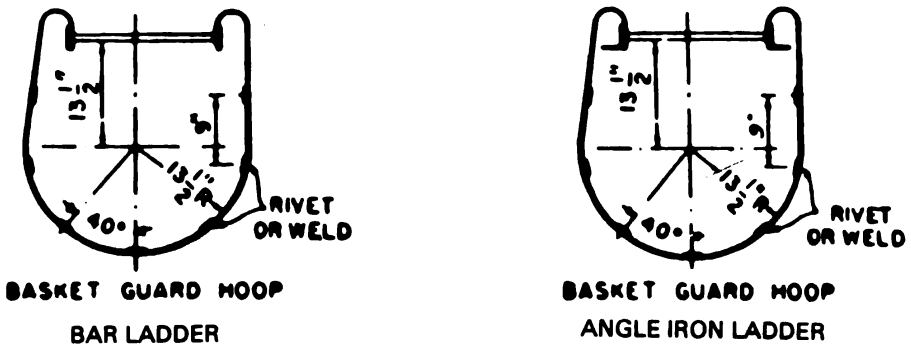
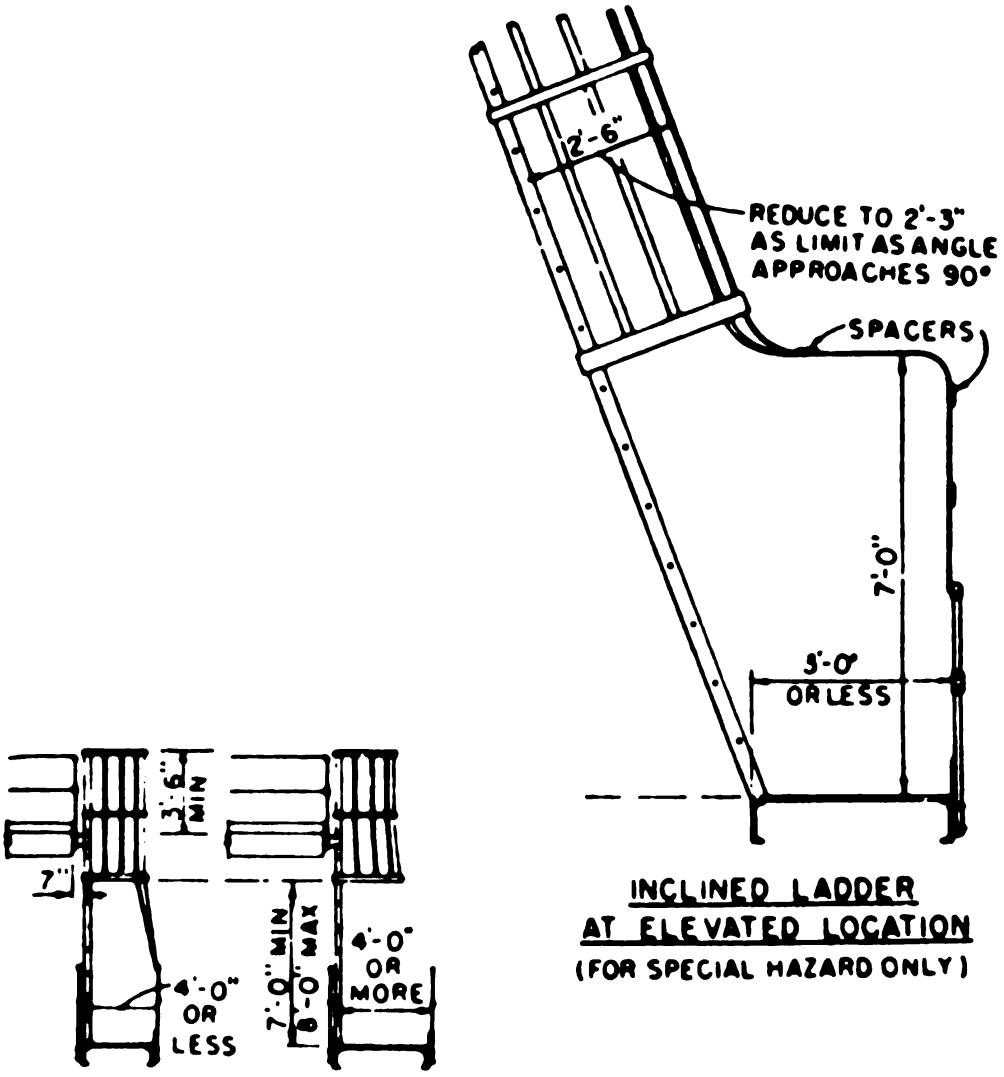


FIGURE 6

Cages for Ladders More Than 20 Feet High

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Cages—Special Applications

History: 1954 ACS 69, p. 61, Eff. Nov. 15, 1971; 1954 ACS 79, p. 54, Eff. May 16, 1974.

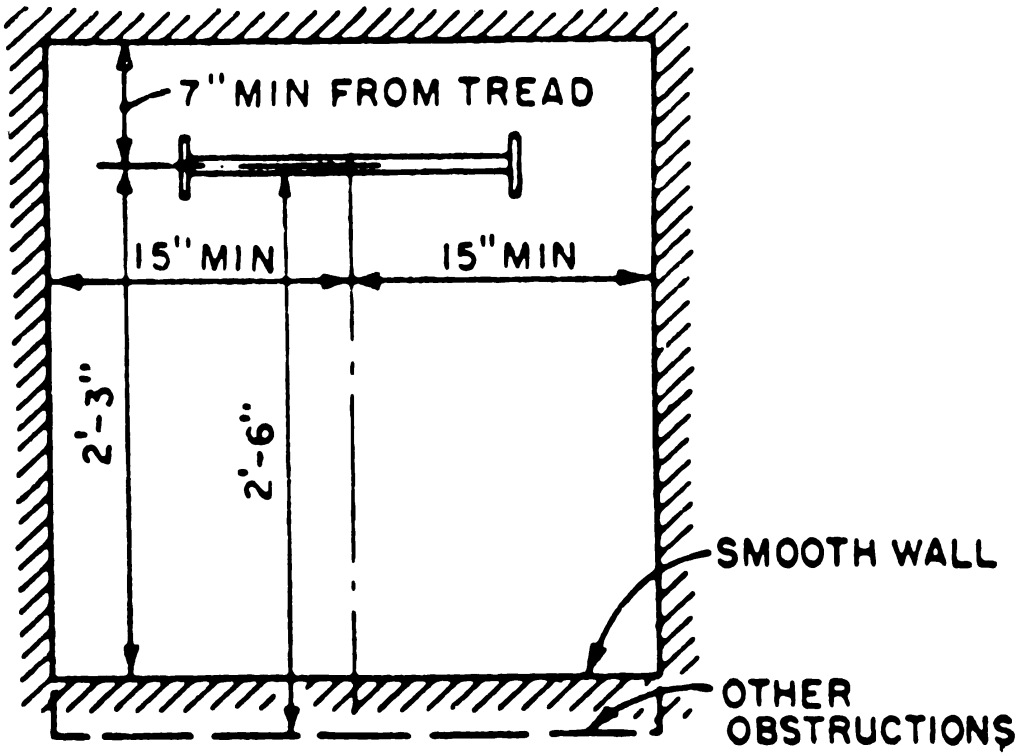
R 408.10353 Ladder wells.

Rule 353. A ladder well shall have a clear width of not less than 15 inches, measured each way from the center line of the ladder. On the climbing side of the ladder, not less than 30 inches of clearance shall be provided from the center line of the rungs to any obstruction, except not less than 27 inches from the center line of the rungs on the climbing side shall be provided for a smooth-walled well. (See figure 7.)

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FIGURE 7

Clearance Diagram for Fixed Ladder in Well



History: 1954 ACS 69, p. 61, Eff. Nov. 15, 1971; 1954 ACS 79, p. 56, Eff. May 16, 1974; 1954 ACS 88, p. 91, Eff. Aug. 18, 1976.

R 408.10355 Landing platforms.

Rule 355. (1) A ladder used to ascend to a height of more than 20 feet, except on a chimney, without a ladder safety device shall have a landing platform for each 30 feet of height thereof; provided, however, that where a cage or well is not employed, a landing platform shall be provided for every 20 feet of height or fraction thereof. The requirements for a landing platform pursuant to this subrule and subrule (3) may be substituted by conformance with R 408.10351(2).

(2) A ladder section shall be offset from adjacent sections with a landing platform provided at each offset, except where the climbing space opening in the platform is closed with a hinged part of the platform.

(3) Where an employee has to step a distance more than 12 inches from the center line of the rung of a ladder to the nearest edge of a structure or equipment, a landing platform shall be provided. The step-across distance shall be not less than 2¼ inches.

(4) The side step from a fixed ladder to a platform shall be not less than 7 inches and not more than 12 inches measured from the side rail to the platform edge.

(5) The side rail of an adjacent ladder shall be offset not less than 5 inches from the edge of a platform.

(6) A landing platform shall be equipped with standard railings as specified in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10201 to R 408.10241 of the Michigan Administrative Code, and arranged to give safe access to the ladder. A platform shall be not less than 24 inches in width and not less than 30 inches in length.

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(7) One rung of any section of a ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing that is used on the ladder shall be used from the landing platform to the first rung below the landing.

History: 1954 ACS 69, p. 61, Eff. Nov. 15, 1971; 1954 ACS 79, p. 57, Eff. May 16, 1974; 1954 ACS 99, p. 106, Eff. Apr. 18, 1979.

R 408.10357 Ladder extensions.

Rule 357. (1) The side rails of a through or side-step ladder extension shall extend 3½ feet above parapets and landings. On a through ladder extension, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3½ feet minimum. (See figure 8.)

(2) This rule does not apply to a fixed ladder at a hatch cover.

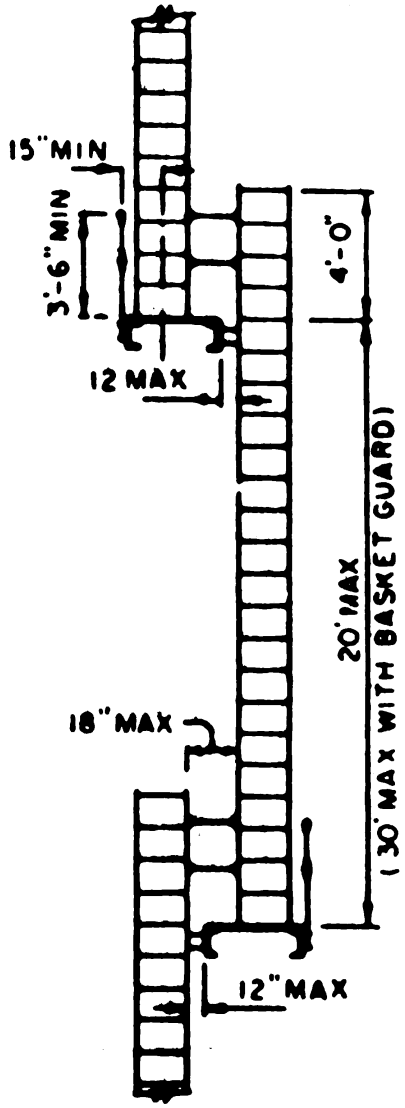


FIGURE 8

Offset Fixed Ladder Sections

History: 1954 ACS 69, p. 61, Eff. Nov. 15, 1971; 1954 ACS 79, p. 57, Eff. May 16, 1974.

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R 408.10361 Grab bars.

Rule 361. Grab bars shall be spaced by a continuation of the rung spacing when they are placed horizontally. Vertical grab bars shall have the same spacing as the ladder side rails. Grab bar diameters shall be the equivalent of the round rung diameters. This rule does not apply to a fixed ladder covered with a manhole cover to allow for traffic.

History: 1954 ACS 69, p. 61, Eff. Nov. 15, 1971.

R 408.10365 Pitch.

Rule 365. (1) The preferred pitch of a fixed ladder shall be between 75 degrees and 90 degrees with the horizontal. (See figure 9.) However, a ladder with a pitch of less than 75 degrees shall have steps and raised hand rails, as specified in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.

(2) A fixed ladder is substandard if it is installed within the substandard pitch range of 60 and 75 degrees with the horizontal. A substandard fixed ladder is permitted only where necessary to meet conditions of installation. (See figure 9.) This substandard pitch range shall be avoided, if possible.

(3) A ladder shall not have a pitch of more than 90 degrees with the horizontal.

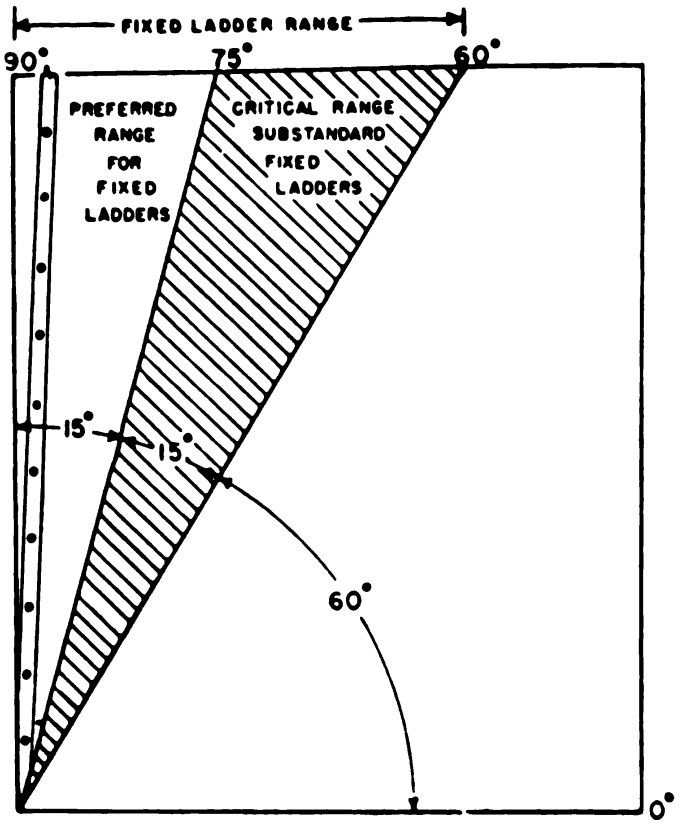


FIGURE 9

Pitch of Fixed Ladders

History: 1954 ACS 69, p. 62, Eff. Nov. 15, 1971; 1954 ACS 79, p. 58, Eff. May 16, 1974.

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PART 4. PORTABLE LADDERS

GENERAL PROVISIONS

R 408.10401 Scope.

Rule 401. This part establishes minimum requirements for the construction, care and use of portable ladders used in, around or about places of employment.

History: 1954 ACS 66, p. 18, Eff. Jan. 15, 1971.

R 408.10403 Definitions; A to D.

Rule 403. (1) "Act" means Act No. 282 of the Public Acts of 1967, being §§408.851 to 408.868 of the Michigan Compiled Laws.

(2) "Brand" means marking by burning with a hot iron.

(3) "Check" means a lengthwise separation of wood less than 6 inches in length and ½ inch deep, most of which occurs across the rings of annual growth.

(4) "Cleats" means a ladder's crosspieces of rectangular cross section placed on edge on which a person may step to ascend or descend.

(5) "Crack" means a separation of wood cells across the grain line.

(6) "Decay or rot" means the disintegration of wood substance due to action of wood destroying fungi.

History: 1954 ACS 66, p. 18, Eff. Jan. 15, 1971; 1954 ACS 73, p. 33, Eff. Nov. 10, 1972.

R 408.10404 Definitions; E.

Rule 404. (1) "Extension ladder" means a non-self-supporting portable ladder adjustable in length. It consists of 2 or more sections traveling in guides or brackets so arranged as to permit adjustment of the ladder's length. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(2) "Extension trestle ladder" means a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the rail of the trestle ladder base.

History: 1954 ACS 66, p. 18, Eff. Jan. 15, 1971; 1954 ACS 79, p. 59, Eff. Mar. 20, 1974.

R 408.10406 Definitions; L to R.

Rule 406. (1) "Ladder" means an appliance which usually consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats on which a person may step to ascend or descend.

(2) "Ladder stand" means a mobile, fixed size, self-supporting ladder consisting of flat treads in the form of stairs and may include handrails.

(3) "Pitch" means the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

(4) "Platform ladder" means a self-supporting type of step ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.

(5) "Portable ladder" means a ladder not permanently fixed in place and which may be used at various locations.

(6) "Rungs" means a ladder's crosspieces of circular or oval cross section on which a person may step to ascend or descend.

History: 1954 ACS 66, p. 19, Eff. Jan. 15, 1971; 1954 ACS 79, p. 59, Eff. Mar. 20, 1974.

R 408.10407 Definitions; S.

Rule 407. (1) "Safety feet" means a safety device placed on the foot of the side rails of straight, sectional or extension ladders to reduce the likelihood of the base

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slipping. Safety feet may be flat pads covered with a non-slip material, pointed metal projections or spur wheels.

(2) "Sectional ladder" means a non-self-supporting portable ladder, consisting of 2 or more sections so constructed that the sections, when combined by interlocking, will function as a single ladder. Its size is designated by the overall length of the assembled sections. It is not adjustable.

(3) "Single ladder" means a non-self-supporting portable ladder, non-adjustable in length, consisting of only 1 section. Its size is designated by the overall length of the side rail.

(4) "Special-purpose ladder" means a portable ladder which represents either a modification or a combination of design or construction features in 1 of the general-purpose types of ladders.

(5) "Split" means a lengthwise separation or lateral fault along the grain line; a tearing apart of the wood cells from 1 surface to the opposite or adjoining surface.

(6) "Step ladder" means a self-supporting portable ladder, non-adjustable in length, having flat steps and a hinged back. Its size is measured along the front edge of the side rails.

(7) "Steps" means the flat crosspieces of a ladder on which a person may step to ascend or descend.

History: 1954 ACS 66, p. 19, Eff. Jan. 15, 1971; 1954 ACS 79, p. 60, Eff. Mar. 20, 1974.

R 408.10408 Definitions; T to W.

Rule 408. (1) "Trestle ladder" means a self-supporting portable ladder, non-adjustable in length, consisting of 2 sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(2) "Worn" means the reduction of a dimension of a wood or nonwood part by more than 10% of its original size.

History: 1954 ACS 66, p. 19, Eff. Jan. 15, 1971.

R 408.10411 Rescinded.

History: 1954 ACS 66, p. 19, Eff. Jan. 15, 1971; rescinded 1954 ACS 88, p. 92, Eff. Aug. 18, 1976.

R 408.10413 Brand on wood ladder; mark or tag on nonwood ladder.

Rule 413. (1) A wood ladder purchased for use in, around, or about a place of employment shall bear a brand to show the manufacturer's name, or an appropriate abbreviation thereof, or private label, the last 2 numbers of the year manufactured, ladder grade, and certification of compliance with United States American standards, standard A14.1-1975, portable wood ladders, which is incorporated herein by reference. This standard is available for inspection at the Lansing office of the department of labor, and the standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $5.00 each. The required information may be stamped into a guide iron on an extension ladder or the metal support of a step ladder cap. Each section of an extension or trestle ladder shall bear the required information.

(2) A nonwood ladder purchased for use in, around, or about a place of employment shall bear a permanent mark or a permanently attached tag, giving the manufacturer's name or private label and the last 2 numbers of the year manufactured, ladder grade, and certification of compliance with American standard association standard, A14.2-1972, portable metal ladders, which is

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incorporated herein by reference. This standard is available for inspection at the Lansing office of the department of labor and may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $4.25 each.

(3) A portable rung ladder provided and used by a life support organization, such as a fire or police department, is not subject to R 408.10413(1) and (2), R 408.10427, R 408.10441(1), R 408.10445(4), (5), and (7), and R 408.10447(3), if the ladder specifications exceed the requirements of USAS-A14.1-1968 or ASAS-A14.2-1956.

(4) A ladder purchased prior to January 15, 1972, may be used without the marking required in subrules (1) and (2), but shall conform to ANSI A14.1-1975 or A14.2-1972.

History: 1954 ACS 66, p. 20, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972; 1954 ACS 88, p. 92, Eff. Aug. 18, 1976.

WOOD LADDERS

R 408.10421 Portable wood ladders; metal and wood parts.

Rule 421. (1) The strength of metal parts and fittings of a portable wood ladder shall not be less than the design requirements of the ladder to which they are affixed.

(2) Wood parts shall meet United States American standards, standard A14.1-1968 when repairs are made. This standard is available as noted in R 408.10413(1).

History: 1954 ACS 66, p. 20, Eff. Jan. 15, 1971.

R 408.10422 Portable wood step ladders.

Rule 422. A step ladder shall be only of a type as follows:

(a) Type I—which shall be an industrial step ladder, 3 to 20 feet in length and manufactured for heavy duty, such as used by utilities, contractors, and industries.

(b) Type II—commercial step ladder, 3 to 10 feet for medium duty, such as used by painters, offices, and light industries.

History: 1954 ACS 66, p. 20, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972; 1954 ACS 79, p. 60, Eff. Mar. 20, 1974.

R 408.10423, R 408.10424 Rescinded.

History: 1954 ACS 66, p. 20, Eff. Jan. 15, 1971; rescinded 1954 ACS 73, p. 33, Eff. Nov. 10, 1972.

R 408.10426 Portable rung ladders.

Rule 426. (1) A portable rung ladder shall be of a type as follows:

(a) Single ladder.

(b) Section extension ladder.

(c) Sectional ladder.

(d) Trestle or extension trestle ladder.

(2) A portable rung ladder, except a trestle or extension trestle ladder, shall be equipped with safety feet which decrease slipping.

(3) Hooks or grips which are attached near the top of a portable rung ladder for added security shall be securely fastened to the side rails, and shall be of such dimensions as to withstand the loads imposed upon them.

History: 1954 ACS 66, p. 21, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972.

R 408.10427 Portable rung ladder lengths.

Rule 427. A portable rung ladder which is of greater length than given in table 3 shall not be used.

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TABLE 3
Portable Rung Ladder Lengths

Type of Ladder	Maximum Length
Single ladder	22 feet
Two section extension ladder	40 feet
Three section extension ladder	60 feet
Assembled sectional ladder	21 feet
Trestle ladder or extension sections or base sections of an extension trestle ladder	18 feet

History: 1954 ACS 66, p. 21, Eff. Jan. 15, 1971.

R 408.10428 Portable rung extension ladders.

Rule 428. (1) A portable rung extension ladder shall consist of 1 section which shall fit within the side rails of another section and arranged in such a manner that the upper sections may be raised or lowered.

(2) The minimum overlap of adjacent sections of a 2 or 3 section portable rung extension ladder shall be as follows:

Size of ladder in feet for all sections	Overlap of each section in feet
Up to and including 32	3
Over 32 up to and including 48	4
Over 48 up to and including 60	5

(3) Locks and guide irons on portable rung extension ladders shall be of metal. Locks shall be positive in their action. At least 2 guides shall be used on each side rail where sections are lapped and so placed to prevent the upper section or sections from tipping or falling out while being raised, lowered or used.

(4) A portable rung extension ladder shall have positive means which insure the overlap as specified in subrule (2).

(5) A portable rung extension ladder may be equipped with a rope and pulley which shall be securely attached to the ladder in a manner which does not weaken the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter and the rope used with the pulley shall not be less than 5/16 inch in diameter, shall have a breaking strength of not less than 560 pounds and shall be of sufficient length for the purpose intended.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972.

R 408.10431 Special purpose ladders.

Rule 431. (1) A special-purpose ladder shall comply with the requirements of R 408.10422 to R 408.10428, except as modified by this rule.

(2) A platform step ladder shall be constructed in accordance with the requirements for a type I step ladder or a type II step ladder. A platform of a platform ladder shall be capable of supporting a load of 200 pounds placed at any point on the platform.

(3) A type II step ladder which is used for painting may have its top omitted.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972.

R 408.10432 Cleat ladders.

Rule 432. (1) A cleat ladder which is longer than 22 feet shall not be used.

(2) Wood in a cleat ladder shall be straight grained and knot free.

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(3) Wood side rails of a cleat ladder shall not be less than 2 x 4 inches nominal. Wood cleats of a cleat ladder may not be less than 1 x 4 inches nominal.

(4) The distance between the side rails of a cleat ladder shall be at least 14½ inches, but not more than 16½ inches.

(5) Wooden cleats shall be inset into the 2 side rails of a cleat ladder not less than ½ inch or attached directly to the edge of the side rails if filler blocks the thickness of the cleats are securely attached to the edge of the rail for the entire length between the cleats. The cleats shall be fastened to each rail by at least 3 size 10-d wire nails.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 79, p. 60, Eff. Mar. 20, 1974.

R 408.10433 Ladder stands.

Rule 433. (1) A ladder stand shall be capable of sustaining the specified load.

(2) The load, which shall be calculated on the basis of 1 or more 200-pound employees, together with 50 pounds of equipment each, shall be applied uniformly to a 3½ inch wide area, front to back, at the center of the width span, with a safety factor of 4.

(3) The maximum height at the working level shall be not more than 4 times the minimum base dimension. A ladder stand which does not meet this requirement shall be provided outrigger frames to achieve this least base dimension.

(4) The step width shall be not less than 16 inches and the steps shall have a slip resistant surface.

(5) Not less than 2 of the 4 casters of a ladder stand shall be the swivel type, and the caster shall be provided with positive wheel lock, swivel lock, or both, to prevent movement.

(6) Steps shall be uniformly spaced and sloped, with a rise of not less than 9 inches, nor more than 10 inches, and a depth of not less than 7 inches. The slope of the steps section shall be a minimum of 55 degrees and a maximum of 60 degrees, measured from the horizontal.

(7) Handrails shall be a minimum of 29 inches high. Measurements shall be taken vertically from the center of the step. Units having more than 5 steps, or 60 inches vertical height to the top step, shall be equipped with handrails.

History: 1954 ACS 79, p. 60, Eff. Mar. 20, 1974; 1954 ACS 88, p. 92, Eff. Aug. 18, 1976.

R 408.10441 Handling, storage, and transportation.

Rule 441. (1) A ladder shall be handled with reasonable care and not subjected to deliberate dropping or to misuse. A ladder shall not be used as a plank or skid.

(2) A ladder should be stored in such a manner as to provide ease of access and inspection. A ladder stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(3) A ladder shall not be stored within 6 feet of a radiator, stove, steampipe, or in a location which is subjected to excessive heat or dampness.

(4) A ladder which is carried on a vehicle:

(a) Should be adequately supported to prevent sagging.

(b) Should be securely fastened in a position to minimize chafing and the effects of road shocks.

(c) Shall be fastened to prevent it from catapulting forward in the event of a sudden stop.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 88, p. 93, Eff. Aug. 18, 1976.

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R 408.10442 Maintenance.

Rule 442. (1) A ladder shall not be painted with an opaque material. A ladder, particularly one used out-of-doors, should be coated with a suitable transparent protective material to retard splintering caused by weathering.

(2) The side rails and legs of a ladder shall be kept free from splinters. The joint between the side rail and step shall be kept tight and metal hardware and fittings secured.

(3) A ladder including its safety feet shall be kept free of oil, grease, mud, or any similar slippery substances.

(4) The locks, pulleys, spreader joints, or other movable metal parts of a ladder shall operate freely without undue play. Lubricants shall be applied as needed.

(5) A rope used on a ladder shall not have a long or loosely twisted lay, shall be free of burns and cuts, and shall not show evidence of weakness resulting from fraying, wear, mildew, or rot. Rope ends shall be fastened or whipped.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 79, p. 60, Eff. Mar. 20, 1974.

R 408.10443 Inspection; repair or replacement.

Rule 443. (1) A ladder shall be inspected before its use and after it has fallen or been involved in an accident to determine its condition. A ladder shall be repaired or replaced if it shows:

(a) Splits in its side rails through to opposite surfaces in excess of 3 inches at the rungs or 6 inches along the rails. Splits singly or in combination along the same grain line shall not exceed 6 inches in any 1 foot. Splits through to the opposite broad faces exceeding 6 inches but not more than 1½ feet in length in single or combined lengths may be closed with a ⅜ inch diameter wagon box-head rivet centrally located in the narrow face of the rail. Where the split runs through rung holes, the rivets shall be placed approximately 2 inches from the center of each rung so affected. This subdivision does not refer to checks in a ladder.

(b) Gouges, dents or other damage that may be dressed smooth if the rail is not reduced by more than 10% of the thickness or depth. Damage to corner edges, including splits, may be dressed to a smooth bevel, if the cross section is not reduced by more than 10% of its original area.

(c) Worn, crushed, cracked, split, splintered or missing rungs, steps, tops or platforms.

(d) Longitudinal play of ¾ inch in the rails due to looseness of rungs or steps.

(e) Broken or bent guide irons, spreaders or locks.

(2) A ladder with a defect, described in subrule (1), shall be tagged "Dangerous. Do Not Use" and it shall be removed from service for repair or destruction. Improvised repairs shall not be made.

History: 1954 ACS 66, p. 22, Eff. Jan. 15, 1971; 1954 ACS 73, p. 34, Eff. Nov. 10, 1972; 1954 ACS 79, p. 60, Eff. Mar. 20, 1974.

R 408.10445 Use of ladders.

Rule 445. (1) A ladder shall not be placed in front of a door which opens toward the ladder unless the door is blocked open, locked, guarded by a person, or protected by a barricade.

(2) A ladder shall not be placed on a box, barrel, or other unstable base.

(3) A climber shall face the ladder when ascending or descending.

(4) A ladder shall not be used as a brace, skid, guy, gin pole, gang way, or for any other use than that for which it is intended.

(5) A person on a single or sectional ladder shall not overreach or do any pushing or pulling that may cause the ladder to move or topple. If both shoulders are outside the side rail, the user is overreaching.

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(6) The user shall not stand astride a ladder and another object.

(7) A single or sectional ladder manufactured pursuant to these rules shall not be used by more than 1 person at a time.

History: 1954 ACS 66, p. 23, Eff. Jan. 15, 1971.

R 408.10446 Use of step ladders.

Rule 446. (1) A step ladder which is being used shall be opened fully and its spreaders locked.

(2) Each leg of a step ladder shall be in contact with solid footing. A board or plank may be used to secure footing on uneven ground.

(3) If a step ladder does not have a guard rail, the top step and cap shall not be used to work from or to climb on.

(4) A folded step ladder shall not be used as a straight ladder by leaning it against a wall or other support.

(5) When carrying objects up ladders, 1 hand should be kept free to maintain balance and security.

(6) The bracing on the back legs of a step ladder shall not be used for climbing.

History: 1954 ACS 66, p. 23, Eff. Jan. 15, 1971; 1954 ACS 73, p. 35, Eff. Nov. 10, 1972; 1954 ACS 79, p. 61, Eff. Mar. 20, 1974.

R 408.10447 Use of straight and extension ladders.

Rule 447. (1) A straight or extension ladder shall be so placed that the side rails have a secure footing. Where the surface is uneven, boards, planks, or leveling jacks may be used to create an even surface. A straight or extension ladder shall have safety feet. The ladder shall be so placed as to prevent slipping, or it shall be lashed or held in position.

(2) A portable, non-self-supporting ladder should be erected at a pitch of 75½ degrees for maximum balance and strength. This may be accomplished by placing the base out from the wall or other support ¼ of the working length of the ladder.

(3) Ladders shall not be tied or fastened together to provide longer sections other than with the hardware provided by the manufacturer.

(4) A person using a straight or extension ladder shall not stand on the top 2 rungs or within 3 feet from the top of the ladder.

(5) If the top of the ladder is secured to an object, the user may secure himself to the ladder by placing 1 leg over the second rung above the rung on which he is standing.

(6) When using a ladder to go from 1 landing to another, the ladder shall extend above the upper landing by at least 3 feet.

(7) The top rest for a straight or extension ladder shall be reasonably rigid, and shall have ample strength to support the applied load.

History: 1954 ACS 66, p. 23, Eff. Jan. 15, 1971; 1954 ACS 79, p. 61, Eff. Mar. 20, 1974; 1954 ACS 88, p. 93, Eff. Aug. 18, 1976.

NONWOOD LADDERS

R 408.10451 Construction.

Rule 451. (1) The design and construction of a portable nonwood ladder shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges or burrs.

(2) Rung or step connections to the side rail of a portable nonwood ladder should be so constructed as to insure rigidity and strength.

(3) Rungs or steps of portable nonwood ladders shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

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(4) Hardware shall meet the strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion. Metals shall be so selected as to avoid excessive galvanic action.

History: 1954 ACS 66, p. 24, Eff. Jan. 15, 1971.

R 408.10452 Specifications.

Rule 452. (1) A nonwood straight or extension ladder shall comply with R 408.10426 to R 408.10428, except a nonwood portable extension ladder with an interlocking rail section, such as a channel, shall have not less than a single guide iron on each rail.

(2) To be classified as a standard length ladder, the measured length shall be within plus or minus ⅛ inch of the specified length. A nonwood step ladder which exceeds 16 feet in length shall not be used. The bottom of each rail of a nonwood step ladder shall have non-slip material.

(3) A nonwood trestle ladder or extension sections or base section of a nonwood extension trestle ladder shall comply with R 408.10427.

(4) The length of a nonwood platform ladder shall not exceed 16 feet.

(5) A nonwood platform ladder shall comply with R 408.10422.

History: 1954 ACS 66, p. 23, Eff. Jan. 15, 1971; 1954 ACS 73, p. 35, Eff. Nov. 10, 1972.

R 408.10454 Nonwood ladder care and maintenance.

Rule 454. (1) A nonwood ladder shall be maintained pursuant to R 408.10441 and R 408.10442(3), (4), and (5).

(2) A nonwood ladder shall be inspected before being used and after it has fallen or been involved in an accident to determine its condition.

(3) A nonwood ladder shall be repaired or replaced if it shows cracked, bent, or twisted side rails or legs; rungs where opposite surfaces are bent or deformed; loose or broken rivets and bolts, or other fasteners; broken or bent spreaders, guides, or locks.

History: 1954 ACS 66, p. 24, Eff. Jan. 15, 1971.

R 408.10456 Use of nonwood ladders.

Rule 456. (1) A metal ladder, except a ladder provided and used by a life support organization such as a fire department, shall not be furnished or used near an exposed or open electrical source.

(2) A nonwood ladder shall be used pursuant to R 408.10445 to R 408.10447.

(3) When in use, a nonwood, non-self-supporting ladder shall be placed so that the 2 side rails are supported, unless equipped with a single attachment capable of supporting the imposed load.

History: 1954 ACS 66, p. 24, Eff. Jan. 15, 1971; 1954 ACS 79, p. 61, Eff. Mar. 20, 1974.

PART 5. SCAFFOLDING

GENERAL PROVISIONS

R 408.10501 Scope.

Rule 501. This part applies to scaffolds and the use of material and equipment in conjunction with scaffolding, including a mobile elevating platform and a powered platform in, around, or about places of employment, but excluding a self-propelled vehicle mounted elevating platform.

History: 1954 ACS 81, p. 48, Eff. Nov. 19, 1974.

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R 408.10502 Applicability.

Rule 502. (1) A powered platform using a power source other than electricity shall follow all the rules of the standard except for power source. Other methods of power for hoisting shall provide equivalent safety for the user.

(2) Those scaffolds not covered by this part shall furnish equivalent or greater safety for the employee as provided by these rules.

History: 1954 ACS 81, p. 48, Eff. Nov. 19, 1974.

R 408.10503 Definitions; B, C.

Rule 503. (1) "Bearer," sometimes called a "putlog," means a bearing cross member that supports the floor of a scaffold.

(2) "Boatswain's chair" means a seat supported by slings attached to a suspended rope.

(3) "Bricklayer's square scaffold" means a scaffold composed of framed wood squares which support a platform.

(4) "Carpenter's bracket scaffold" means a scaffold, triangular in shape, made of wood or metal brackets secured to a structure to hold a platform.

(5) "Coupler" means a device made of drop forged steel, malleable iron, structural grade aluminum or material of equivalent strength and used to lock or join component parts of a tubular scaffold.

(6) "Crawling board" means a plank with cleats spaced and secured at equal intervals for use on roofs, but not designed to hold or carry material.

History: 1954 ACS 81, p. 49, Eff. Nov. 19, 1974.

R 408.10504 Definitions; F to L.

Rule 504. (1) "Fall prevention device" means a mechanism attached to a lifeline which will stop uncontrolled descent if an employee falls from an elevated position.

(2) "Heavy duty scaffold" means a scaffold designed and constructed to carry a uniformly distributed load of 75 pounds per square foot.

(3) "Horse scaffold" means a scaffold in which the platform or floor is supported by saw horses.

(4) "Independent pole scaffold" means a scaffold having a platform supported by ledgers attached at both ends to solid uprights independent of other support.

(5) "Interior hung scaffold" means a scaffold suspended inside a building from the ceiling or roof structure.

(6) "Ladder jack scaffold" means a platform supported by metal brackets attached to the rungs or rails of a ladder.

(7) "Ledger" means a horizontal support extending from post to post at right angles to the bearer and supports the bearer.

(8) "Light duty scaffold" means a scaffold designed and constructed to carry a uniformly distributed load of 25 pounds per square foot.

History: 1954 ACS 81, p. 49, Eff. Nov. 19, 1974.

R 408.10505 Definitions; M to O.

Rule 505. (1) "Maximum intended load" means the total weight of the employees, materials, equipment, and scaffold.

(2) "Medium duty scaffold" means a scaffold designed and constructed to carry a uniformly distributed load of 50 pounds per square foot.

(3) "Mobile elevating platform" means a type of freestanding scaffolding which can be manually moved horizontally from 1 area to another and raised or lowered manually or with power to predetermined heights.

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(4) "Mobile scaffold" means a tube and coupler or welded frame type scaffold mounted on castors or wheels.

(5) "Needle beam scaffold" means a platform which rests on 2 beams which are supported at the end by ropes.

(6) "Nominal" means dressed sizes of lumber.

(7) "Outrigger scaffold" means a scaffold supported by beams extending from a building and fastened to the framework or floor inside a building.

History: 1954 ACS 81, p. 49, Eff. Nov. 19, 1974.

R 408.10506 Definitions; P to R.

Rule 506. (1) "Pick" means a scaffold platform which is manufactured, assembled and sold as a ready to use item.

(2) "Pinch point" means a point at which it is possible to be caught between the moving parts of a machine, or between moving and stationary parts of a machine.

(3) "Plank" means a piece of lumber, as prescribed in R 408.10512, which is sold by a lumber dealer and has no stringers or cross braces when purchased.

(4) "Powered hoisting machine" means a mechanical, electrical, hydraulic or pneumatically operated device used to raise or lower a swing or suspension scaffold or a mobile elevating platform.

(5) "Powered platform" means scaffolding equipment consisting of a permanently installed, power operated working platform and a roof car or other suspension means.

(6) "Roof bracket" means a bracket used on a slope roof to support a plank, having provisions for fastening to the roof or securing by ropes over the ridge to a fixed object.

(7) "Roof car" means a structure for the suspension of a working platform which provides for the platform's horizontal movement to work positions.

History: 1954 ACS 81, p. 49, Eff. Nov. 19, 1974.

R 408.10507 Definitions; S.

Rule 507. (1) "Safety factor" means a ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(2) "Scaffold" means an elevated work platform for supporting both men and materials which is temporary in nature.

(3) "Scaffold ladder" means a type of ladder attached to scaffolding for access to the platform.

(4) "Single pole scaffold" means a scaffold having a platform supported by ledgers attached to a row of solid uprights at 1 end and a wall or building at the other end.

(5) "Suspension scaffold" means a platform supported by bearers with each bearer supported at 2 or more points by wire rope from thrustouts so arranged and operated to permit raising and lowering of the platform.

(6) "Swing scaffold" means a platform supported by hangers at not more than 2 points and suspended from overhead supports to permit raising and lowering of the platform.

History: 1954 ACS 81, p. 50, Eff. Nov. 19, 1974.

R 408.10508 Definitions; T to W.

Rule 508. (1) "Thrustout," sometimes called an "outrigger," means a beam extending out from a building to support a scaffolding platform.

(2) "Tube and coupler type scaffold" means an assembly of tubing serving as posts, bearers, ledgers, braces, and special couplers which serve to connect the various parts.

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(3) "Welded frame type scaffold" means a sectional or frame scaffold built up of prefabricated welded sections consisting of posts and intermediate members connected by braces.

(4) "Window jack scaffold" means a platform extending through a window opening secured to the structure and supported by braces.

(5) "Wire rope scaffold" means a scaffold consisting of 2 lengths of wire rope strung between building structural members upon which a plank with standard barrier is supported for special usage in servicing unlimited areas where use of conventional scaffold is not practical.

(6) "Working load" means total weight of employees, materials, and equipment.

(7) "Working platform" means a suspended structure used for vertical travel and either may be powered from a roof car or have its own raising and lowering powered mechanism.

History: 1954 ACS 81, p. 50, Eff. Nov. 19, 1974.

R 408.10511 General requirements.

Rule 511. (1) Except where a ladder as prescribed in Part 4. Portable Ladders, being R 408.10401 to R 408.10456 of the Michigan Administrative Code, or a self-propelled vehicle mounted elevating platform is furnished, an employee engaged in work that cannot be done safely from the ground or from solid construction shall be provided a scaffold from which to work or shall wear a safety harness and lifeline.

(2) A scaffold, part, or material used in scaffolding shall not be furnished or used if it has a defect which would create a hazard to an employee. A scaffold damaged or weakened from any cause shall be repaired before use.

(3) A scaffold shall not be loaded to more than the designed working load.

(4) Materials being hoisted to a scaffold shall have a tag line when necessary to control the load.

(5) Tools, materials, and debris shall not be permitted to accumulate in a quantity to cause a hazard.

(6) Precautions shall be taken to protect scaffold members, including suspension ropes, when using a heat producing process.

(7) A lifeline and safety belt of approved design shall be worn where an employee is required to crawl out on a thrustout or projecting beam.

(8) An employee shall not be permitted to work on a scaffold outdoors during a storm or high wind, or on a scaffold covered with ice or snow, except when performing emergency service. When performing emergency service, safeguards such as, but not limited to, lanyards and safety belts shall be provided by the employer and used by the employee.

(9) Scaffolding endangered by a truck or other moving equipment shall be protected by a warning device or barrier, or both.

(10) A scaffold shall not be altered or moved horizontally while it is in use or is being occupied, unless the scaffold is specifically designed for occupied horizontal travel.

(11) Fiber rope used for or near any work involving the use of corrosive substances or chemicals shall be treated or protected against deterioration.

History: 1954 ACS 81, p. 50, Eff. Nov. 19, 1974; 1954 ACS 89, p. 24, Eff. Nov. 13, 1976.

R 408.10512 Planking.

Rule 512. (1) Planking shall be scaffold grade and capable of supporting the intended load. The maximum span for a 2 by 10 inch or wider plank shall be as prescribed in table 1.

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(2) Planking shall:

(a) Extend over the end bearer not less than 6 inches but not more than 12 inches.

(b) Be cleated or otherwise fastened to prevent shifting and be uniform in thickness, except where lapped as prescribed in subrule (3).

(c) Consist of not less than two 2 by 10 inch wide boards.

(3) Where planks are lapped, each plank shall lap its bearer at least 6 inches which will provide a minimum overlap of 12 inches.

(4) Where the ends abut each other, the butt joint shall be at the center line of a pole and rest on separate bearers.

(5) A manufactured plank, or pick, shall be used as prescribed in the manufacturer's instructions.

(6) Planks shall be laid with their edges close together so as to prevent material and tools from falling.

(7) Where a scaffold turns a corner, the planks shall be laid to prevent tipping. The planks that meet the corner bearer at an angle shall be laid first, extending over the diagonally placed bearer far enough to have a good bearing, but not far enough to tip. The planks running in the different direction shall be laid so as to extend over and rest on the first layer of planks.

TABLE 1

Planking Span Table	Material				
	Full thickness undressed lumber			Nominal thickness lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	7	8	7

History: 1954 ACS 81, p. 51, Eff. Nov. 19, 1974; 1954 ACS 89, p. 25, Eff. Nov. 13, 1976.

R 408.10513 Construction.

Rule 513. (1) A scaffold and its components shall have a designed safety factor of not less than 4 with the load figure including the total weight of materials, men, and scaffold. Load carrying timber members for scaffold framing shall be not less than 1,500 f. (stress grade) construction grade lumber.

(2) A scaffold, except a ladder scaffold, boatswain's chair, or needle beam scaffold, 10 feet or more above floor or ground level shall have a standard barrier and toeboard pursuant to rules 231 and 233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10231 and R 408.10233 of the Michigan Administrative Code. A life line and safety belt of approved design shall be used where a railing is required but not practical.

(3) A scaffold over a walk, aisle, or work area shall have the sides screened from toeboard to the top rail where an employee is required to work or pass under scaffold.

(4) When work is being performed above a scaffold, overhead protection consisting of 2 inch planks laid tight, or equivalent material shall be installed not more than 9 feet above the scaffold floor.

(5) Where access is not available directly from a structure, a wood scaffolding shall have a stair to the platform or a portable ladder pursuant to the occupational safety standards commission standard, Part 4. Portable Ladders, being R 408.10401 to R 408.10456 of the Michigan Administrative Code, or a fixed ladder pursuant to the occupational safety standards commission standard, Part 3. Fixed

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Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code, except that a cage is not mandatory for the fixed ladder. Use of a stair or fixed ladder shall not have a tendency to tip the scaffold.

(6) Manufactured scaffolding shall be equipped with a stair or a fixed ladder, or mounted by a portable ladder, except that a cage is not mandatory for a fixed ladder. On manufactured scaffolding purchased 1 year after the effective date of this part and equipped with a built-in fixed ladder or an attached scaffold ladder, the ladder shall be constructed of rungs not less than 12 inches long, uniformly spaced not less than 12 inches nor more than 16¼ inches from the center of 1 rung to another and the rung and component parts shall support a minimum of 300 pounds.

(7) Footing for a scaffold shall be sound, rigid, and capable of supporting the maximum intended load without settling or displacement. Objects such as barrels, boxes, loose brick, or concrete blocks shall not be used.

(8) Poles, legs, or uprights of a scaffold shall be plumb and secured or braced to prevent swaying or displacement.

(9) Load carrying timber members of a scaffold shall be a minimum of 1,500 f. (stress grade) construction grade lumber.

(10) Construction and attachment of a scaffold shall be such that there is no direct pull on the fasteners.

History: 1954 ACS 81, p. 51, Eff. Nov. 19, 1974; 1954 ACS 89, p. 25, Eff. Nov. 13, 1976.

BUILT-UP SCAFFOLDS

R 408.10521 General rules for wood pole scaffolds.

Rule 521. (1) When a wood pole is spliced, the ends shall be square and flat. Not less than 2 wood splice plates shall be secured to adjacent sides and shall be not less than 4 feet in length by 1 inch thick by the same width as the pole and have equal overlap to the joint. More than 1 consecutive splice per general level shall not be made (See figure 1).

(2) A pole scaffold shall be guyed or tied to the building or structure. Where the height or length is more than 25 feet, the scaffold shall be secured at intervals not more than 25 feet vertically and horizontally.

(3) Ledgers shall overlap the poles at each end by not less than 4 inches, be level and nailed to the inside of the poles. A ledger shall not be nailed less than 1 inch to the top edge.

(4) Two ledgers meeting at a pole shall be nailed to each other and 2 ledgers meeting at a corner shall have 1 cut flush to the pole and the other nailed on the outside and overlap.

(5) A ledger shall not be spliced between poles. A spliced ledger shall be reinforced by a bearing block secured to the side of the pole to form a support for the ledger.

(6) A bearer shall be set with its greater dimension vertical and shall project 3 inches beyond the ledger and the inner and outer pole.

(7) Successive lengths of planking shall not abut on a single bearer and, where planks abut, 2 bearers shall be placed not more than 8 inches apart.

(8) When moving a work platform to a new level, the old platform shall remain in place until the new bearers are in place to receive the platform.

(9) A wood pole scaffold less than 60 feet in height shall use materials prescribed in tables 2 to 7. A scaffold more than 60 feet in height shall be designed by an engineer knowledgeable in scaffolds and erected as prescribed in the blueprints. A copy of the blueprint shall be on the job site. A wood pole scaffold shall not be erected beyond the reach of local fire fighting apparatus.

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(10) Diagonal bracing shall be provided to prevent the poles moving in a direction parallel with the wall or from buckling. Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. Brace splices shall be at the poles.

(11) The free ends of a pole scaffold shall be cross braced.

(12) A wood pole scaffold shall not be erected beyond the reach of fire fighting equipment.

FIGURE 1

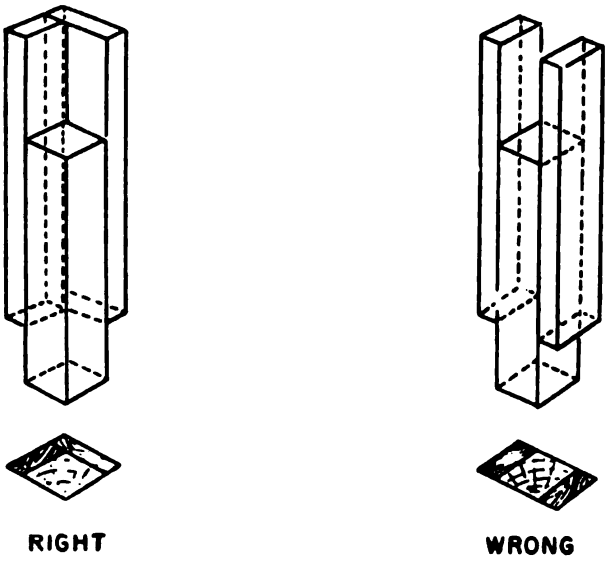


TABLE 2

Minimum Nominal Size and Maximum Spacing of Members of Single Pole Scaffolds
Light Duty

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers of putlogs to 3 ft. 0 in. width	2 by 4 in.	2 by 4 in.
Bearers of putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in.	2 by 6 in. or 3 by 4 in. (rough)
Ledgers	1 by 4 in.	1¼ by 9 in. (rough)
Planking	2 by 10 in. (rough)	2 by 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum)
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

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TABLE 3

Minimum Nominal Size and Maximum Spacing
of Members of Single Pole Scaffolds
Medium Duty

Uniformly distributed load	Not to exceed 50 pounds per square foot
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 by 10 in. or 3 by 4 in.
Spacing of bearers or putlogs	8 ft. 0 in.
Ledgers	2 by 10 in.
Vertical spacing of horizontal members	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE 4

Minimum Nominal Size and Maximum Spacing
of Members of Single Pole Scaffolds
Heavy Duty

Uniformly distributed load	Not to exceed 75 pounds per square foot
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 by 10 in. or 3 by 5 in. (rough)
Spacing of bearers or putlogs	6 ft. 0 in.
Ledgers	2 by 10 in.
Vertical spacing of horizontal members	6 ft. 6 in.
Bracing, horizontal and diagonal	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 10 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

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TABLE 5

Minimum Nominal Size and Maximum Spacing of Members of Independent Pole Scaffolds
Light Duty

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1¼ by 4 in.	1¼ by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in.	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in.	2 by 9 in. (rough) or 3 by 8 in.
Planking	1¼ by 9 in. (rough)	2 by 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum)
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE 6

Minimum Nominal Size and Maximum Spacing of Members of Independent Pole Scaffolds
Medium Duty

Uniformly distributed load	Not to exceed 50 pounds per square foot
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 by 10 in.
Vertical spacing of horizontal members	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 10 in. (rough) or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 10 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

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TABLE 7
Minimum Nominal Size and Maximum Spacing of Members
of Independent Pole Scaffolds
Heavy Duty

Uniformly distributed load	Not to exceed 75 pounds per square foot
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 by 10 in.
Vertical spacing of horizontal members	4 ft. 6 in.
Bearers	2 by 10 in. (rough)
Bracing, horizontal and diagonal	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 10 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

History: 1954 ACS 81, p. 52, Eff. Nov. 19, 1974; 1954 ACS 89, p. 28, Eff. Nov. 13, 1976.

R 408.10522 Independent pole scaffold; specific.

Rule 522. (1) An independent pole scaffold shall be set as close to the wall of the building as possible.

(2) Cross bracing shall be provided between the inner and outer set of poles of an independent pole scaffold.

History: 1954 ACS 81, p. 55, Eff. Nov. 19, 1974.

R 408.10523 Single pole scaffold; specific.

Rule 523. Single pole scaffolding shall:

(a) Have the inner end of the bearer rest in the wall of the building with at least a 4 inch bearing. Notching is prohibited.

(b) Have the inner end of the bearer, when used on frame buildings, rest on a block 12 inches long and not less than 2 by 6 inches nominal size. The block shall be notched the width of the bearer and not less than 2 inches deep. The bearer shall be nailed to both the block and the building.

(c) Have the inner end of the bearer, when it comes at a window opening, supported by a plank of equal strength resting on the window sill and fastened to the building. The bearer shall be braced against displacement.

(d) Have a bearer reinforced with a $\frac{3}{16}$ by 2 inch steel strip or its equivalent secured to its lower edge along its entire length.

History: 1954 ACS 81, p. 55, Eff. Nov. 19, 1974.

R 408.10524 Suspension scaffolding.

Rule 524. (1) A suspension scaffold, including the supporting thrustout, shall be capable of sustaining a working load of 50 pounds per square foot with a designed safety factor of not less than 4.

(2) Wire ropes, used on suspension scaffolding, shall have a designed safety factor of not less than 6. Wire ropes fastened around a rod shall be equipped with a thimble.

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(3) When U-bolt clamps are installed, a minimum of 3 shall be used at each fastening with the U-bolts installed on the dead end (See table 8). The clamps shall be retightened after loading.

(4) A thrustout for a suspension scaffold shall be not less than a 7 inch—15.3 pound steel "I" beam, being not less than 15 feet long and project not more than 6½ feet beyond the bearing point. It shall be set with the web vertical and spaced no more than 7 feet apart and project 1 foot beyond the outer edge of the suspension platform.

(5) The thrustout inner end shall be fastened to the frame of the building with bolts, anchor plates, lockwashers, and jam nuts and it shall be anchored against horizontal displacement, or a thrustout may be counterbalanced if the counterweight is fastened to the thrustout. Sandbags or other loose material shall not be used. Where a counterweight is used, it shall be 3 times the supported weight and located on the inner end of the thrustout with the center of the counterweight mass not less than equi-distance to the center of the weight of the load as measured from the fulcrum.

(6) A thrustout outer end shall be equipped with a stop-bolt to prevent the shackle slipping over the edge. A thrustout rigged over a parapet wall shall be supported by a wood block a minimum of 4 by 4 by 18 inches long nominal size at that point.

(7) A suspension platform shall be secured to prevent swinging away from the building. Rollers or fenders shall be provided to prevent striking the building and to facilitate raising and lowering.

(8) A bearer for a suspension scaffold shall be made of 4 by 6 inch timber set on edge or structural steel of equivalent strength. A bearer shall have sufficient length to hold the planks between the frame where a hoisting machine is used. Plank edges shall abut.

(9) A powered hoisting machine, where used, shall conform to R 408.10548. The running ends of the suspension wire rope shall be securely attached to the hoisting drum, and at least 4 turns of rope shall remain on the drum at all times.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional mechanical or civil engineer, and such installation or relocation shall be supervised by a competent designated person.

TABLE 8

Applying Wire Rope Clips

Distance between clips should be equal to 6 rope diameters



Correct Method
U-bolts of clips on short end of rope

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Wire Rope or Cable
Number and Spacing of Clips for Ropes of Various Sizes

Diameter of rope (in.)	Number of clips	Center-to-center space between clips (in.)	Length of rope turned back exclusive of eye (in.)	Length of wrench (in.)
1/8	3	3	9	12
3/16	3	3 3/4	12	12
1/4	4	4 1/2	18	18
5/16	4	5 1/4	21	18
1	4	6	24	24
1 1/8	5	6 3/4	34	24
1 1/4	5	7 1/2	38	24
1 3/8	6	8 1/4	50	24
1 1/2	6	9	54	24
1 5/8	6	9 3/4	60	30
1 3/4	7	10 1/2	74	30
1 7/8	8	11 1/4	90	30
2	8	12	96	30
2 1/8	8	13	104	30
2 1/4	8	14	112	30

History: 1954 ACS 81, p. 55, Eff. Nov. 19, 1974; 1954 ACS 89, p. 30, Eff. Nov. 13, 1976.

R 408.10525 Swinging scaffolds.

Rule 525. (1) A platform for a swing scaffold shall have a bar, strip, or other device attached to the platform outside the hanger to prevent the platform slipping off the hanger. A platform shall be not less than 20 inches nor more than 36 inches wide.

(2) Where rope and blocks are used to support a swing scaffold, the scaffold shall have:

(a) Hangers made of 3/4-inch round steel, or its equivalent, designed to have a flat bottom to hold a platform, and with arms to hold a standard barrier pursuant to R 408.10513(2) and a loop to hold the hook on a block.

(b) Supporting ropes of 3/4-inch first quality manila, or its equivalent, and used with not less than one 6-inch single and one 6-inch double block. Where acid cleaning or sandblasting is done, not less than 5/16-inch wire rope shall be used.

(c) All blocks fit the size of rope they carry.

(d) Ropes made fast to the point of the hook on the hanger eye by a special hitch which cannot slip.

(3) The platform, rope, slings, and other supporting parts shall be inspected before each installation. Periodic inspections shall be made while the scaffold is in use.

(4) A hook with an eye or ring, used to support the swing scaffold on the building, shall be wrought iron or steel of a cross section not less than 5/8 by 2 inches, or equivalent, with the 5/8-inch measurement on the edge. Eaves or cornices shall be inspected for cracks, loose blocks, or other deterioration before setting the hooks. A hook shall have a safety line of 3/4-inch manila rope, or its equivalent, secured from an eye or ring to a structurally sound portion of the building to prevent slipping of the hook.

(5) Two or more scaffolds shall not be combined by bridging with planks or similar connecting links, unless the scaffolds are equipped with hoisting machines and the planking has the capability to pivot and remain secured to the unit.

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(6) Occupancy on a swing scaffold shall be limited as follows:

(a) Maximum designed working load of 500 pounds, 2 employees.

(b) Maximum designed working load of 750 pounds, 3 employees.

(7) An employee using a swing scaffold shall wear a safety belt tied to a lifeline by a lanyard not more than 48 inches long connected by an approved fall prevention device on the lifeline. The belt, lifeline, and lanyard shall be as prescribed in rule 3133 of the occupational safety standards commission standard, Part 31. Personal Protective Equipment, being R 408.13133 of the Michigan Administrative Code. The lifeline shall extend to the ground.

(8) In lieu of providing a lifeline, an employee may attach his safety belt and lanyard to the scaffold, if a separate fall prevention device is installed at each support point, using safety lines equivalent to the support ropes, and if the device is connected to the scaffold with a line which will allow a drop of not more than 12 inches.

(9) Swing scaffolds shall be equipped with rollers or fenders as prescribed in R 408.10524(7).

(10) When not in use, a swing scaffold shall be secured to the building or ground, and all tools and materials shall be removed.

(11) When a hoisting machine is used with a swing scaffold, it shall be as prescribed in R 408.10548 and R 408.10549.

History: 1954 ACS 81, p. 57, Eff. Nov. 19, 1974; 1954 ACS 89, p. 31, Eff. Nov. 13, 1976.

R 408.10526 Outrigger's scaffolds.

Rule 526. (1) A thrustout for an outrigger scaffold shall be of timber 3 by 10 inches nominal, set on edge, or of structural steel of equal strength set with the web vertical. A thrustout shall extend outside the building not more than 6 feet, shall be spaced no more than on 6-foot centers, and shall be fastened to prevent twisting or other movement. A thrustout shall be braced diagonally from the outside end to the building. The brace shall be not less than 25% longer than the extended length of the thrustout. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than 1½ times the outboard end in length.

(2) A suspended platform shall be formed by use of 2 by 6 inch nominal vertical hangers and 2 by 6 inch nominal bearers. A vertical hanger shall be braced to prevent side sway and be not more than 10 feet long. Additional support blocks shall be nailed to the vertical hangers above the thrustouts and below the bearers. The inboard ends of outrigger beams shall be securely supported, either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joist underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping, and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Planking for the platform shall abut edges tightly from end of thrustout to building or from vertical hanger to vertical hanger, and shall be as prescribed in R 408.10512.

(4) A standard barrier and toeboard shall be installed as prescribed in R 408.10231 and R 408.10233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights.

(5) A horse scaffold shall not be used with an outrigger's scaffold.

(6) Outrigger scaffolds designed by a registered professional mechanical or civil engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications, showing the sizes and spacing of

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members, shall be kept on the job. Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional mechanical or civil engineer.

History: 1954 ACS 81, p. 58, Eff. Nov. 19, 1974; 1954 ACS 89, p. 32, Eff. Nov. 13, 1976.

R 408.10527 Horse scaffolds.

Rule 527. (1) A horse scaffold shall be built pursuant to table 9 of straight-grained lumber and braced to resist side thrusts.

(2) A horse higher or longer than 4 feet shall have the cross section of each member increased to the next nominal size in width.

(3) Nailing of extension pieces to the legs is prohibited.

(4) Legs shall be set on concrete or other hard surface, or base plates as prescribed in R 408.10513(7).

(5) Horses shall be spaced not more than 6 feet apart on bearer centers.

(6) When tiering, a horse scaffold shall be placed above the one below and the legs held in place by cleats nailed to the planking. A horse scaffold shall not be tiered more than 2 high or 10 feet high.

TABLE 9

Nominal Size Material for a 4 Foot Long x 4 Foot High Horse

Bearers	2 x 6 inches
Legs	2 x 4 inches
Brace between legs	1 x 6 inches
Gusset brace at top of legs	1 x 8 inches
Half diagonal brace	1 x 6 inches

History: 1954 ACS 81, p. 58, Eff. Nov. 19, 1974.

R 408.10528 Ladder jack scaffolds.

Rule 528. (1) A ladder jack scaffold shall be used on a type 1, sometimes called heavy duty, manufactured ladder only, and at heights not more than 20 feet from the ground or floor level.

(2) The span of a wood plank shall be not more than 8 feet between ladder jacks, and the planking shall be as prescribed in R 408.10512.

(3) The span of a pick shall not exceed 24 feet.

(4) A ladder jack scaffold shall be limited to 2 employees at any 1 time, except if 3 ladders support the plank 3 employees may occupy the plank. Not more than 2 employees shall occupy any given 8 feet of plank at any 1 time.

(5) A ladder used with a ladder jack shall be equipped with nonslip feet pursuant to R 408.10426 of the occupational safety standards commission standard, Part 4. Portable Ladders.

(6) A ladder jack shall be made of metal with a designed strength to sustain the load as prescribed in R 408.10513(1). A ladder jack shall be designed to bear on the side rails in addition to the rungs, or if bearing on the rungs only, the bearing surface shall be not less than 10 lineal inches on each rung.

History: 1954 ACS 81, p. 59, Eff. Nov. 19, 1974.

R 408.10529 Boatswain's chair.

Rule 529. (1) The wood seat of a boatswain's chair shall be not less than nominal 12 by 24 inches by 1 inch thick with the underside reinforced by cleats fastened to prevent splitting.

(2) Two ⅝-inch fiber or equivalent rope slings shall be reeved through 4 seat holes so as to cross each other on the underside. Where an employee is using a heat

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or spark producing process such as gas or arc welding or cutting, ⅝ inch wire rope shall be used in place of the fiber rope.

(3) The employee shall wear a safety belt and lifeline prescribed in R 408.10525(6). The lifeline shall be securely attached to substantial members of the structure, not scaffold, or to securely rigged lines, which will safely suspend the worker in case of a fall.

(4) The tackle shall consist of bearing or bushed blocks and ⅝ inch manila rope or its equivalent. A roof iron, hook, or other object to which the tackle is anchored shall be secured to prevent dislodgement. Tie backs shall be installed at right angles to the face of the building and secured to the roof hooks and the building.

History: 1954 ACS 81, p. 59, Eff. Nov. 19, 1974; 1954 ACS 89, p. 32, Eff. Nov. 13, 1976.

R 408.10530 Bricklayer's square scaffold.

Rule 530. (1) The squares of a bricklayer's square scaffold shall be not more than 5 feet wide by 5 feet high and set not more than 5 feet apart for medium duty and not more than 8 feet apart for light duty. The bearers and legs shall be made of 2 by 6 inch material, the corner braces of 1 by 6 inch material and the diagonal braces of 1 by 8 inch material.

(2) Additional 1 by 8 inch bracing shall extend from the bottom of each square to the top of the next square on the front and rear of the scaffold.

(3) Platform planks shall be not less than 2 by 10 inches with the ends overlapping the bearers of the squares. Each plank shall be supported by not less than 3 squares.

(4) If tiered, the tiers shall not exceed 3 in height with 1 square resting directly above another square. The upper tiers shall rest on continuous rows of planking with the square secured to the planks.

History: 1954 ACS 81, p. 59, Eff. Nov. 19, 1974.

R 408.10531 Carpenter's bracket scaffold.

Rule 531. (1) The supporting brackets of a carpenter's bracket scaffold shall be a triangular frame of not less than 2 by 3 inch material fitted and secured together or of metal of equivalent strength, and of such size to support not less than two 2 by 10 inch planks.

(2) The supporting brackets shall be fastened to the structure by 1 of the following:

(a) If made of wood, the corners shall be gusseted in a manner to prevent the joints pulling apart.

(b) Through bolts not less than ⅝ inch in diameter and long enough to project ¾ inch beyond the nut when in place.

(c) A metal stud attachment device.

(d) Welding to a metal tank.

(e) Hooking over a secured supporting member capable of sustaining the imposed load.

(3) The supporting brackets shall be not more than 10 feet apart to support 1 employee and not more than 75 pounds of material, or 6 feet apart to support 2 employees and not more than 75 pounds of material.

History: 1954 ACS 81, p. 59, Eff. Nov. 19, 1974.

R 408.10532 Working surfaces; steep slopes.

Rule 532. (1) An employee working on a roof where the working area is more than 20 feet above the ground, the pitch is more than 3 inches in 12 inches and there is no roof parapet, shall be provided and use a roofing bracket scaffold or crawling board.

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(2) An employee using a roofing bracket scaffold or crawling board shall wear a safety belt and lifeline prescribed in R 408.10525(6) or a catch platform shall be provided. The catch platform shall extend 2 feet beyond the projection of the eaves or structure, whichever is further away, and shall be equipped with a standard barrier and toeboard as prescribed in R 408.10231 and R 408.10233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights.

History: 1954 ACS 81, p. 60, Eff. Nov. 19, 1974.

R 408.10533 Roofing brackets and crawling boards.

Rule 533. (1) A roofing bracket shall fit the pitch of the roof so as to maintain the working plank level.

(2) A roofing bracket shall be secured by nails in addition to the bracket's pointed metal projection, except where a ¾ inch first grade manila rope, or equivalent, is used as a support.

(3) A crawling board not less than 1 by 10 inches shall extend from the roof eave to the ridge. Cleats shall be 1 by 1½ inches and equal in length to the width of the crawling board. The cleats shall be secured to the crawling board by nails driven through and clinched on the underside. Space between cleats shall not exceed 24 inches.

(4) A crawling board shall be secured to a roof by ridge hooks or other equivalent means.

History: 1954 ACS 81, p. 60, Eff. Nov. 19, 1974; 1954 ACS 89, p. 33, Eff. Nov. 13, 1976.

R 408.10534 Needle beam scaffold.

Rule 534. (1) Wood needle beams shall be not less than 4 by 6 inches with the greater dimension set vertically or equivalent structural steel may be used.

(2) The span between needle beams shall be not more than 8 feet when using 2 inch scaffolding planks.

(3) Rope supports shall be 1 inch diameter first grade manila rope, or equivalent material, and spaced not more than 10 feet apart. The rope shall be attached to the needle beams by a scaffold hitch or an eye splice. The loose end of the rope shall be tied by a bowline knot or a round turn and half hitch. The scaffold hitch shall be arranged in a manner so as to prevent the needle beam from rolling or otherwise becoming displaced.

(4) Scaffold planks shall be secured against displacement.

(5) Tools, bolts, and nuts on a needle beam scaffold shall be secured in containers.

(6) A needle beam scaffold shall be suspended from thrustouts prescribed in R 408.10524 or from permanent structural members if they have a safety factor of not less than 4 times the maximum intended load.

History: 1954 ACS 81, p. 60, Eff. Nov. 19, 1974; 1954 ACS 89, p. 33, Eff. Nov. 13, 1976.

R 408.10535 Window jack scaffold.

Rule 535. (1) A window jack scaffold shall be used as a work platform for not more than 1 employee and only for the purpose of working at the window opening through which the jack is placed.

(2) A window jack scaffold shall consist of a plank secured to the structure with braces running from a point not more than 4 inches from the end of the plank to the structure at an angle of not less than 45 degrees to the horizontal.

(3) A window jack shall not be used to support a plank running from 1 window jack to another.

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(4) Where the prescribed standard barrier cannot be used, the employee shall be protected by an approved safety harness and a lifeline secured to the structure.

History: 1954 ACS 81, p. 60, Eff. Nov. 19, 1974.

MANUFACTURED SCAFFOLDING

R 408.10541 General.

Rule 541. (1) Manufactured scaffolding shall be erected and used as specified by the manufacturer's instructions.

(2) Manufactured scaffolding shall be constructed, installed, and maintained as prescribed in R 408.10511, R 408.10512, and R 408.10513.

(3) Manufactured scaffolding shall be erected by a competent and experienced employee.

(4) Stationary manufactured scaffolding shall be tied to and braced against a building at intervals not to exceed 30 feet horizontally and 26 feet vertically or otherwise guyed.

(5) Adjusting screws on stationary manufactured scaffolding shall have an adjustment of not more than 18 inches from baseplate to bottom of frame with a minimum of 6 inches retained within the frame.

(6) Before a metal scaffold is erected near an exposed power line, the utility or property owner shall be consulted. A power line or electrical apparatus shall be considered energized unless the property owner or utility indicates it is de-energized and the line or apparatus is visibly grounded. Where deenergizing is impracticable, the following minimum clearances shall be maintained:

Voltage	Clearance
To 50 kv	10 feet
Over 50 kv	10 feet + .4 inch per kv

History: 1954 ACS 81, p. 61, Eff. Nov. 19, 1974.

R 408.10542 Tube and coupler type scaffolding.

Rule 542. (1) A light duty tube and coupler scaffold shall have all posts, bearers, ledgers and braces of not less than 2 inch nominal O.D. steel tubing or equivalent with the posts spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 10.

(2) A medium duty tube and coupler scaffold shall have all posts, ledgers and braces of not less than nominal 2 inch O.D. steel tubing or equivalent with the posts spaced no more than 6 feet apart by 8 feet along the length of the scaffold. Bearers shall be nominal 2½ inch O.D. steel tubing or equivalent except that 2 inch O.D. tubing may be used if the posts are spaced not more than 5 feet apart by 8 feet along the length of the scaffold. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 11.

(3) A heavy duty tube and coupler scaffold shall have posts, ledgers and braces of not less than nominal 2 inch O.D. steel tubing or equivalent with the posts spaced not more than 6 feet apart by 6½ feet along the length of the scaffold. Bearers shall be of not less than nominal 2½ inch O.D. steel tubing or equivalent. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 12.

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(4) A scaffold to be erected at a height greater than those prescribed in tables 10, 11, or 12 shall be designed by an engineer knowledgeable in scaffolding and a copy of the blueprint shall be maintained at the job site.

(5) Tube and coupler type scaffolding shall:

(a) Have ledgers erected along the length of the scaffold, located on both inside and outside posts at each bearer level. Ledgers shall be interlocked to form continuous lengths and coupled to each post. The bottom ledgers shall be located as close to the base as possible. Ledgers shall be placed not more than 6 feet 6 inches on centers, vertically.

(b) Have bearers installed transversely between posts, coupled to the posts and bearing on the ledger coupler. A bearer shall be not less than 4 inches nor more than 12 inches longer than the post spacing or ledger spacing. A bearer may be cantilevered for use with brackets to carry not more than 2 planks.

(c) Be cross braced across the width of the scaffold from the inner to outer ledgers at not less than every third set of posts horizontally and every fourth runner vertically. The bracing shall extend diagonally from the inner and outer ledgers upward to the next outer and inner ledgers.

(d) Have longitudinal bracing installed at approximately a 45 degree angle from the base of the first outer post toward the top of the scaffold. Where possible, bracing shall be repeated every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the ledgers.

TABLE 10

Tube and Coupler Scaffolds Light Duty

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

Uniformly distributed load ..... Not to exceed 25 p.s.f.
Post spacing (longitudinal) ..... 10 ft. 0 in.
Post spacing (transverse) ..... 6 ft. 0 in.

TABLE 11

Tube and Coupler Scaffolds Medium Duty

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

Uniformly distributed load ..... Not to exceed 50 p.s.f.
Post spacing (longitudinal) ..... 8 ft. 0 in.
Post spacing (transverse) ..... 6 ft. 0 in.

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TABLE 12
Tube and Coupler Scaffolds Heavy Duty

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

Uniformly distributed load ..... Not to exceed 75 p.s.f.
Post spacing (longitudinal) ..... 6 ft. 6 in.
Post spacing (transverse) ..... 6 ft. 0 in.

History: 1954 ACS 81, p. 61, Eff. Nov. 19, 1974.

R 408.10543 Welded frame type scaffolds.

Rule 543. (1) Welded frame type scaffolds shall:

(a) Be cross braced to secure vertical frames together laterally and have such length as to automatically insure the erected scaffold will be square, plumb, and rigid.

(b) Have the frames and panels secured by coupling pins to provide vertical alignment and prevent uplift.

(c) Have the panels or frames spaced in a manner to support the intended load.

(d) Be secured to the building or structure at intervals of not more than 30 feet horizontally and 26 feet vertically.

(e) Have the planking span limited to table 1 of R 408.10512.

(2) Where a welded frame type scaffold is erected at a height of more than 125 feet, it shall be designed by an engineer knowledgeable in scaffolding and a copy of the blueprint shall be maintained at the job site.

(3) The frame and accessories of a welded frame type scaffold shall be inspected for defects before each job use and after misuse. Defective parts shall be repaired or replaced. Repairs and replacements shall have the capability of supporting the intended load.

History: 1954 ACS 81, p. 62, Eff. Nov. 19, 1974; 1954 ACS 89, p. 33, Eff. Nov. 13, 1976.

R 408.10544 Mobile scaffolds.

Rule 544. (1) A mobile scaffold shall be constructed as prescribed in R 408.10542 or R 408.10543 and shall be limited to a height of 50 feet unless designed and erected by an engineer knowledgeable in scaffolding.

(2) A mobile scaffold shall:

(a) Not exceed a height of 4 times the minimum base dimension, or shall be guyed every 20 feet of height to prevent movement. Outriggers, when used, may be considered as part of the base dimension.

(b) Have a landing platform at intervals of not more than 30 feet.

(c) Have the wheels locked when in use and attached by pins or bolts, or other equivalent means, to the frame or adjusting screw.

(d) Have a limit adjustment of screw jack to not more than 12 inches from top of castor bearing plate to bottom of frame. The castor stem shall fit the socket in the frame and extend inside not less than 6 inches.

(e) Have all scaffold castors provided with a positive wheel, a swivel lock, or both, to prevent movement.

(f) Have adequate rigid diagonal bracing to vertical members provided.

(g) Have exposed surfaces free from sharp edges, burrs, and other hazards.

(h) Have the width of a working platform at any level not less than 20 inches and secured in place.

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(i) Have the designed load of all mobile scaffolds calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

(j) Have the work level platform of scaffolds, sometimes called towers, of wood, aluminum, or plywood planking, steel, or expanded metal for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place.

(3) A sectional folding stairway scaffold shall:

(a) Be designed as medium duty, except for high clearance. A sectional folding stairway scaffold with a high clearance base shall be designated as a light duty scaffold.

(b) Have an integral stairway and work platform incorporated into the structure.

(c) Have the end frames designed so that the horizontal bearers provide supports for multiple planking levels.

(d) Be not more than 4½ feet wide by 6 feet in length.

(4) A sectional folding ladder scaffold shall:

(a) Be designed as a light duty scaffold, including special base open end sections which are designed for high clearance. For certain special applications, the 6 foot in length folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds.

(b) Have a width of not more than 4½ feet.

(c) Have a length of not more than 6 feet 6 inches for a 6-foot long unit, 8 feet 6 inches for an 8-foot unit, or 10 feet 6 inches for a 10-foot long unit.

(d) Have the end frames designed so that the horizontal bearers provide supports for multiple planking levels.

(e) Have an integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform incorporated into the structure.

History: 1954 ACS 81, p. 62, Eff. Nov. 19, 1974; 1954 ACS 89, p. 34, Eff. Nov. 13, 1978.

R 408.10545 Wire rope scaffolding.

Rule 545. (1) Wire rope used as a supporting means for a plank shall have a designed safety factor of not less than 6 with the load figure including the total weight of men, materials, and scaffold.

(2) A plank used on a wire rope scaffold shall be as prescribed in R 408.10512. A lifeline prescribed in R 408.10525(6) shall be used.

(3) A plank used on a wire rope scaffold shall be attached to the wire rope in a manner which will not allow the plank to disengage such rope and shall facilitate moving the plank along the wire rope.

(4) Wire rope shall be used and maintained as prescribed in R 408.10571.

History: 1954 ACS 81, p. 63, Eff. Nov. 19, 1974.

R 408.10546 Powered mobile elevating platforms.

Rule 546. A powered mobile elevating platform, excluding a powered industrial truck, shall:

(a) Be used according to the manufacturer's written instructions which shall be kept on the premises.

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(b) Provide standard barrier and toeboard pursuant to R 408.10231 and R 408.10233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights.

(c) Have a designed safety factor of not less than 4 for the lifting device and platform.

(d) Have a designed safety factor of not less than 6 for all cables.

(e) Have a positive safety device to prevent the platform from uncontrolled descent in case of power failure or failure of the elevating system.

(f) Be visually inspected by the operator before each use for defects that are hazardous and not be used until the defective part is repaired or replaced.

(g) Not be ridden when moving horizontally, except where specifically designed for that purpose.

(h) Not exceed a height of 4 times the minimum base dimension where the stability of the scaffold is dependent on the base dimension, or shall be guyed every 20 feet of height to prevent movement. Outriggers, when used, may be considered as a part of the base dimension.

(i) Have the wheels locked when in use.

(j) Have the hoisting motor pursuant to R 408.10548 or R 408.10549.

(k) Have the base enclosed where the cables or a pinch point constitutes a hazard to an employee.

History: 1954 ACS 81, p. 63, Eff. Nov. 19, 1974.

R 408.10547 Manual mobile elevating platforms.

Rule 547. (1) A manually powered mobile elevating platform shall be equipped with a positive locking device to prevent horizontal movement.

(2) A manually powered mobile elevating platform shall comply with all items in R 408.10546 except subdivision (j).

History: 1954 ACS 81, p. 63, Eff. Nov. 19, 1974.

R 408.10548 Powered hoisting machine.

Rule 548. (1) A powered hoisting machine shall be inspected not less than once a month when in service and not put into service unless free of hazards.

(2) A powered hoisting machine manufactured after the effective date of this part shall carry a label of an approved nationally recognized testing laboratory such as underwriters laboratories or factory mutual engineering corporation that the machine is approved for the use on a suspension scaffold, swinging scaffold, or powered mobile elevating platform.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974.

R 408.10549 Manual powered hoisting devices.

Rule 549. A manually powered hoisting device shall be equipped with a positive locking device.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974.

R 408.10550 Hydraulic and pneumatic systems.

Rule 550. (1) Rigid or flexible piping and the component parts of a hydraulic or pneumatic hoisting machine system shall have a safety factor of not less than 4.

(2) When a hydraulic or pneumatic system is bled, the platform supported by this system shall be in the lowered position or blocked in such a manner that the safety of the employee is assured.

(3) A leak in a hydraulic or pneumatic system shall be repaired before the unit is used.

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(4) A reverse check valve or equivalent means shall be installed in the hydraulic cylinder to prevent uncontrolled fall of the work platform in case of system failure.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974.

POWERED PLATFORMS

R 408.10561 Construction and modification.

Rule 561. (1) A powered platform installed, or that part of a powered platform modified, after August 27, 1971, shall be as prescribed in ANSI A120.1-1970, safety requirements for powered platforms for exterior building maintenance, which is incorporated herein by reference, and as further prescribed in the rules of this part. The standard is available for inspection at the Lansing office of the department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway Avenue, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $3.25 each.

(2) A powered platform shall be suspended by 2 or more cables. Where 2 cables are used, each employee on the work platform shall wear a safety belt and lanyard, as prescribed in R 408.10525(6), attached to an individual lifeline not less than ¾ inch in diameter manila rope or the equivalent, or to the work platform. The lifeline shall be secured to the building structure.

(3) A powered platform shall be equipped with a 2-way voice communication system, when normal voice communication cannot be understood, for emergency use between the working platform and a supervised location.

(4) Where thrustouts are used in place of a roof car, they shall be anchored to the building structure with fasteners capable of sustaining the imposed load.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974; 1954 ACS 89, p. 34, Eff. Nov. 13, 1976.

R 408.10562 Roof cars.

Rule 562. (1) A roof car shall be used whenever it is necessary to move a working platform horizontally to a work or storage position.

(2) Movements of a roof car shall be restricted to a designated path of travel. Mechanical stops shall be provided to prevent the roof car traversing beyond the path of travel. The stops shall be capable of withstanding a force equal to 100% of the inertial effect of the roof car under power.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974.

R 408.10563 Controls and interlocks.

Rule 563. (1) Control devices for a powered platform shall be the constant pressure type and designed to prevent accidental actuation.

(2) Control devices shall be permanently labeled as to their function.

(3) Where a roof car is used, safety interlocks shall be provided to insure:

(a) That the working platform will not leave the stored position until the required positive position anchor is engaged.

(b) That the roof car cannot move when the working platform is away from the stored position.

History: 1954 ACS 81, p. 64, Eff. Nov. 19, 1974.

R 408.10564 Safety factors.

Rule 564. All parts of a powered platform subject to stress, except the wire rope, shall have a designed safety factor of not less than 5. Wire rope shall have a designed safety factor of not less than 10.

History: 1954 ACS 81, p. 65, Eff. Nov. 19, 1974.

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R 408.10565 Working platforms.

Rule 565. A working platform used on the exterior of a building shall be equipped with rollers which will be in contact with the building face. Where the vertical working travel of a working platform is more than 130 feet, the platform shall be equipped with guide rollers or guide shoes which shall positively engage guides, such as "T" rails or indented mullions. The guide rollers or guide shoes shall enter the guides at the lowest possible speed and not require any manual assistance from an employee while the work platform is in motion. A working platform installed before the effective date of this part with a rise of more than 130 feet, may use an equivalent means to tie the platform to the building in lieu of guide rollers or guide shoes.

History: 1954 ACS 81, p. 65, Eff. Nov. 19, 1974.

R 408.10566 Inspections and tests.

Rule 566. (1) An employer having a powered platform under his control shall:

(a) Provide operating instructions and a check list for a visual inspection which shall be used before each daily use by the operator. The visual inspection shall include a check of the controls and safety interlocks.

(b) Provide a physical inspection and service and repair when required, by a trained and authorized employee or an outside service every 30 days or before each use cycle if the equipment is used less often than every 30 days. The inspection, service or repair shall be logged to show the date and signature of the authorized employee or outside service and the work done.

(c) Provide for inspections and operating tests not less than annually or after major alterations to determine that all components including safety and operating equipment conform to the provisions of this standard. Such inspections and operating tests shall be made by a trained and authorized employee or outside service and shall be logged to show date and signature of employee or outside service.

(2) A special inspection of governors and secondary brakes shall be made not less than annually by an authorized and trained employee or outside service to verify that the initiating device for the secondary brake operates at the proper overspeed. If a test cannot be made in the field, the initiating device or hoisting machine, or both, shall be removed from the building and sent to a shop equipped to make such a test. When the tested parts are reinstalled, the powered platform shall be reinspected before returning it to service.

History: 1954 ACS 81, p. 65, Eff. Nov. 19, 1974.

R 408.10567 Maintenance.

Rule 567. (1) The following maintenance shall be performed, when required, during the 30 day inspection:

(a) Replacement of any worn or defective parts noted during inspections prescribed in R 408.10566.

(b) Electrical connections kept tight and controller contactors and relays clean.

(c) Gears, shafts, bearings, brakes, and hoisting drums aligned.

(2) Hoisting ropes shall be reshackled at the nondrum ends at intervals not to exceed 2 years. In reshackling a rope, enough shall be cut from the end to remove damaged or fatigued portions. The rope shall be retagged and the limit switches reset, if necessary.

(3) Hoisting rope shall be replaced whenever there are 6 or more broken wires in any 1 lay or when the wire rope becomes damaged or in a deteriorated condition.

History: 1954 ACS 81, p. 65, Eff. Nov. 19, 1974.

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WIRE, FIBER AND SYNTHETIC ROPE

R 408.10571 Wire rope maintenance; general.

Rule 571. (1) Wire rope for a scaffold shall be replaced if:

(a) In any length of 8 diameters, the total number of visible broken wires exceeds 10% of the total number of wires.

(b) The wire rope has been kinked, crushed, bird caged or sustained any other damage which distorts the wire rope structure.

(c) The wire rope shows heat or corrosive damage.

(2) Wire rope bent to form an eye over a bolt or rod having a diameter less than 4 times the rope diameter shall be equipped with a metal thimble.

(3) End fittings should be swaged or zinc-poured sockets.

(4) Where wire clips are used, table 8 shall be followed and the "U" bolts installed on the dead or short end of the wire rope.

(5) Wire rope shall be stored in a manner to prevent damage or deterioration.

(6) Before cutting wire rope, a seizing shall be placed on each side of the cut on preformed wire rope; 2 seizings on each side of ⅞ inch size or smaller non-preformed wire rope and 3 seizings on each side of 1 inch or larger size nonpreformed wire rope.

(7) Wire rope shall be maintained in a lubricated condition over its entire length with the same type lubricant used by the manufacturer.

History: 1954 ACS 81, p. 66, Eff. Nov. 19, 1974.

R 408.10572 Fiber rope.

Rule 572. (1) A fiber rope shall be inspected visually before the start of each daily use for the following conditions:

(a) Externally for abrasions, cut or broken fibers, decay, burns, lack of strength, softness, variation in size, or roundness of the strands.

(b) Internally, by separating the strands at 3-foot intervals, for broken fibers, presence of grit, mildew, or mold, color change of the fibers, or powdering and short loose fibers. A rope having any of these conditions shall be replaced or returned to the manufacturer for repair.

(2) A fiber rope shall be stored in a dry room in coils or on a reel.

(3) A wet fiber rope shall be dried by placing it in the sunshine or a warm room by hanging loosely over a rounded peg or hook.

(4) A fiber rope shall not be:

(a) Kinked or run over sharp corners.

(b) Used when frozen or left in freezing temperatures when wet.

(5) A fiber rope subjected to an impact load equal to or more than its rated capacity shall be replaced.

(6) A thimble shall be used with fiber rope pursuant to R 408.10571(2).

History: 1954 ACS 81, p. 66, Eff. Nov. 19, 1974.

R 408.10573 Synthetic rope.

Rule 573. (1) A synthetic rope shall be inspected visually before the start of each job for abrasions, cut or broken fibers, burns, melted fibers, variation in size or roundness of the strands. A rope having any of these conditions shall be replaced or returned to the manufacturer for repair.

(2) Because of the variance in manufacturing methods, the manufacturer's recommendations shall be followed.

(3) A synthetic rope shall not be kinked, run over sharp corners, used when frozen, or left in freezing temperatures when wet.

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(4) A synthetic rope subjected to an impact load equal to or more than its rated capacity shall be replaced.

(5) A thimble shall be used with synthetic rope pursuant to R 408.10571(2).

History: 1954 ACS 81, p. 66, Eff. Nov. 19, 1974.

PART 6. FIRE EXITS
GENERAL PROVISIONS

R 408.10601 Scope.

Rule 601. This part specifies measures consistent with nationally recognized good practice in places of employment which will provide that degree of employee safety that can reasonably be required from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to employees' lives in the use or occupancy of employers' buildings or premises.

History: 1954 ACS 62, p. 32, Eff. May 18, 1970.

R 408.10602 Applicability.

Rule 602. (1) This part covers new and existing construction. In various sections of this part there are special provisions for existing buildings differing from those for new construction. Where there are no specific provisions in this part for existing buildings, the requirements for new construction shall apply.

(2) If a political subdivision of the state has fire safety standards in conflict with this part, the more restrictive provisions of either the political subdivision or this standard shall apply.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970.

R 408.10603 Definitions; B to F.

Rule 603. (1) "Breakaway door" means a door which is designed to slide in normal operation and will swing open in any position when pressure is applied to the door in an emergency.

(2) "Fire area of a building" means that space contained within component structural parts having a fire resistance sufficient to prevent further spread of fire originating therein.

(3) "Fire door" means a fire resistive door assembly, including frame and hardware.

(4) "Fire resistance" means the property of a material or assembly to withstand fire or give protection from it.

(5) "Flammable" means subject to easy ignition and rapid flaming combustion.

(6) "Floor area or gross area" means the floor area within the perimeter of the outside walls of a building, with no deductions for hallways, stairs, closets, thickness of walls, columns, or other features.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970; 1954 ACS 79, p. 61, Eff. May 16, 1974.

R 408.10604 Definitions; H to M.

Rule 604. (1) "Hazardous area" means an area of a building, or portion thereof, used for purposes that involve highly combustible, highly flammable, or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or gases, including highly toxic or noxious acids, alkalies, or irritant hazards; or that cause division of material into fine particles or dust subject to explosion or spontaneous combustion; or that constitute a high fire hazard because of the form, character or volume or the material used.

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(2) "Hazard of contents" means the relative danger of the start and spread of fire, the danger of smoke or gases generated, and the danger of explosion or other occurrence potentially endangering the lives and safety of employees in a building. Where certain features of a building are such as to involve a hazard greater than the hazard of the contents, the greater degree of hazard shall govern.

(3) "High hazard contents" means combustibles of a character or quantity which burn with extreme rapidity, or from which extremely poisonous fumes or explosions are to be expected in the case of fire.

(4) "Horizontal exit" means a way of passage from a building to an area of refuge in another building on approximately the same level, or a way of passage through or around a fire-resistant wall or fire-resistant partition to an area of refuge on approximately the same level in the same building, which affords safety from fire or smoke from the area of escape and areas communicating therewith.

(5) "Low hazard contents" means those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger will be from panic, fumes, smoke or fire from some external source.

(6) "Means of egress" means a continuous path of travel from any point in a building to the open air outside at ground level and consists of 3 separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises both vertical and horizontal means of travel. The parts are defined as follows:

(a) "Exit access" means that portion of a means of egress which leads to an entrance to an exit.

(b) "Exit" means that portion of a means of egress which is separated from the area of a building from which escape is to be made by a wall, floor, door or other means which provides the protected path necessary to proceed with reasonable safety to the exterior of the building.

(c) "Exit discharge" means that portion of a means of egress between termination of the exit and the exterior of the building at ground level.

History: 1954 ACS 79, p. 62, Eff. May 16, 1974.

R 408.10605 Definitions; N to S.

Rule 605. (1) "Noncombustible building" means a building constructed of materials which do not support fire.

(2) "Ordinary hazard contents" means those which are liable to burn with moderate rapidity and to give off considerable volume of smoke, but from which neither extremely poisonous fumes nor explosions are to be expected in case of fire.

(3) "Self-closing" means equipped with an approved device which will insure closing without manual assistance after having been opened.

(4) "Sprinklered" means equipped with an approved automatic sprinkler system, properly maintained.

(5) "Street" means a public thoroughfare, 30 or more feet in width, which has been dedicated or deeded to the public for public use and is accessible for use by a fire department in fighting fires. An enclosed space or tunnel, even though used for vehicular and pedestrian traffic, is not considered as a street.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970; 1954 ACS 79, p. 62, Eff. May 16, 1974.

R 408.10606, R 408.10607 Rescinded.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970; rescinded 1954 ACS 79, p. 62, Eff. May 16, 1974.

R 408.10610 Rescinded.

History: 1954 ACS 69, p. 63, Eff. Nov. 15, 1971; rescinded 1954 ACS 79, p. 62, Eff. May 16, 1974.

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R 408.10611 Design of buildings and structures.

Rule 611. (1) A building or structure designed for human occupancy shall be provided with exits prescribed in this part which shall permit prompt escape in case of fire or other emergency. The design of the exits and other safeguards shall be such that reliance for safety of life in case of fire or other emergency will not depend solely on a single safeguard. Additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to human or mechanical failure.

(2) A building or structure shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of the employees from fire, smoke, fumes or panic during the period of time necessary for escape from the building or structure.

(3) A building or structure of such size, arrangement or occupancy that a fire may not itself provide a warning, shall be equipped with a fire alarm system to facilitate a fire drill or to warn of a fire so the employees may escape.

History: 1954 ACS 79, p. 62, Eff. May 16, 1974.

R 408.10612 Occupancy of new buildings.

Rule 612. A building under construction shall not be occupied, in whole or in part, until all facilities required by this part, in the portion to be occupied, are installed and functioning.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970; 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10613 Occupancy and use during repairs and alterations.

Rule 613. (1) An existing building shall not be occupied during repairs or alterations unless exits and fire protection are continuously maintained.

(2) A hazardous substance or equipment for repairs or alterations shall not be introduced in a building while the building is occupied, unless the condition of use and safeguards provided are such as not to create any additional danger to employees' lives.

History: 1954 ACS 62, p. 33, Eff. May 18, 1970; 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10614 Operating condition of protective equipment.

Rule 614. A required exit, exit lighting, automatic sprinkler system, fire detection and alarm system, fire door, and other required items of fire protection shall be maintained in proper operating condition.

History: 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10615 Rescinded.

History: 1954 ACS 62, p. 34, Eff. May 18, 1970; rescinded 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10616 Rescinded.

History: 1954 ACS 69, p. 63, Eff. Nov. 15, 1971; rescinded 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10617 Rescinded.

History: 1954 ACS 62, p. 34, Eff. May 18, 1970; rescinded 1954 ACS 79, p. 63, Eff. May 16, 1974.

CLASSES OF OCCUPANCY AND HAZARD OF CONTENTS

R 408.10621 Classes of occupancy.

Rule 621. A building or part thereof shall be classified as follows:

(a) A hotel which includes a building, portion of a building or group of buildings under the same management in which there are more than 15 sleeping

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accommodations for hire, primarily used by transients, whether designated as a hotel, apartment hotel, inn, club, motel, or by any other name.

(b) Mercantile occupancy which includes a store, market and other room or building for the display and sale of merchandise. Not limited to but included in this group are supermarkets, department stores, shopping centers, drugstores, and auction rooms.

(c) An office occupancy which means one used for the transaction of business, other than covered under mercantile occupancy, for the keeping of accounts and records and similar purposes. Not limited to but included in this group are doctors' and dentists' offices, city and township halls, court houses, and libraries.

(d) An industrial occupancy which includes a factory making products of all kinds and a property devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, repairing, and similar operations. Not limited to but included in this group are laboratories, dry cleaning plants, power plants, pumping stations, smoke houses, laundries, creameries, gas plants, refineries, and saw mills.

(e) A storage occupancy which includes a building used primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals. Not limited to but included in this group are warehouses, cold storage operations, freight terminals, truck and marine terminals, bulk oil storage, parking garages, hangars, grain elevators, barns, and stables.

(f) Miscellaneous occupancies which means those buildings covered in R 408.10691 to R 408.10697.

History: 1954 ACS 62, p. 34, Eff. May 18, 1970.

R 408.10622 Multiple and partial occupancies.

Rule 622. (1) If 2 or more classes of occupancy occur in the same building so intermingled that separate safeguards are impracticable, the safeguard facilities shall be sufficient to meet the requirements for each individual area or section, as well as for the entire building.

(2) If a minor portion of a building is used for any purpose incidental to the major occupancy and the minor occupancy does not incur any hazard to the remainder of the building, it shall be classified as part of the major occupancy.

History: 1954 ACS 62, p. 34, Eff. May 18, 1970.

R 408.10625, R 408.10626 Rescinded.

History: 1954 ACS 62, p. 35, Eff. May 18, 1970; rescinded 1954 ACS 79, p. 63, Eff. May 16, 1974.

MEANS OF EGRESS

R 408.10631 Construction, maintenance, and changes.

Rule 631. (1) The components of a means of egress including doors, stairs, ramps, passages, and signs shall be of substantial construction and shall be maintained in an operable condition.

(2) An exit shall be not less than 28 inches wide, except where specifically permitted elsewhere in this part. Ceiling height of a means of egress shall be not less than 7½ feet and a projection from the ceiling not less than 6⅝ feet from the floor.

(3) A space formed with movable or folding partitions and occupied by more than 20 persons shall have an approved means of egress.

(4) An alteration, addition, or change of occupancy that would reduce means of egress below the requirements for a new building is prohibited.

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(5) Furnishings and decorations of an explosive or highly flammable character shall not be used in any occupancy.

(6) Where fire retardant paints or solutions are used, they shall be renewed, as necessary to maintain their fire retardant properties.

History: 1954 ACS 62, p. 35, Eff. May 18, 1970; 1954 ACS 69, p. 63, Eff. Nov. 15, 1971; 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10632 Obstructions.

Rule 632. (1) A means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in case of fire or other emergency. A mirror shall not be placed on an exit door or be placed in or adjacent to an exit in a manner to confuse the direction of exit.

(2) A lock, fastening device, or barrier shall not be installed or used on a means of egress in a manner that will prevent or hinder free escape from the inside of a building.

(3) A device or alarm to restrict the improper use of an exit shall be so designed and installed that it cannot, even in case of failure, impede or prevent emergency use of an exit.

(4) Devices such as turnstiles and gates shall not be placed so as to obstruct a means of egress.

(5) No combustible or flammable debris, waste, or other material, the burning of which would render hazardous egress from the building shall be placed, stored, or kept on, under, at the bottom of, or adjacent to a means of egress or elevator. Where a means of egress is being obstructed by the placement of movable objects, aisles shall be marked and railings or permanent barriers provided to protect the means of egress against encroachment. (Railing or standard barrier as per general industry safety standards commission standards, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.)

History: 1954 ACS 62, p. 35, Eff. May 18, 1970; 1954 ACS 79, p. 63, Eff. May 16, 1974.

R 408.10633 Permissible exits and exit components.

Rule 633. (1) Approved exits for all occupancies regulated by this part shall be restricted to the following permissible types: doors, inside or outside stairs, horizontal exits, ramps, escalators, and fire escapes for existing occupancies.

(2) An exit shall consist only of approved components. An exit shall be constructed as an integral part of the building or permanently affixed thereto.

(3) Stairs, landings, and other exit components shall be guarded against falls over open edges, and guards and handrails shall continue the full length of the guarded exit component.

(4) An exit protected by separation from other parts of the building shall have the separating construction meet the following:

(a) The separation shall have not less than a 1-hour fire-resistance rating when the exit connects 3 stories or less. This applies whether the stories connected are above or below the story at which the exit discharge is located.

(b) The separation shall have not less than a 2-hour fire-resistance rating when the exit connects 4 or more stories, whether above or below the floor of discharge.

(c) Any opening therein shall be protected by an approved self-closing fire door.

(d) An opening in an exit enclosure shall be confined to that which is necessary for access to the enclosure from a normally occupied space and for egress from the enclosure.

History: 1954 ACS 62, p. 35, Eff. May 18, 1970; 1954 ACS 79, p. 63, Eff. May 16, 1974.

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R 408.10634 Number of exits.

Rule 634. (1) Not less than 2 exits, remotely located from each other, shall be provided for every building, floor, or fire area, including a basement, except that a single exit may be permitted, when approved, in an existing low or ordinary hazard occupancy for a building, floor or fire area with a population less than 50 persons, and in a new occupancy with a population less than 25 persons.

(2) Where the contents are classified as high hazard, there shall be at least 2 exits, accessible in different directions. All doors shall swing in the direction of exit travel. Where floor areas are divided into rooms, there shall be at least 2 ways of escape from every room, however small, except toilet rooms so located that they are out of areas of high hazard.

(3) A single story noncombustible building for industrial or storage occupancy with an approved fully equipped automatic sprinkler system and normally not subject to traffic by other than employees shall have exit doors which will provide safe egress spaced not more than every 300 feet apart on the perimeter wall.

History: 1954 ACS 62, p. 36, Eff. May 18, 1970; 1954 ACS 69, p. 63, Eff. Nov. 15, 1971.

R 408.10635 Travel distance to exits.

Rule 635. (1) The total number of exits in a building shall be sufficient so that the maximum travel distance from any occupied space to at least 1 exit shall not exceed the limits specified in R 408.10636.

(2) The distance to an exit shall be measured along the center line of the natural and unobstructed path of travel.

(3) In case of an open area, the distance to an exit shall be measured from the most remote point subject to occupancy. In case of an individual room subject to occupancy by not more than 6 persons, distance to an exit shall be measured from the doors of such room if the path of travel from any point in the room to the door does not exceed 50 feet.

(4) Where an open stairway is part of a path of travel to a required exit, the distance shall include the travel on the stairway, and the travel from the end of the stairway to reach an outside door or other exit, in addition to the distance to reach the stairway.

(5) Where any part of an outside stair or other outside exit is within 15 feet horizontal distance of an unprotected building opening, the distance to an exit shall include the length of travel, to ground level, on the exit itself.

(6) Exits and exit access shall be so arranged that there are no dead-end pockets or hallways whose depths exceed the limits specified for the individual occupancies in table 1.

History: 1954 ACS 62, p. 36, Eff. May 18, 1970; 1954 ACS 69, p. 63, Eff. Nov. 15, 1971.

R 408.10636 Exit distances.

Rule 636.

TABLE 1

Type of Occupancy	Maximum Travel Distance to Exits (in feet) Unsprinklered	Sprinklered	Dead-End Limits (in feet)
Mercantile, ordinary hazard	100	150	50
Mercantile, high hazard	75	75	0
Office	200	300	50
Industrial	100	150	50
Industrial, high hazard	75	75	0
Storage, low and ordinary hazard	100	150	50
Storage, high hazard	75	100	0
Hotels	100	150	35

Note: For miscellaneous structures, see R 408.10691 to R 408.10697.

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(1) An industrial or storage occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit to 400 feet if the occupancy is in a single story noncombustible building with an approved fully automatic sprinkler system.

(2) An industrial or storage occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit in excess of 400 feet if the occupancy is in a single story noncombustible building, has an approved fully automatic sprinkler system and the height of the ceiling, smoke curtain and roof ventilation is designed to minimize the possibility that an employee may be overtaken by the spread of fire or smoke within 6 feet of the floor level before he can reach an exit.

(3) A building described in subrule (2) having a travel distance of more than 400 feet shall have:

(a) A standard approved fire alarm system which includes a coded system to a centrally located station which shall be supervised during occupancy.

(b) A manually operated fire alarm sending station at each main exit and in the natural path of escape at an accessible and visible location.

(c) A fire alarm sending station located so that not more than 200 feet will have to be traversed to reach the station.

(4) A mercantile occupancy with an ordinary hazard classification may extend the maximum distance of travel to an exit to 300 feet if the occupancy is in a single story noncombustible building with an approved fully automatic sprinkler system. A checkout area or lane not in use shall be equipped with a breakaway device to provide a means of egress in event of emergency.

History: 1954 ACS 62, p. 36, Eff. May 18, 1970; 1954 ACS 69, p. 63, Eff. Nov. 15, 1971.

R 408.10637 Means of egress capacity.

Rule 637. (1) Where a building is equipped with exits so located as to satisfy travel distance requirements for the occupancy and hazard of contents classifications but has an exit deficiency due to its population density, additional exit capacity shall be provided to satisfy the requirements of these rules.

(2) The capacity of a means of egress shall be measured in units of width of 22 inches. Fractions of a unit shall not be counted, except that 12 inches added to 1 or more full units shall be counted as ½ a unit of exit width. A 40-inch door may be rated as 2 units for existing construction only.

(3) The capacity of a means of egress shall be limited to the capacity of its lowest rated component. Units of exit width shall be measured in the clear at the narrowest point of the means of egress.

History: 1954 ACS 62, p. 36, Eff. May 18, 1970.

R 408.10638 Capacity of components.

Rule 638. (1) Means of egress components shall have the following rated exiting capacities per unit of width:

(a) Doors leading outside the building at grade or not more than 21 inches above or below grade ..... 100 persons per unit

(b) Horizontal exits ..... 100 persons per unit

(c) Stairs and ramps ..... 60 persons per unit

(d) Fire escapes with access by doors ..... 45 persons per unit

(e) Fire escapes with access by windows ..... 20 persons per unit

(2) The exiting capacities prescribed in subrule (1)(a) and (b) may be increased to 150 persons per unit, if the occupancy is equipped with an approved fully automatic sprinkler system.

History: 1954 ACS 62, p. 37, Eff. May 18, 1970; 1954 ACS 99, p. 108, Eff. Apr. 18, 1979.

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R 408.10639 Capacity as affected by population.

Rule 639. (1) The capacity of a means of egress from a building, floor, balcony, tier, or other occupied space shall be sufficient for the population thereof. The population for industrial and storage occupancies shall be based on the maximum number of persons that may be in the space at any time as determined by actual count. All other types of occupancies shall not be less than the number computed in accordance with table 2.

TABLE 2

Type of Occupancy	Square Feet per Person
Mercantile, street floor or sales basement	30
Mercantile, other floors	60
Office	100
Hotel	200

Note: The computed population of an occupancy is obtained by dividing the gross floor area of a building, floor or fire area by the indicated square feet per person.

(2) Mercantile occupancy in a single story noncombustible building with an approved fully equipped automatic sprinkler system may increase the square footage requirement in table 2 by 100%.

(3) Where an exit serves more than 1 floor, only the population of each floor considered individually need be used in computing the capacity of the exit at that level, if the exit capacity is not decreased in the direction of exit travel. Where a means of egress from floors above and below converge at an intermediate level, the capacity of the exit from the point of convergence shall be not less than the combined capacity of the converging exits.

History: 1954 ACS 62, p. 37, Eff. May 18, 1970; 1954 ACS 69, p. 64, Eff. Nov. 15, 1971.

R 408.10641 Exit access and discharge.

Rule 641. (1) An exit access shall not be through a room subject to locking.

(2) An exit access shall be so arranged that it will not be necessary to travel through any area of high hazard occupancy in order to reach the nearest exit.

(3) The minimum width of an exit access shall be at least equal to the required width of the exit to which it leads, but not less than 34 inches. The headroom clearance shall be not less than 6 feet 8 inches from the floor.

(4) An exit discharge shall discharge directly to a street, or to a yard, court or other open space of such size as to accommodate all employees leaving the building by that exit discharge to safe access to a street.

(5) Stairs and other exits shall be arranged to make clear the direction of egress to the street. Where an exit stairs continues beyond the floor of discharge, it shall be interrupted at the floor of discharge by a partition, door or other effective means.

(6) Exit access by the way of an exterior balcony, porch, gallery, or roof shall:

(a) Be kept free from accumulations of snow and ice.

(b) Be permanent direct route without obstructions, such as railings, gates, barriers, or other objects, that might divide the space into sections or rooms. Where furniture or other movable objects might block the path of travel, they shall be secured in place or a standard barrier as prescribed in R 408.10231 of Part 2. Floor and Wall Openings, Stairways and Skylights, shall protect the path of travel.

(c) Have no dead ends in excess of 20 feet.

(d) Comply with this part as to requirements for width and arrangement.

History: 1954 ACS 62, p. 37, Eff. May 18, 1970; 1954 ACS 79, p. 64, Eff. May 16, 1974.

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DOORS AND STAIRS

R 408.10643 Doors; general provisions.

Rule 643. (1) A door assembly, including the doorway, frame, door, and necessary hardware, may be used as a component in a means of egress when it conforms to the requirements of this part. As such, the assembly is designated as an exit door.

(2) A single leaf of an exit door shall be not less than 28 inches nor more than 48 inches in width.

(3) Where a door or gate opens directly on a stairway, a platform shall be provided, and the swing of the door or gate shall not reduce the floor area leading to the stairs to a width less than 20 inches.

(4) A sliding door shall not be used as part of the exit capacity of a building unless it is designed and equipped with a break-away type door.

History: 1954 ACS 62, p. 37, Eff. May 18, 1970; 1954 ACS 69, p. 64, Eff. Nov. 15, 1971.

R 408.10644 Swing.

Rule 644. (1) An exit door shall be of the side-hinged swinging type. It shall swing with exit travel when serving an area of high hazard occupancy or a building, floor or area with a population of more than 50 persons in an existing building, or more than 25 persons in a new building, the construction of which started after the effective date of these rules.

(2) If 1 or more approved exits are provided and the travel distance requires additional exits, a mechanically aided sliding door may be used to exit to the outside of a building constructed before May 15, 1970, under the following conditions:

(a) The occupancy shall be classified as a low or ordinary storage hazard or as an ordinary mercantile hazard.

(b) The mechanical aid to the door shall allow the door to be opened quickly and easily by 1 person.

(c) The mechanical aid of the door shall not be rendered inoperative by fire or lack of maintenance.

(3) An exit door providing access to a stairway shall swing in the direction of exit travel. During its swing, the door shall not block stairs or landings, and, when open, shall not interfere with the full use of the stairway.

(4) An exit door at the foot of stairs from upper floors or at the head of stairs from basements shall swing with exit travel.

(5) A screen door or storm door in connection with a required exit shall not swing against the direction of exit travel in any case where doors are required to swing with exit travel.

History: 1954 ACS 62, p. 38, Eff. May 18, 1970; 1954 ACS 79, p. 64, Eff. May 16, 1974; 1954 ACS 99, p. 108, Eff. Apr. 18, 1979.

R 408.10645 Locks, fastening devices, and closing mechanisms.

Rule 645. (1) An exit door shall be so arranged as to be readily opened, without the use of a key, from the side from which egress is to be made at all times when the building served thereby is occupied.

(2) A latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar, or other simple type of releasing device. Slide bolts, hasps, hooks and eyes and similar types of locking devices difficult to open against door pressure shall not be installed or used.

(3) A fire door to a stair enclosure or horizontal exit shall be provided with a reliable self-closing mechanism, and shall not at any time be secured in the open position.

History: 1954 ACS 62, p. 38, Eff. May 18, 1970.

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R 408.10646 Power operated doors.

Rule 646. An exit door, wholly or partly power operated, shall be so designed that in case of power failure it can be manually operated. A power operated door shall not be counted as a required exit unless it swings with the exit travel.

History: 1954 ACS 62, p. 38, Eff. May 18, 1970.

R 408.10647 Revolving doors.

Rule 647. (1) A revolving door shall constitute an exit door only under the following conditions:

(a) The door shall be installed before the prohibition listed in subrule (2).

(b) The number of revolving doors used as exit doors shall not exceed the number of swinging doors used as exit doors within 20 feet thereof.

(c) A revolving door may serve as an exit, without an adjacent swinging door, for a street floor elevator lobby if no stairway or door from other parts of the building discharges through the lobby and the lobby has no occupancy other than as a means of travel between elevators and street.

(d) A revolving door shall be equipped with means to prevent its rotation at more than 12½ revolutions per minute.

(e) A revolving door shall not be used at the foot of stairs from upper floors, or at the head of stairs from the basement or other lower floors.

(f) A revolving door credited as an exit door shall have a rated capacity of ½ unit of exit width.

(2) A revolving door installed 180 days after the effective date of this part shall not constitute an exit door.

History: 1954 ACS 62, p. 38, Eff. May 18, 1970; 1954 ACS 79, p. 64, Eff. May 16, 1974.

R 408.10651 Stairs.

Rule 651. (1) Stairs serving as a required exit shall comply with the requirements of this part as to construction specifications and details, and of table 3.

TABLE 3

Minimum width clear of all obstructions except handrails which may project not more than 3½ inches each side.	44 inches. 36 inches where total occupancy of all floors served by stairway is less than 50 persons
Maximum height of risers:	
Existing construction	9 inches
New construction	8 inches
Minimum width of tread exclusive of nosing or projection:	
Existing construction	8 inches
New construction	10 inches
Winders:	
Existing construction	Permitted when complying with all other requirements of this part
New construction	Not permitted
Maximum height between landings	12 feet
Minimum dimension of landing in direction of travel	44 inches

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(2) A variation in the width of tread or height of risers in any flight shall not exceed 3/16 inch.

(3) A stair and a platform or landing used in connection therewith, in a building 4 stories or more in height, shall be of noncombustible construction throughout, except for handrails.

(4) A stair, platform, landing, balcony, and stair hallway floor shall be designed to carry a load of 100 pounds per square foot, or a concentrated load of 300 pounds so located as to produce maximum stress conditions.

(5) Where the material of stair treads and landings is such as to involve danger of slipping, nonslip material shall be provided on the tread surface.

(6) Stairways and intermediate landings shall continue with no decrease in width along the direction of exit travel.

(7) Monumental stairs, either inside or outside, may be accepted as required exits if all requirements for exit stairs are complied with, except that curved stairs may be accepted with a radius of 25 feet or more at the inner edges.

History: 1954 ACS 62, p. 38, Eff. May 18, 1970; 1954 ACS 69, p. 64, Eff. Nov. 15, 1971.

HORIZONTAL EXITS, RAMPS, AND ESCALATORS

R 408.10661 Horizontal exits.

Rule 661. (1) A fire area or area of refuge with a horizontal exit shall have, in addition to the horizontal exit or exits, at least 1 means of egress leading to the outside, or have access to an adjacent fire area containing an outside means of egress.

(2) A fire area or area of refuge for which credit is allowed in connection with a horizontal exit shall have, in addition to the horizontal exit or exits, at least 1 means of egress leading to the outside.

(3) Where either side of a horizontal exit is occupied, the doors used in connection with the horizontal exit shall be unlocked.

(4) The floor area on either side of a horizontal exit shall be sufficient to hold the occupants of both floor areas allowing not less than 3 square feet clear floor area per person.

(5) Where a horizontal exit serves areas on both sides of a wall, there shall be adjacent openings with swinging doors at each, opening in opposite directions, with signs on each side of the wall or partition indicating as the exit door the door which swings with the travel from that side; or other approved arrangements providing doors always swinging with any possible exit travel.

History: 1954 ACS 62, p. 39, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971.

R 408.10664 Ramps.

Rule 664. (1) A ramp may be a component in a means of egress when it conforms to the requirements of this part, and to the special requirements of table 4 with the designation of a class A or class B ramp.

TABLE 4
Ramps

	Class A	Class B
Width	44 inches and greater	30 to 44 inches
Slope	1 to 1 3/16 in 12	1 3/16 to 2 in 12
Maximum height between landings	No limit	12 feet

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(2) The ramp and the platforms and landings associated therewith shall be designed for not less than 100 pounds per square foot live load.

(3) The slope of the ramp shall not vary between landings. A landing shall be level and changes in direction of travel if any shall be made only at landings.

(4) The ramp in a building more than 3 stories in height shall be of noncombustible construction. The ramp floor and landings shall be solid and without perforations.

(5) The ramp shall have a nonslip surface.

History: 1954 ACS 62, p. 39, Eff. May 18, 1970.

R 408.10667 Escalators.

Rule 667. An escalator, to be considered a component of means of egress, shall be fully enclosed above the ground floor and equipped with fire doors containing fusible links to protect the escalator area against the passage of flame, smoke, and gases in the event of fire. An escalator being operated in the direction contrary to normal exit travel shall not be considered a means of egress.

History: 1954 ACS 62, p. 40, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971.

FIRE ESCAPES

R 408.10671 Fire escape stairs.

Rule 671. (1) Fire escape stairs may be used as a required exit only in existing buildings. Fire escape stairs shall not constitute more than 50% of the required exit capacity. Fire escape stairs shall not constitute any part of the required exits for a new building.

(2) Fire escape stair dimensions shall be in accordance with table 5:

TABLE 5

Minimum width	22 inches clear between rails
Minimum horizontal dimension of a landing or platform	22 inches
Maximum rise	9 inches
Minimum tread, exclusive of nosing	9 inches
Spiral winders	Not permitted
Maximum height betwen landings	12 feet

(3) Fire escape stairs shall have walls or approved guards, and handrails on both sides.

History: 1954 ACS 62, p. 40, Eff. May 18, 1970.

R 408.10672 Stair construction and load.

Rule 672. (1) Iron, steel, concrete, or other approved noncombustible material shall be used for the construction of fire escape stairs, balconies, railings, and other features appurtenant thereto.

(2) Balconies and stairs shall be designed to carry a load of 100 pounds per square foot, or a concentrated load of 300 pounds so located as to produce maximum stress conditions.

History: 1954 ACS 62, p. 40, Eff. May 18, 1970.

R 408.10673 Exposure to fire escape stairs.

Rule 673. Fire escape stairs shall be so arranged that they will be subject to exposure by the smallest possible number of window and door openings. Every

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opening, any portion of which is within the following limits, shall be completely protected by approved fire doors or metal frame wired glass windows, as follows:

(a) A horizontal opening if within 15 feet of a balcony, platform or stairway constituting a part of the escape proper. This does not apply to a platform or walkway leading from the same floor to the escape proper. Protection need not extend around a right angle corner (outside angle 270 degrees) of the building.

(b) An opening below if within 3 stories or 35 feet of a balcony, platform, walkway or stairway constituting a part of the escape proper, or within 2 stories or 20 feet of a platform or walkway leading from any story to the escape proper.

(c) An opening above if within 10 feet of a balcony, platform or walkway, as measured vertically, or from any stair treads, as measured vertically from the face of the outside riser.

(d) An opening on a top story. Protection for wall openings is not required where stairs do not lead to the roof.

History: 1954 ACS 62, p. 40, Eff. May 18, 1970.

R 408.10674 Access to fire escape stairs.

Rule 674. (1) Access to fire escape stairs shall be by doors or casement windows whose minimum dimensions are 24 inches by 6 feet 6 inches, or by double hung windows 30 by 36 inches clear opening. Double hung windows shall be so counterbalanced and maintained that they can be readily opened.

(2) Insert screens, if any, on any type of opening giving access to fire escape stairs shall be of types that may be readily opened or pushed out. Storm sash shall not be used on a window providing access to fire escape stairs.

(3) Access to fire escape stairs through windows with sills more than 12 inches above the inside floor level shall be provided with permanent access steps leading to the access window. The outside balcony shall not be more than 18 inches below the sill.

History: 1954 ACS 62, p. 40, Eff. May 18, 1970.

R 408.10675 Swinging stairs.

Rule 675. (1) A swinging stair section shall not be used for a fire escape stairs, except where termination is over a sidewalk, alley, or driveway.

(2) A swinging stair section shall not be located over doors, over the path of travel from another exit, nor be in any location where there are obstructions.

(3) The width of a swinging stair section shall be at least equal to that of the stairs above and the pitch shall not be steeper than that of the stairs above.

(4) A counterweight shall be provided for a swinging stair section and this shall be of the type balancing about a pivot, no cables being used. Counter-balancing shall be such that a weight of 150 pounds 1 step from pivot will not start swinging action, and a weight of 150 pounds, ¼ of the length of the swinging stairs from the pivot, will positively cause the stairs to swing down.

(5) A latch or other device shall not be installed or used to lock a swinging stair section in the up position.

History: 1954 ACS 62, p. 41, Eff. May 18, 1970.

R 408.10677 Ladders.

Rule 677. No form of ladder shall be used as a fire escape except that a ladder conforming to occupational safety commission standards, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code, may be used to provide a means of escape from a boiler room, storage elevator, or tower, as permitted for special miscellaneous occupancies, elevated platforms around

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machinery, or similar spaces subject to routine simultaneous occupancy by not more than 3 persons.

History: 1954 ACS 62, p. 41, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971.

R 408.10679 Slide escapes.

Rule 679. (1) A slide escape may be used as a required exit only for industrial occupancies with high hazard contents, and shall be counted as an exit only when regularly used in fire drills or for a normal exit.

(2) A slide escape shall be of such type and shall be constructed and installed to conform to the "Regulations Governing Installation and Construction of Tubular and Spiral Fire Escapes in the State of Michigan," being R 28.51 to R 28.73 of the Michigan Administrative Code.

History: 1954 ACS 62, p. 41, Eff. May 18, 1970.

ILLUMINATION AND MARKING

R 408.10681 Artificial lighting.

Rule 681. (1) A means of egress shall be illuminated by artificial lighting at places and for periods of time required to maintain the illumination to values not less than 1.0 footcandles measured at the floor. Illumination shall be so arranged that the failure of any single lighting unit, such as the burning out of an electric bulb, will not leave the area in darkness.

(2) Artificial lighting shall be from a source of reasonable reliability, such as a public utility service. A battery operated electric light or any type of portable lamp or lantern shall not be used for primary exit illumination. Luminescent, fluorescent, or reflective material shall not be used as a substitute for required illumination.

History: 1954 ACS 62, p. 41, Eff. May 18, 1970.

R 408.10682 Emergency illumination.

Rule 682. In a building with natural lighting subject to occupancy by more than 300 persons, and in a building for which no natural lighting is provided and subject to occupancy by more than 100 persons, approved emergency lighting facilities shall be provided for a means of egress so arranged that required exit illumination will be maintained for a period of at least ½ hour in the event of failure of normal lighting of the building. Emergency lighting facilities shall be automatic, and there shall be no appreciable period of interruption during the change-over from the normal lighting of the building.

History: 1954 ACS 62, p. 41, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971.

R 408.10685 Signs.

Rule 685. (1) A means of egress to an exit not immediately apparent from any point in an occupancy shall be marked by directional signs.

(2) A door, passage, or stairway, which is neither an exit nor an exit access, and which is so located or arranged as to be likely mistaken for an exit, shall be identified by a sign reading "NOT AN EXIT" or similar designation, or be identified by a sign indicating its actual use or character.

(3) A sign shall designate an exit and shall be located and be of such size and color and design as to be readily visible and identifiable from the distance of travel for that particular occupancy.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971; 1954 ACS 79, p. 64, Eff. May 16, 1974.

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R 408.10686 Sign illumination and letter size.

Rule 686. (1) An exit sign shall be illuminated by a light source giving a value of not less than 5.0 footcandles on the illuminated surface.

(2) An exit sign shall have the word "EXIT" in plainly legible letters not less than 6 inches high, with the principal strokes of the letters not less than ¾-inch wide.

(3) An internally illuminated exit sign shall be provided where the reduction of normal illumination is permitted and less than 5 footcandles would appear on the exit sign.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970; 1954 ACS 79, p. 64, Eff. May 16, 1974.

MISCELLANEOUS OCCUPANCIES

R 408.10691 Vehicles.

Rule 691. A house trailer or similar vehicle, railroad car, street car, truck, or bus from which the wheels have been removed and a permanent-type foundation provided, or otherwise fixed so that it is no longer mobile, is considered a building and is subject to the requirements of this part.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970.

R 408.10692 Vessels.

Rule 692. A ship, barge, or other vessel permanently moored or aground and occupied for purposes other than navigation is subject to the requirements of this part.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970.

R 408.10693 Open buildings.

Rule 693. An open building includes all operations conducted in the open air where equipment is in the open with platforms used for necessary access, sometimes with roofs or canopies to provide shelter, but without walls as distinguished from an enclosed building. An open building shall have exit facilities providing at least 1 means of escape from any point subject to employee occupancy, such means of escape affording safety from fire or smoke therefrom, explosion or release of fumes.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970.

R 408.10694 Aircraft hangars.

Rule 694. (1) An exit from an aircraft storage or servicing area shall be provided at intervals of not more than 150 feet on all exterior walls of the aircraft hangar. A minimum of 2 exits shall serve each aircraft storage or servicing area. Horizontal exits through interior walls shall be provided at intervals of not more than 100 feet. Dwarf or "smash" doors in doors accommodating aircraft may be used to comply with these requirements.

(2) An exit from a mezzanine floor in an aircraft storage or servicing area shall be so arranged that the maximum travel to reach the nearest exit from any point on the mezzanine shall not exceed 75 feet.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970.

R 408.10695 Storage elevators for combustible commodities.

Rule 695. (1) In a storage elevator there shall be at least 1 stairway from basement to first floor and from the first floor to the top floor of the working house enclosed in a dust-tight, noncombustible shaft.

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(2) A noncombustible door of the self-closing type shall be provided at each floor landing.

(3) An exterior stair or basket ladder type fire escape (see occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code) shall be provided from the roof of the working house to ground level or to the roof of an adjoining annex with access from all floors above the first.

(4) An exterior stair or basket ladder type fire escape (see occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code) shall be provided from the roof of each storage annex to ground level.

(5) A fire escape ladder shall be provided adjacent to a manlift for the up and down sides.

(6) A storage elevator shall have an opening leading to a fire escape ladder from each floor or work level.

(7) Storage elevators for combustible commodities existing at the effective date of this part do not need to comply with subrules (1) and (2).

(8) Storage elevators for combustible commodities erected after the effective date of this part shall comply with all items of this rule.

History: 1954 ACS 62, p. 42, Eff. May 18, 1970; 1954 ACS 69, p. 65, Eff. Nov. 15, 1971.

R 408.10696 Towers.

Rule 696. (1) A tower occupied for purposes such as observation or signaling, either an independent structure or on top of a building, shall be permitted with a single stairway or ramp exit if all of the following conditions are met:

(a) The tower is of such size as not to be subject to occupancy by more than 25 persons on any 1 floor level.

(b) The tower is subject only to occupancy by persons capable of descending the stairway and is not used for living or sleeping purposes.

(c) The construction is fire-resistive, noncombustible, or heavy timber, with no quick-burning interior finish. There shall be no combustible materials in, under, or in the immediate vicinity of the tower, except as necessary to perform the requirements of occupancy.

(2) Stairs shall conform to the requirements of this part, except that for existing towers fire escape type stairs may be used. (See occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code.)

(3) A tower, such as a forest fire observation tower and a railroad signal tower designed for occupancy by not more than 3 persons employed therein, need not be constructed of fire-resistive, noncombustible material and may be served by ladders instead of stairs. (See occupational safety standards commission standards, Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code.)

History: 1954 ACS 62, p. 43, Eff. May 18, 1970.

R 408.10697 Piers and water-surrounded buildings.

Rule 697. (1) A pier used for any purpose other than for mooring of vessels and handling of cargo shall be provided with a means of egress from any building thereon to the pier and from the pier to the mainland appropriate to the character of the occupancy of the pier.

(2) A building, such as a lighthouse, surrounded by water shall have a sufficient area of ground, as on an island or fire-resistive platform, to provide an adequate area of refuge from a fire in the building.

History: 1954 ACS 62, p. 43, Eff. May 18, 1970.

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PART 7. GUARDS FOR POWER TRANSMISSION
GENERAL PROVISIONS

R 408.10701 Scope.

Rule 701. This part applies to all equipment used in the transmission of power, excluding the point of operation.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969.

R 408.10703 Definitions; A to G.

Rule 703. (1) "Belt" includes any power transmission belt, including, but not limited to, a flat belt, round belt and V-belt, overhead chain and link belt. It does not include a conveyor belt.

(2) "Belt pole" means a device used in shifting belts on and off fixed pulleys on a line or countershaft if there are no loose pulleys.

(3) "Belt shifter" means a device for mechanically shifting belts from tight to loose idler pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(4) "Exposed to contact" means that the location of an object is such that a person might come into contact with it and be injured.

(5) "Flywheel" includes a balance wheel and a flywheel pully mounted and revolving on the crankshaft of an engine or other shafting.

(6) "Gears" means a set or train of wheels or parts that engages another part as by meshing teeth.

(7) "Guarded" or "enclosed" means that an object is covered, fenced or surrounded so that it is not exposed to contact.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 69, p. 66, Eff. Oct. 15, 1971.

R 408.10704 Definitions; H to V.

Rule 704. (1) "Horizontal belt" means a belt running within a 60 degree angle from horizontal.

(2) "Maintenance runway" means a permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for a passageway.

(3) "Nip-point belt and pulley guard" means a device which encloses a pulley and is provided with rounded or rolled edge slots through which the belt passes.

(4) "Point of operation" means that point at which cutting, shaping, or forming by a machine is accomplished upon stock and other points that may offer a hazard to the operator in inserting or manipulating stock in the operation of the machine.

(5) "Securely fastened" means that the safety device or object referred to shall be so secured in place that it cannot be moved under normal or reasonably foreseen conditions or circumstances.

(6) "Vertical belt" means a belt running within a 30 degree angle from vertical.

History: 1954 ACS 60, p. 66, Eff. Nov. 14, 1969; 1954 ACS 69, p. 66, Eff. Oct. 15, 1971.

POWER TRANSMISSION EQUIPMENT

R 408.10711 Flywheels.

Rule 711. Any part of a flywheel 7 feet or less above the floor or platform shall be guarded in 1 of the following ways:

(a) Enclosed by a construction pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(b) With standard barriers and toeboards placed not less than 15 inches nor more than 20 inches from the rim of the flywheel pursuant to rule 231 and subrule

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(2) of rule 233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10231 and R 408.10233(2) of the Michigan Administrative Code.

(c) The upper rim of a flywheel protruding through a working floor, shall be enclosed or surrounded by a standard barrier and toeboard pursuant to R 408.10231 and R 408.10233(2) of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

(d) A flywheel with a smooth rim 5 feet or less in diameter may be guarded pursuant to R 408.10756.

History: 1954 ACS 60, p. 67, Eff. Nov. 14, 1969; 1954 ACS 69, p. 66, Eff. Oct. 15, 1971.

R 408.10712 Cranks and connecting rods.

Rule 712. A crank and a connecting rod, if exposed to contact, shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757 or by a standard barrier pursuant to R 408.10231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

History: 1954 ACS 60, p. 67, Eff. Nov. 14, 1969; 1954 ACS 69, p. 66, Eff. Oct. 15, 1971.

R 408.10713 Tail rods and extension piston rods.

Rule 713. Tail rods and extension piston rods exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757 or by a standard barrier pursuant to R 408.10231 which allows a clearance of not less than 15 inches nor more than 20 inches from the fully extended tail rod or extension piston rod.

History: 1954 ACS 60, p. 67, Eff. Nov. 14, 1969.

R 408.10714 Governor balls.

Rule 714. Governor balls located 7 feet or less from the floor or platform shall be enclosed by a construction pursuant to R 408.10751 to R 408.10754 and R 408.10757.

History: 1954 ACS 60, p. 67, Eff. Nov. 14, 1969.

R 408.10715 Discharge or exhaust pipes.

Rule 715. The discharge of an exhaust pipe or boiler blowoff, if exposed to contact, shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

History: 1954 ACS 60, p. 67, Eff. Nov. 14, 1969.

R 408.10716 Revolving and reciprocating parts.

Rule 716. A revolving or reciprocating part where exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

History: 1954 ACS 60, p. 68, Eff. Nov. 14, 1969; 1954 ACS 69, p. 66, Eff. Oct. 15, 1971.

R 408.10721 Shafts.

Rule 721. (1) A continuous line of shafting shall be secured in position against endwise movement.

(2) An inclined or vertical shaft shall be held in position against endwise thrust.

(3) A projecting shaft end where exposed to contact shall be made flush or guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

History: 1954 ACS 60, p. 68, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

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R 408.10722 Shafting.

Rule 722. (1) Shafting exposed to contact 7 feet or less above a floor or platform level shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(2) Horizontal shafting extending over a driveway shall be guarded with a trough guard, unless it is located 15 feet or more above the driveway or is a part of an overhead traveling crane.

(3) Horizontal transmission shafting exposed to contact under benches shall be guarded in 1 of the following ways:

(a) Completely enclosed.

(b) Guarded by a trough guard. The sides of the trough shall come to the underside of the table or, if the shafting is located near a floor, to the floor.

(c) Guarded on exposed sides with a rigid shield guard extending from the underside of the bench top to 2 inches below the line of shafting.

History: 1954 ACS 60, p. 68, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

R 408.10723 Rescinded.

History: 1954 ACS 60, p. 70, Eff. Nov. 14, 1969; rescinded 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

R 408.10725 Pulley guards and guides.

Rule 725. (1) A pulley and a pulley part exposed to contact 7 feet or less from the floor or platform shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(2) If the distance from a pulley to the nearest fixed pulley, clutch, or hanger is less than the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley.

(3) If there is an overhanging pulley on a line, jack, or countershaft with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley shall be provided.

History: 1954 ACS 60, p. 70, Eff. Nov. 14, 1969.

R 408.10726 Pulley condition and operation.

Rule 726. (1) A pulley with a defect, including, but not limited to, a crack or a piece broken out, shall not be used.

(2) A pulley subject to active corrosive conditions shall be of corrosive resisting material.

(3) A pulley permanently out of service shall not be allowed to remain on shafting which is in use, or it shall be enclosed with a guard pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(4) A pulley shall not be operated at more than its designed rim speed.

(5) Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.

History: 1954 ACS 60, p. 70, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971; 1954 ACS 88, p. 93, Eff. Aug. 18, 1976.

R 408.10727 Belts.

Rule 727. (1) A belt and pulley 7 feet or less above the floor or platform and exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757. In a power plant or power-development room, a standard barrier and toeboard may be used pursuant to R 408.10231 and R 408.10233(2) of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

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(2) A horizontal belt more than 7 feet above the floor or platform shall be guarded for its entire length if located over a passageway or work place pursuant to table B of R 408.10753 and figure 2.

(3) A passageway between horizontal belts shall have:

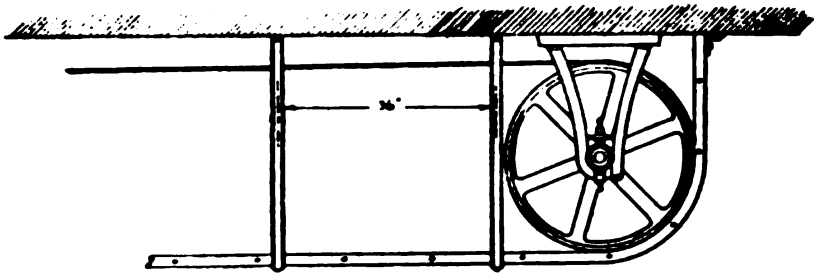
(a) A lower run guarded by a platform which is provided with a standard barrier and toeboard pursuant to R 408.10231 and R 408.10233(2) of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

(b) The upper run guarded pursuant to R 408.10727(2).

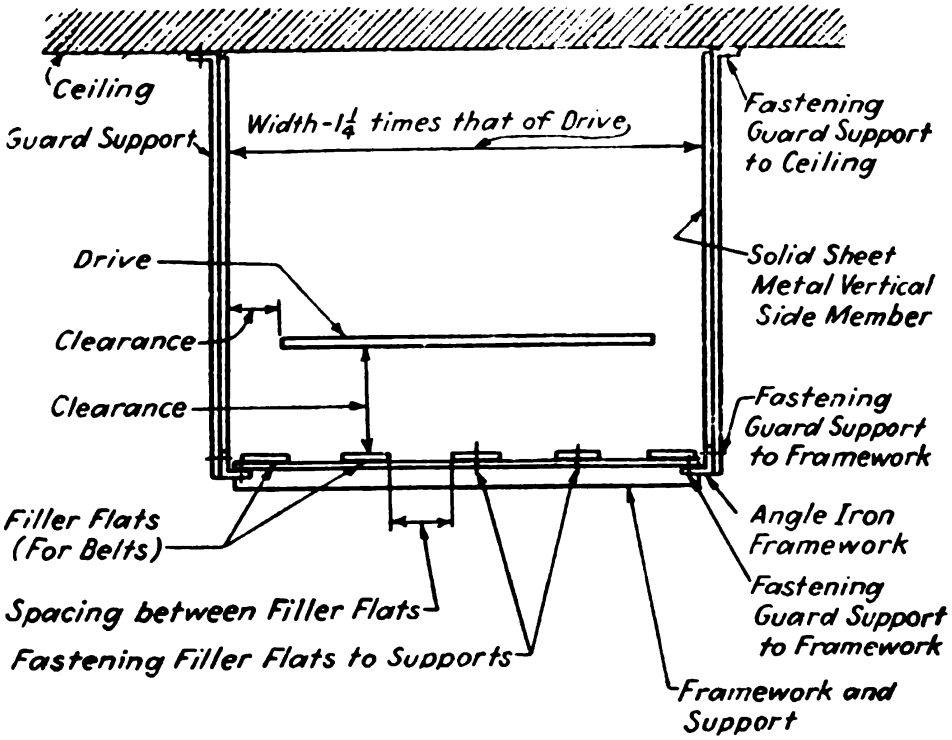
(4) A vertical or inclined belt running over a lower pulley more than 7 feet above the floor or platform and located over a passageway or work place shall be guarded pursuant to R 408.10727(2).

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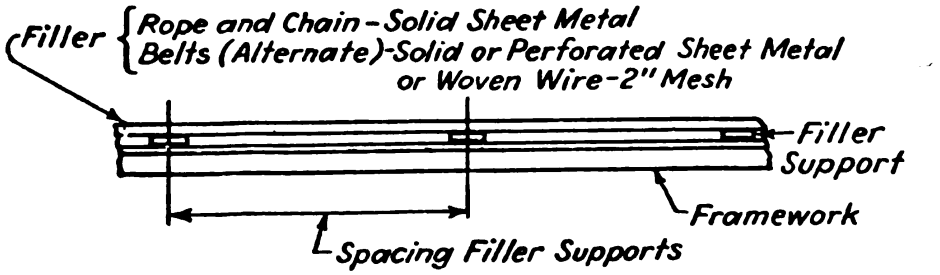
FIGURE 2



Overhead Belt and Pulley Guard



A—Cross Section of Guard



B—Detail Showing Construction Used for Ropes Chains, and as Alternate for Belts

History: 1954 ACS 60, p. 70, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

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R 408.10728 Rescinded.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; rescinded 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

R 408.10729 Cone pulley belts.

Rule 729. (1) A cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip-point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip-point of the belt and pulley, the nip-point shall be further protected by means of a guard which extends at least to the top of the largest step of the cone.

(2) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip-point of the belt and pulley is protected by a nip-point guard which extends at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip-point of the belt and pulley the maximum protection.

(3) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; 1954 ACS 88, p. 93, Eff. Aug. 18, 1976.

R 408.10730 Belt tighteners and counterweights.

Rule 730. (1) A suspended counterbalanced belt tightener and its parts shall be provided with a safety cable or device to prevent the tightener from being exposed to contact if the belt breaks or guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(2) A suspended counterweight exposed to contact, or a part of a counterweight which could subject an employee to injury, shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757, or provided with a safety cable or device to prevent fall.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

R 408.10731 Gears, sprockets, and chain drives.

Rule 731. (1) Gears, sprockets, and chain drives exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757. This does not apply to hand operated gear sprockets and chain drives used to adjust machine parts which do not move after hand power is removed.

(2) Protection against falling chain or metal belts shall be provided pursuant to R 408.10751 to R 408.10754 and R 408.10757 where drives extend over a work area or passageway.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; 1954 ACS 69, p. 67, Eff. Oct. 15, 1971.

R 408.10732 Openings for oiling.

Rule 732. If frequent oiling is necessary, openings with hinged or sliding self-closing covers shall be provided. Points not readily accessible shall have remote lubricating means if the lubricant is to be added while machinery is in motion and the oiler would be exposed to contact.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969.

R 408.10734 Friction drives.

Rule 734. The driving points and moving parts of friction drives, if exposed to contact, shall be guarded pursuant to R 408.10751 to R 408.10754 and R 408.10757.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969.

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R 408.10736 Projections.

Rule 736. Projecting keys, set screws, and other projections in revolving parts exposed to contact shall be removed, made flush, or guarded. This does not apply to keys or set screws within gear or sprocket casings or other enclosures, nor to keys, set screws, or oil cups in hubs of pulleys less than 20 inches in diameter if they are within the plane of the rim of the pulley.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; 1954 ACS 69, p. 68, Eff. Oct. 15, 1971.

R 408.10738 Rescinded.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969; rescinded 1954 ACS 69, p. 68, Eff. Oct. 15, 1971.

STARTING AND STOPPING DEVICES

R 408.10741 Clutches.

Rule 741. (1) A clutch, cut-off coupling, or clutch pulley having any projecting parts exposed to contact shall be enclosed by a stationary guard constructed pursuant to R 408.10751 to R 408.10754 and R 408.10757.

(2) On a line shaft, the shifting part of a jaw clutch and the shifting or mechanism part of a friction clutch coupling shall be attached to the driven shaft.

History: 1954 ACS 60, p. 72, Eff. Nov. 14, 1969.

R 408.10743 Belt shifters.

Rule 743. (1) A tight pulley and a loose pulley shall be equipped with a permanent belt shifter provided with mechanical means to prevent the belt from creeping from the loose to the tight pulley.

(2) A belt shifter and clutch handle shall be rounded and be located to prevent being exposed to contact, but within easy reach of the operator. If an overhead belt shifter is not directly located over a machine or bench, the handles shall be cut off 7 feet above floor level.

History: 1954 ACS 60, p. 73, Eff. Nov. 14, 1969.

R 408.10744 Belt poles, perches, and fasteners.

Rule 744. (1) Belt poles shall be of sufficient size to enable workmen to grasp them securely. They shall be smooth and of straight grain hardwood.

(2) If loose pulleys or idlers are not practicable, belt perches in form of brackets and rollers shall be used to keep idle belts away from the shafts.

(3) Belts shifted by hand shall be glued or fastened with leather lacing.

History: 1954 ACS 60, p. 73, Eff. Nov. 14, 1969.

GUARD DESIGN AND CONSTRUCTION

R 408.10751 Design.

Rule 751. (1) The design of a guard shall take into consideration:

(a) The nature of protection required of the guard.

(b) The possibility of guard failure.

(c) The amount of maintenance required on the guard.

(2) In a place where it is necessary to change belts, make adjustments, or apply oil or grease, a guard may have hinged sections or be of a removable design. A guard shall be closed or replaced after servicing.

History: 1954 ACS 60, p. 73, Eff. Nov. 14, 1969; 1954 ACS 69, p. 68, Eff. Oct. 15, 1971.

R 408.10752 Construction.

Rule 752. A guard shall be practicable, durable, and effective, and it shall not introduce a new hazard, including, but not limited to, burrs and sharp edges.

History: 1954 ACS 60, p. 73, Eff. Nov. 14, 1969; 1954 ACS 69, p. 68, Eff. Oct. 15, 1971.

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R 408.10753 Materials.

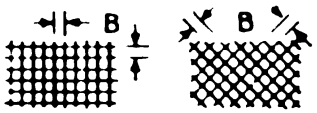
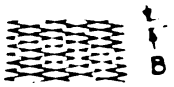
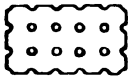
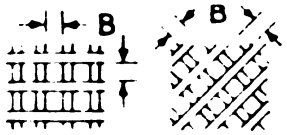
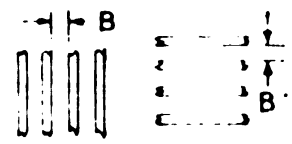
Rule 753. (1) The wires in a wire mesh shall be fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of no. 14 gage wire, ¾-inch mesh or heavier.

(2) Wood guards may be used if the presence of fumes or if manufacturing conditions cause rapid deterioration of metal guards or in construction work and in locations outdoors if extreme cold or extreme heat make metal guards and railings undesirable.

(3) Material sizes and clearances shall be pursuant to table A. See figures 2, 3, and 4.

TABLE A

Standard Materials and Dimensions for Machinery Guards
Size and Clearance of Filler Materials

Material	Clearance from Moving Part at All Points (inches)	Largest Mesh or Opening Allowable B (inches)	Minimum Gauge (U.S. Standard) or Thickness
 Woven Wire	Under 2 2-4 4-15	⅜ ½ 2	No. 16 - ⅜ in. No. 16 - ½ No. 12 - 2
 Expanded Metal	Under 4 4-15	½ 2	No. 18 - ½ in. No. 13 - 2
 Perforated Metal	Under 4 4-15	½ 2	No. 20 - ½ in. No. 14 - 2
 Sheet Metal	Under 4 4-15	... ...	No. 22 No. 22
 Wood or Metal Strips Crossed	Under 4 4-15	⅜ 2	¾ in. wood or No. 16 metal
 Wood or Metal Strips Not Crossed	Under 4 4-15	½ the width One width	¾ in. wood or No. 16 metal
 Plywood, Plastic or Equivalent	Under 4 4-15	... ...	¼ in. ¼ in.
 Standard Railing	Min. 15 Max. 20	... ...	... ...

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TABLE B

Standard Materials and Dimensions for

Horizontal Overhead Belts and Chains 7 Ft. or More Above Floor or Platform				
	Width			
Members	From 0" to 14" incl.	Over 14" to 24" incl.	Over 24"	Material
Framework	1½" × 1½" × ¼"	2" × 2" × 5/16"	3" × 3" × ⅜"	Angle iron
Filler (belt guards)	1½" × 3/16"	2" × 3/16"	2" × 5/16"	Flat iron
Filler and vertical side member	No. 20 A. W. G.	No. 18 A. W. G.	No. 18 A. W. G.	Solid sheet metal
Filler supports	2" × 5/16" flat iron	2" × ⅜" flat iron	2½" × 2½" × ¼" angle	Flat and angle
Guard supports	2" × 5/16"	2" × ⅜"	2½" × ⅜"	Flat iron
Fastenings				
Filler supports to framework	(2) 3/16"	(2) ⅜"	(3) ½"	Rivets
Filler flats to supports (belt guards)	(1) 5/16"	(1) 5/16"	(2) ⅜"	Flush rivets
Filler to frame and supports (chain guards)	3/16" rivets spaced	8" centers on sides and 4" centers on bottom		
Guard supports to framework	(2) ⅜"	(2) 7/16"	(2) ⅝"	Rivets or bolts
Guard and supports to overhead ceiling	¼" × 3½" lag screws or ½" bolts	⅝" × 4" lag screws or ⅝" bolts	¾" × 6" lag screws or ¾" bolts	Lag screws or bolts
Details—Spacing, Etc.				
Width of guards	One-quarter wider than belt, rope, or chain drive			
Spacing between filler supports	20" C. to C.	16" C. to C.	16" C. to C.	
Spacing between filler flats (belt guards)	2" apart	2½" apart	3" apart	
Spacing between guard supports	36" C. to C.	36" C. to C.	36" C. to C.	
Other Belt Guard Filling Permitted				
Sheet metal fastened as in chain guards	No. 20 A. W. G.	No. 18 A. W. G.	No. 18 A. W. G.	Solid or perforated
Woven wire, 2" mesh	No. 12 A. W. G.	No. 10 A. W. G.	No. 8 A. W. G.	

Clearance from Outside of Belt, or Chain Drive to Guard				
Distance center to center of shafts	Up to 15' inclusive	Over 15' to 25' incl.	Over 25' to 40' incl.	Over 40'
Clearance from belt, or chain to guard	6"	10"	15"	20"

History: 1954 ACS 60, p. 73, Eff. Nov. 14, 1969; 1954 ACS 69, p. 68, Eff. Oct. 15, 1971.

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R 408.10754 Frames.

Rule 754. (1) If a guard has a frame, the material shall be securely fastened to it.

(2) If the design of a guard requires filler material of greater area than 12 square feet, additional framework shall be provided to maintain panel area within this limit.

(3) The joints of a framework shall be made equivalent in strength to the material of the frame.

(4) The minimum dimensions of materials in the frame of a guard shall be of sufficient strength and rigidity to hold the filler material fastened to it and to give the guard sufficient strength and rigidity in order to provide the desired protection.

History: 1954 ACS 60, p. 76, Eff. Nov. 14, 1969; 1954 ACS 69, p. 70, Eff. Oct. 15, 1971.

R 408.10756 Disk guards.

Rule 756. A disk guard shall be made of materials specified in table A of R 408.10753 and fastened securely to spokes of pulleys, flywheels, or gears. If a possibility of contact with sharp edges of the disk exists, the edge shall be rolled. Lock nuts or washers shall be placed on the unexposed side of the wheel.

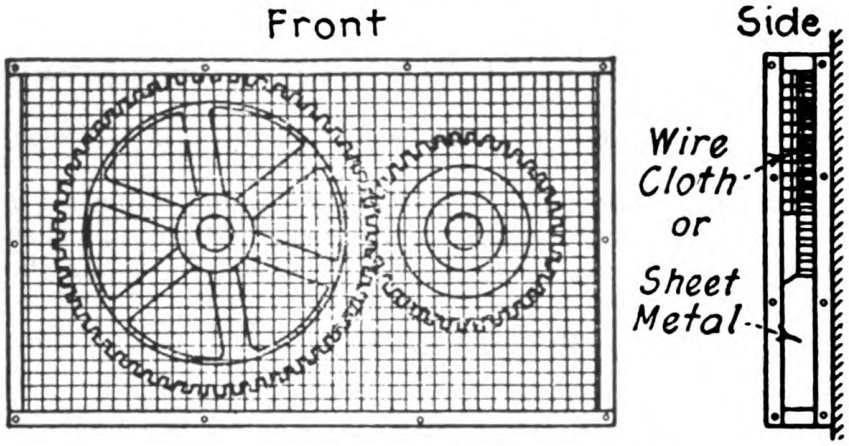
History: 1954 ACS 60, p. 76, Eff. Nov. 14, 1969; 1954 ACS 69, p. 70, Eff. Oct. 15, 1971.

R 408.10757 Shield guards.

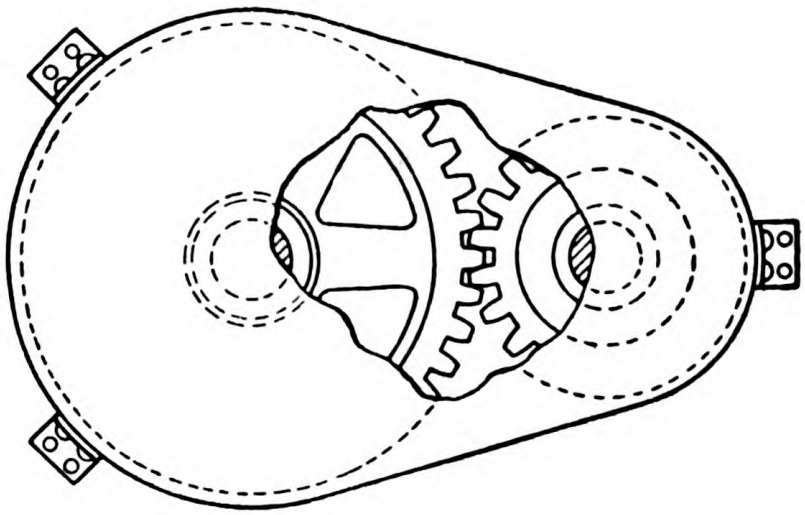
Rule 757. A shield guard shall be made of approved material pursuant to table A of R 408.10753.

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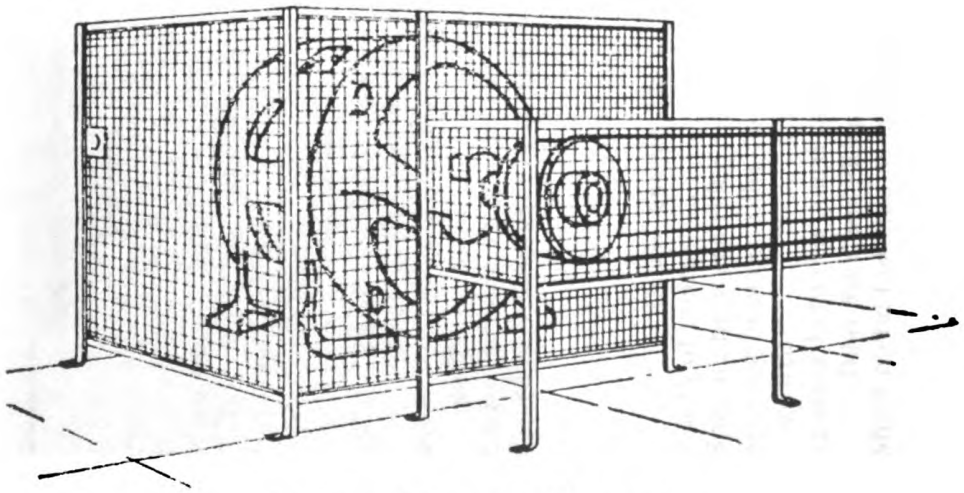
FIGURE 3
Guard Construction



Gear Guard with Wire Cloth Filler



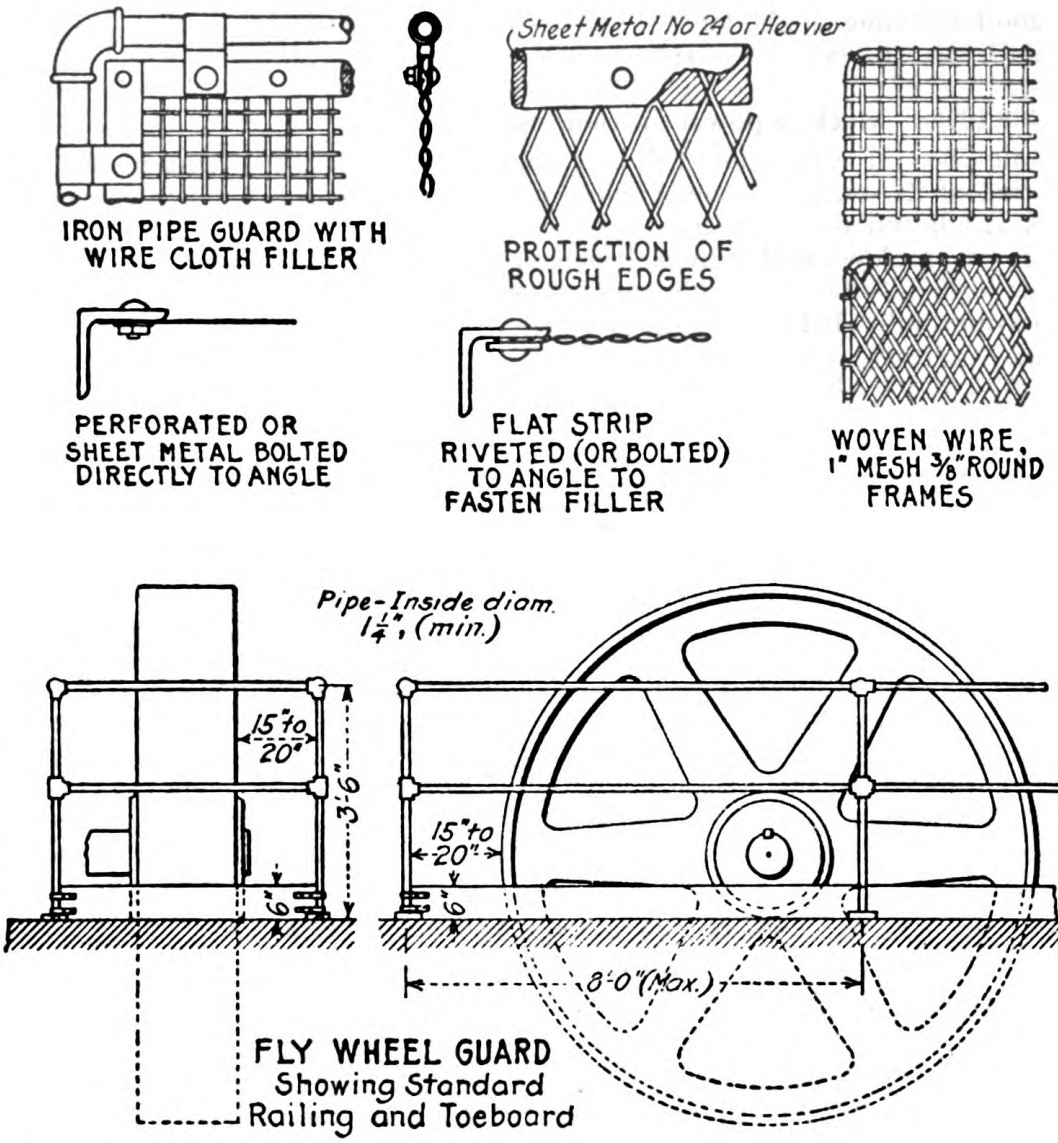
Gear Guard of Sheet Metal



Motor and Low Belt Encased

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FIGURE 4
Guard Construction



History: 1954 ACS 60, p. 76, Eff. Nov. 14, 1969; 1954 ACS 69, p. 70, Eff. Oct. 15, 1971.

POWER DISCONNECTS AND LOCK-OUTS

R 408.10761 Stopping devices.

Rule 761. (1) A machine shall be equipped with a stopping device which can be safely actuated from the operator's working position. Such a device may stop the entire machine operation or only that part of the machine at point of operation. The machine shall be restarted only after an assurance that all employees are in the clear.

(2) Each machine simultaneously attended or operated by more than 1 employee shall be equipped with a machine power control for each employee exposed to point of operation hazards. These controls shall be interlocked in a manner to prevent operation of the machine, until each employee actuates his control.

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(3) A machine power control shall be designed and installed to prevent operation by accidental contact with objects or parts of the body and maintained in good operating condition.

History: 1954 ACS 60, p. 78, Eff. Nov. 14, 1969; 1954 ACS 69, p. 70, Eff. Oct. 15, 1971.

R 408.10763 Machine power disconnects.

Rule 763. (1) A machine shall be equipped with means to permit the disconnecting of its source of power while persons are performing maintenance or making adjustments or repairs.

(2) An employer shall provide procedures to assure that a power disconnect is in an "off" position. An employee shall use a power disconnect pursuant to the procedures provided by his employer.

History: 1954 ACS 60, p. 79, Eff. Nov. 14, 1969.

R 408.10765 Inspection and care of equipment; clothing for oilers.

Rule 765. (1) All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(3) Where explosives, explosive dusts, flammable vapors, or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(4) Bearings shall be kept in alignment and properly adjusted.

(5) Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(6) Pulleys shall be kept in proper alignment to prevent belts from running off.

(7) Inspection shall be made of belts, lacings, and fasteners, and such equipment shall be kept in good repair.

(8) The oilers shall wear clothing appropriate to the hazard.

History: 1954 ACS 88, p. 94, Eff. Aug. 18, 1976.

PART 8. PORTABLE FIRE EXTINGUISHERS GENERAL PROVISIONS

R 408.10801 Scope.

Rule 801. The rules of this part apply to the installation, use, inspection, maintenance, and testing of portable fire extinguishers in, around, and about places of employment, except permanently installed extinguishing systems and portions of such systems which may be portable, such as a hose and nozzle attached to a fixed supply of extinguishing agent.

History: 1954 ACS 69, p. 70, Eff. Oct. 15, 1971; 1954 ACS 80, p. 46, Eff. July 23, 1974.

R 408.10803 Definitions; A to C.

Rule 803. (1) "Approved label" means a label or other identifying mark of a nationally recognized testing laboratory such as underwriters' laboratories, incorporated, factory mutual research corporation, or underwriters' laboratories of Canada that maintains a periodic inspection of production of labeled fire equipment or materials and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(2) "Class 'A' fire" means a fire that has as its fuel ordinary combustible material, such as wood, cloth, paper, rubber, and many plastics.

(3) "Class 'B' fire" means a fire that has as its fuel flammable liquids, gases, or greases.

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(4) "Class 'C' fire" means a fire that involves energized electrical equipment where the nonconductivity of the extinguishing agent is necessary to prevent shock. The fuel consumed by a class "C" fire shall be classed as A, B, or D.

(5) "Class 'D' fire" means a fire that involves the oxidation reaction of combustible metals, such as magnesium, titanium, zirconium, sodium, or potassium.

History: 1954 ACS 69, p. 70, Eff. Oct. 15, 1971.

R 408.10804 Definitions; E to I.

Rule 804. (1) "Extinguisher" means a portable fire extinguisher.

(2) "High hazard" means a condition where the amount of combustibles or flammable liquids present is such that a fire of severe magnitude may be expected. These may include woodworking, auto repair, aircraft servicing, warehouses with high piled (over 15 feet in solid piles, over 12 feet in piles that contain horizontal channels) combustibles and processes such as flammable liquid handling, painting, and dipping.

(3) "Inspection" means a check to see if an extinguisher is in its designated place with no obvious damage or defects that would prevent operation.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971; 1954 ACS 80, p. 46, Eff. July 23, 1974.

R 408.10805 Definitions; L to O.

Rule 805. (1) "Low hazard" means a condition where combustible or flammable liquids would create a beginning fire of minimal intensity in occupancies such as, but not limited to, offices, schools exclusive of trade schools and shops, and public buildings.

(2) "Ordinary hazard" means a condition where combustibles would create a beginning fire of average or medium intensity in occupancies such as, but not limited to, department stores, warehouses, and manufacturing buildings of average hazard.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971.

R 408.10808 Employers' responsibilities.

Rule 808. (1) An employer in control of a property where extinguishers are required shall be responsible for compliance with this part.

(2) A portable extinguisher shall be maintained in a fully charged and operable condition and kept at its designated place ready for use, except as prescribed in R 408.10839.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971; 1954 ACS 80, p. 46, Eff. July 23, 1974.

IDENTIFICATION

R 408.10811 Classification.

Rule 811. (1) An extinguisher shall be classified by suitability for a class of fire as defined in R 408.10803 and rated for extinguishing capability.

(2) The classification shall consist of a letter which indicates the class of fire on which the extinguisher has been found effective, preceded by a rating numeral, for Class "A" and "B" only, which rates the extinguishing potential of the extinguisher. See tables 3 and 4.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971.

R 408.10812 Labels.

Rule 812. (1) A new extinguisher shall bear an approved label indicating its class and rating.

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(2) An extinguisher effective on more than 1 class of fire shall have multiple letter and numeral-letter classifications and ratings.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971.

R 408.10813 Classes of fire; type and contents of extinguisher.

Rule 813. An extinguisher shall be selected and provided for protection against a specific class or classes of fire in accordance with table 1.

TABLE 1

Hazard	Extinguisher type and contents
Class "A" fire	Soda and acid, foam, loaded stream, multi-purpose dry chemical, pressure-operated water, water pump tanks.
Class "B" fire	Carbon dioxide, dry chemical, foam, loaded stream, multi-purpose dry chemical, bromo-trifluoromethane.
Class "C" fire	Carbon dioxide with plastic horn only, dry chemical, multi-purpose dry chemical, bromo-trifluoromethane.
Class "D" fire	Extinguishing agent listed for use on a specific combustible metal hazard.

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971; 1954 ACS 89, p. 35, Eff. Nov. 13, 1976.

R 408.10814 Vapor toxicity.

Rule 814. An extinguisher or extinguishing device containing an active agent or propellant, whose thermal decomposition product or products have a level of vapor toxicity equal to or greater than any of the materials listed in table 2, shall not be used, installed for use, or allowed to remain installed for use.

TABLE 2

1. Carbon tetrachloride, CCl_4
2. Chlorobromomethane, CH_2BrCl
3. Azeotropic chlormethane, CM_7
4. Dibromodifluoromethane, CBr_2F_2
5. 1, 2-dibromo-2-chloro-1, 1, 2-trifluorothane, $CBrF_2CBrClF$
6. 1, 2-dibromo-2, 2-difluorothane, $CH_2BrCBrF_2$
7. Methyl bromide, CH_3Br
8. Ethylene dibromide, CH_2BrCH_2Br
9. Hydrogen bromide, HBr
10. Methylene bromide, CH_2Br_2
11. Bromodifluoromethane, $CHBrF_2$

History: 1954 ACS 69, p. 71, Eff. Oct. 15, 1971.

DISTRIBUTION

R 408.10821 Number and classes.

Rule 821. The number and classes of extinguishers needed shall be based on the area of the building or occupancy, the severity of the hazard and the anticipated classes of fire.

History: 1954 ACS 69, p. 72, Eff. Oct. 15, 1971.

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R 408.10822 Class A extinguishers.

Rule 822. (1) The number of class A fire extinguishers required shall be in accordance with table 3.

(2) Travel distance to the nearest extinguisher shall not be more than 75 feet.

(3) A class A extinguisher shall be provided for a combustible building, interior finish and contents having class A fire potential in accordance with table 3.

(4) A combustible building having an occupancy hazard subject to class B or C fires shall have the required class A extinguisher in addition to class B or C extinguishers except where the fire extinguisher has more than 1 letter classification, it may be considered to satisfy requirements of both.

(5) A class A extinguisher shall be located on the same floor as the hazard.

(6) A floor area of a building less than that specified in table 3 shall have at least 1 class A extinguisher of the minimum size.

(7) The requirements of table 3 may be fulfilled by extinguishers of lower ratings whose numerical ratings equal or exceed the minimum rating for the area specified, except that an extinguisher with a rating of less than 2A shall not be acceptable.

(8) Protection requirements shall be considered fulfilled if extinguishers of a higher rating are provided and the travel distance does not exceed 75 feet.

(9) Within a location where an approved automatic sprinkler system is provided, the square feet area limitation prescribed in table 3 shall not apply for the protection requirements of class A extinguishers. The 75 feet travel distance to an extinguisher shall not be exceeded.

TABLE 3

Minimum Extinguisher Rating for Area Specified	Low Hazard Contents	Ordinary Hazard Contents	High Hazard Contents
2A	6,000 sq. ft.	3,000 sq. ft.	Not permitted
3A	9,000 sq. ft.	4,500 sq. ft.	3,000 sq. ft.
4A	11,250 sq. ft.	6,000 sq. ft.	4,000 sq. ft.
6A	11,250 sq. ft.	9,000 sq. ft.	6,000 sq. ft.

History: 1954 ACS 69, p. 72, Eff. Oct. 15, 1971; 1954 ACS 80, p. 46, Eff. July 23, 1974.

R 408.10823 Class B extinguishers.

Rule 823. (1) A class B extinguisher shall be provided according to the severity of the hazard listed in table 4, except as required by subrule (3).

(2) A foam extinguisher only of a lower rating, not to exceed 3, may be used to fulfill this rule.

(3) An open tank in a building having flammable liquids in depth exceeding ¼ inch shall be provided with an extinguisher on a basis of 1 numerical unit of class B extinguishing agent per square foot of the surface area of the largest tank hazard within the area. An open tank in a building having an area of more than 100 square feet shall be provided with a fixed extinguishing system in addition to the required portable units. An open tank in a building having an area of more than 100 square feet and protected by a fixed system shall be provided with portable units to protect an area to a maximum of 100 square feet.

(4) Travel distance to the nearest class B extinguisher in a building shall be not more than 50 feet. A class B extinguisher of a higher rating may be used but the travel distance shall be not more than 50 feet.

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(5) Widely separated hazards, such as, but not limited to, kitchens, boiler rooms, and paint storage rooms, shall be protected with an extinguisher for the type of hazard present if the travel distance exceeds 25 feet.

(6) A class B extinguisher shall be located on the same floor as the hazard and shall be located so as not to expose an employee to undue danger in order to reach the extinguisher.

TABLE 4

(For extinguishers labeled prior to June 1, 1969)

Type of Hazard	Basic Minimum Extinguisher Rating
Light	4B
Ordinary	8B
High	12B

(For extinguishers labeled after June 1, 1969)

Type of Hazard	Basic Minimum Extinguisher Rating
Light	5B
	10B
Ordinary	10B
	20B
High	20B
	40B

History: 1954 ACS 69, p. 72, Eff. Oct. 15, 1971; 1954 ACS 80, p. 46, Eff. July 23, 1974.

R 408.10824 Class C extinguishers.

Rule 824. At least one 15 pound CO_2 or equivalent class C extinguisher, as listed in table 1, shall be provided within 25 feet of a high hazard area containing an electrical distribution source including, but not limited to, a generator, transformer bank, or main switch gear immediately downstream from a service entrance. Since fire itself is a class A or B hazard, the extinguisher shall be sized and located according to the anticipated class A or B fire.

History: 1954 ACS 69, p. 73, Eff. Oct. 15, 1971; 1954 ACS 80, p. 47, Eff. July 23, 1974.

R 408.10825 Class D extinguishers.

Rule 825. (1) A class D extinguisher shall be used on the specific combustible metal fire for which it has been approved. The extinguisher shall be used according to instructions on the name plate.

(2) A class D extinguishing agent in a quantity sufficient to provide a smothering blanket over the burning material shall be maintained within 25 feet of a combustible metal being machined or processed.

(3) The extinguishing agent may be applied directly from a bulk container.

History: 1954 ACS 69, p. 73, Eff. Oct. 15, 1971.

INSTALLATION, INSPECTION, TESTING, AND MAINTENANCE

R 408.10831 Location.

Rule 831. (1) An extinguisher shall be located where it will be readily seen and accessible along normal paths of travel.

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(2) In a location where a visual obstruction cannot be avoided, a sign, color symbol, or other means shall be used to indicate the location.

(3) Extinguishers of different classes grouped together shall be marked in a manner to facilitate proper choice in case of a fire. An extinguisher with an extinguishing agent which conducts electricity shall bear a label "not for electrical fires" with the letters legible from a distance of 3 feet or more.

History: 1954 ACS 69, p. 73, Eff. Oct. 15, 1971; 1954 ACS 80, p. 47, Eff. July 23, 1974.

R 408.10833 Installation.

Rule 833. (1) An extinguisher shall be installed securely on a hanger, in a bracket, or mounted in a cabinet, unless it is wheeled type or cart mounted. A means shall be used to indicate the location of an extinguisher mounted in a cabinet or on a shelf. The extinguisher shall be placed so that the operating instructions face outward.

(2) An extinguisher having a gross weight of not more than 40 pounds shall be installed so that the top is not more than 5 feet above the floor. An extinguisher having a gross weight of more than 40 pounds, except a wheeled type or cart mounted, shall be installed so that the top is not more than 3½ feet above the floor. An extinguisher, except a wheeled type or cart mounted, shall be installed so that the bottom is not less than 6 inches from the floor.

(3) An extinguisher installed under conditions where it is subject to severe vibration shall be installed on brackets specifically designed to cope with the vibration.

(4) An extinguisher shall be suitable for use within a temperature range of at least plus 40 degrees to plus 120 degrees Fahrenheit. An extinguisher installed at a location subjected to temperature extremes shall be of a type listed for the temperature to which it will be exposed, or placed in an enclosure capable of maintaining the temperature.

History: 1954 ACS 69, p. 73, Eff. Oct. 15, 1971; 1954 ACS 80, p. 47, Eff. July 23, 1974.

R 408.10835 Inspection; maintenance or recharge date tag; replacement.

Rule 835. (1) An extinguisher shall be inspected monthly, or at more frequent intervals when circumstances require, to insure the extinguisher:

(a) Is at its designated place.

(b) Has not been actuated or tampered with.

(c) Does not have obvious damage, such as, but not limited to, physical damage, external corrosion, or other impairment.

(2) An extinguisher showing defects which would possibly affect its operation shall be removed from service and given a complete check. An extinguisher shall have a tag attached to it showing the maintenance or recharge date and the initials or signature of the person who performed the service.

(3) An extinguisher shall receive a thorough inspection not less than once a year to insure operability. An extinguisher requiring recharging or weighing shall be maintained at least annually.

(4) An extinguisher showing evidence of corrosion or mechanical injury shall be subjected to an approved hydrostatic test as specified in R 408.10836(2) or replaced. A pump-type water or anti-freeze extinguisher or a nonrefillable container showing evidence of corrosion or mechanical injury shall be replaced.

History: 1954 ACS 69, p. 73, Eff. Oct. 15, 1971; 1954 ACS 80, p. 47, Eff. July 23, 1974; 1954 ACS 89, p. 35, Eff. Nov. 13, 1976.

R 408.10836 Testing.

Rule 836. (1) An extinguisher shall receive an approved hydrostatic test every 5 years, except dry chemical with brazed-brass, aluminum, or mild steel shells,

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bromotrifluoromethane, and dry powder for metal fires, which shall be tested every 12 years. The hydrostatic test date shall be recorded on a suitable metallized decal or equally durable material which has been affixed by a heatless process to the shell of the extinguisher, showing date of test, test pressure, and the name of the person or agency making the test. An extinguisher tested after the effective date of this part shall have a label which will not retain its original condition when removal from an extinguisher is attempted. An extinguisher manufactured under the department of transportation specifications incorporated in subrule (2) of this rule may have the inspection date and the serviceman's or firm's name, initials, or symbol stamped into the cylinder.

(2) An extinguisher, cylinder, or cartridge used for storage of a compressed gas, manufactured as prescribed in department of transportation specifications, shall be hydrostatically tested in accordance with department of transportation, Code of Federal Regulations on Transportation #49-1972, Parts 171-190, which are incorporated herein by reference, and are available for inspection at the Lansing office of the department of labor. A copy of these regulations, 49 C.F.R. Parts 171-190, may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $4.25.

(3) A nitrogen cylinder or other cylinder for inert gas, such as found on a wheeled extinguisher, shall be tested at not less than 5-year intervals.

(4) The hose and couplings on an extinguisher equipped with a shut off nozzle at the outlet end of the hose shall have a hydrostatic test without the nozzle at the test interval prescribed for the unit on which the hose is installed.

(5) A dry chemical and dry powder hose assembly requiring a hydrostatic test shall be at a test pressure of 300 pounds per square inch for 1 minute. A carbon dioxide hose assembly requiring a hydrostatic test shall be at a test pressure of 1250 pounds per square inch for 1 minute.

(6) An extinguisher subjected to an original factory test pressure of 350 pounds per square inch or more shall be tested at 75% of the factory test pressure, but not less than 300 pounds per square inch (see table 5).

TABLE 5

Hydrostatic Test Pressure Requirements—Non-ICC Shells
Shells Not Specified in U. S. Department of Transportation Regulations (Formerly Interstate Commerce Commission)

Extinguisher Type	Original Factory Test Pressure	Requires Hydrostatic Test Pressure
All Dry Chemical and Dry Powder	400 psi or greater 350-399 psi below 350 psi	75% of factory test pressure 300 psi 75% of factory test pressure
Foam—500 psi factory test	500	375
Foam—350 psi factory test	350	300
Soda-Acid—500 psi factory test	500	375
Soda-Acid—350 psi factory test	350	300

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TABLE 5 (Cont.)

Extinguisher Type	Original Factory Test Pressure	Requires Hydrostatic Test Pressure
Stored-Pressure or Cartridge-Operated Water-Type (including Anti-Freeze and Loaded-Stream)	400 psi or greater	75% of factory test pressure
	350-399 psi	300 psi
	below 350	75% of factory test pressure

History: 1954 ACS 69, p. 74, Eff. Oct. 15, 1971; 1954 ACS 80, p. 47, Eff. July 23, 1974; 1954 ACS 89, p. 35, Eff. Nov. 13, 1976.

R 408.10837 Recharging.

Rule 837. An employer maintaining his own extinguisher shall use recharging materials of the class specified on the extinguisher nameplate or recommended by the manufacturer for recharging.

History: 1954 ACS 69, p. 74, Eff. Oct. 15, 1971.

R 408.10839 Removal and return of extinguisher.

Rule 839. (1) An extinguisher removed from the premises shall be replaced by a spare extinguisher of the same classification during the period the extinguisher is gone.

(2) An extinguisher temporarily removed from its location shall be returned to its designated location in a fully charged and operable condition, or replaced by an extinguisher of the same classification.

History: 1954 ACS 69, p. 74, Eff. Oct. 15, 1971; 1954 ACS 80, p. 48, Eff. July 23, 1974; 1954 ACS 89, p. 37, Eff. Nov. 13, 1976.

PART 9. FIXED FIRE EQUIPMENT
GENERAL PROVISIONS

R 408.10901 Scope.

Rule 901. This part pertains to the installation and maintenance of fixed fire equipment in, around, or about a place of employment, and sets forth requirements for its use in areas where an employee would be injured by rapidly burning material and possible subsequent explosion.

History: 1954 ACS 80, p. 49, Eff. Aug. 20, 1974.

R 408.10902 Definitions; A to C.

Rule 902. (1) "Automatic sprinkler system" means a network of specially sized piping to which sprinklers are connected and systematically spaced. The system is activated by heat to discharge water over a fire starting at any point. This system is connected to a water supply through a controlling valve and a device for activating an alarm when the system is operating.

(2) "Carbon dioxide extinguishing system" means a system of pipes or hoses, nozzles, a triggering device and a pressurized container of carbon dioxide. The gas dilutes the oxygen or gaseous fuel, thus stopping the combustion chain reaction.

(3) "Class A fire" means a fire that has, as its fuel, ordinary combustible material, such as wood, cloth, paper, rubber, and many plastics.

(4) "Class B fire" means a fire that has, as its fuel, flammable liquids, gases, or greases.

(5) "Class C fire" means a fire that involves energized electrical equipment where the nonconductivity of the extinguishing agent is necessary to prevent shock. The fuel consumed by a class C fire will be classed as A, B, or D.

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(6) "Class D fire" means a fire that involves the oxidation reaction of combustible metals, such as magnesium, titanium, zirconium, sodium, or potassium.

History: 1954 ACS 80, p. 49, Eff. Aug. 20, 1974.

R 408.10903 Definitions; D to F.

Rule 903. (1) "Dry chemical extinguishing system" means a system of pipes or hoses, nozzles, an actuating device, an expellant gas, and a container holding a dry chemical. When activated, the expellant gas carries the dry chemical in suspension to stop the combustion chain reaction.

(2) "Dry chemical" means an agent, capable of extinguishing a fire, composed of very small particles, such as sodium bicarbonate, potassium bicarbonate, or monoammonium phosphate, with added particulate material supplemented by special treatment to prevent caking and providing flowability.

(3) "Dry pipe system" means an automatic sprinkler system employing compressed air or other nonflammable gases in the system instead of water. When a sprinkler opens, relieving the air pressure, water pressure opens a dry pipe valve filling the system with water. This system is normally used where piping is exposed to freezing temperatures.

(4) "Fire pump" or "booster pump" means a water pump used to supply water from a suction supply at a specific pressure and volume to a sprinkler or standpipe system.

(5) "Fixed fire equipment" means a fire extinguishing system which is permanently mounted and portions of those systems which may be portable, such as a hose and nozzle attached to a fixed supply of extinguishing agent.

(6) "Flammable liquid" means any liquid having a flashpoint below 100 degrees Fahrenheit.

(7) "Flammable material" means that material which ignites easily, burns intensely or has a rapid rate of flame spread.

History: 1954 ACS 80, p. 49, Eff. Aug. 20, 1974.

R 408.10905 Definitions; H to P.

Rule 905. (1) "Halogenated extinguishing system" means a fixed system of pipes or hoses, nozzles, an actuating device and a container containing a halogenated agent under pressure. The agent inhibits the chemical reaction of fuel and oxygen, thus stopping the combustion chain reaction.

(2) "High expansion foam system" means a system of flooding an area with an aggregation of bubbles mechanically generated by the passage of air or gas through a net or screen which is wetted by a solution of foaming agents and generated as a foam in a ratio of 100 to 1000 to 1.

(3) "Local fire alarm system" means a system of boxes or devices which will manually or automatically activate a visual or audible alarm, or both, to alert an employee.

(4) "Predischarge or discharge alarm" means an audible or visual device interconnected with an extinguishing system and a detecting actuating device.

History: 1954 ACS 80, p. 49, Eff. Aug. 20, 1974.

R 408.10907 Definitions; S to W.

Rule 907. (1) "Sprinkler" or "sprinkler head" means a device which is installed in a sprinkler system and controls the direction and area of coverage of an extinguishing agent.

(2) "Standpipe and hose system" means a water pipe and a hose used where the building height or character requires an immediate means of obtaining a fire stream.

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(3) "Water flow alarm" means a device so constructed and installed that any flow of water from a sprinkler system, equal to or greater than that from a single sprinkler, will result in an audible alarm signal on the premises.

History: 1954 ACS 80, p. 50, Eff. Aug. 20, 1974.

R 408.10911 Employer's responsibility.

Rule 911. (1) An employer shall be responsible for the maintenance of the fixed fire equipment system in the area occupied or controlled by him.

(2) An employer shall furnish training to an employee before assignment to perform maintenance on a fixed fire equipment system.

(3) An employer shall have the design of the fixed fire equipment system reevaluated whenever the occupancy changes or fire hazards increase.

(4) An employer shall keep a record of the 3 most recent tests and inspections, but in no case shall it cover less than a 12-month period.

History: 1954 ACS 80, p. 50, Eff. Aug. 20, 1974.

R 408.10912 Employee's responsibility.

Rule 912. An employee shall not perform maintenance or make inspections on fixed fire equipment unless he has been trained for the type of equipment to be maintained or inspected and has been authorized to do so.

History: 1954 ACS 80, p. 50, Eff. Aug. 20, 1974.

R 408.10913 Notification.

Rule 913. Whenever fixed fire equipment is closed or removed from service, the following shall be accomplished:

(a) The plant manager or his designated representative shall be notified.

(b) The balance of the system shall be kept operable.

(c) After alterations or repairs, the system shall be tested and resealed in operable condition where required, and those persons in subdivision (a) advised.

History: 1954 ACS 80, p. 50, Eff. Aug. 20, 1974.

R 408.10914 Requirements.

Rule 914. (1) A fixed fire equipment system, as listed in R 408.10921 and R 408.10941 to R 408.10976, shall be installed for:

(a) All areas inside a building where flammable liquids are mixed, dispensed, or applied, or used for washing or quenching, except:

(i) A dip tank holding less than 150 gallons, having less than 4 square feet of liquid surface or both.

(ii) As dispensed from an approved safety container of 5 gallons or less.

(b) Other areas where the quantities of flammables are likely to burn rapidly and injure a nearby employee. Such a system shall be classed according to table 1. Other equivalent systems may be used, if such systems meet standards or tests of the department of labor and are installed and maintained in accordance with nationally recognized requirements.

(2) Where a fixed fire equipment system is required or is installed and in use, it shall be installed and maintained as prescribed in R 408.10916 to R 408.10984.

(3) Except as prescribed in R 408.10971, a fixed fire equipment system containing an active agent or propellant whose thermal decomposition product or products have a level of vapor toxicity equal to or greater than any of the materials listed in table 2 shall not be used, installed for use, or allowed to remain installed for use where an employee would be exposed to the agent or propellant.

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TABLE 1

Hazard	Extinguishing agent type and contents
Class A fire	Foam, multi-purpose dry chemical, halogenated agents, water.
Class B fire	Carbon dioxide, dry chemical, foam, water, multi-purpose dry chemical, halogenated agents, such as Halon 1301.
Class C fire	Carbon dioxide, dry chemical, multi-purpose dry chemical, water mist, halogenated agents.
Class D fire	Extinguishing agent listed for use on a specific combustible metal hazard.

TABLE 2

1. Carbon tetrachloride, CCl_4
2. Chlorobromomethane, CH_2BrCl
3. Azeotropic chlormethane, CM_7
4. Dibromodifluoromethane, CBr_2F_2
5. 1, 2-dibromo-2-chloro-1, 1, 2-trifluorothane, $CBrF_2CBrClF$
6. 1, 2-dibromo-2, 2-difluorothane, $CH_2BrCBrF_2$
7. Methyl bromide, CH_3Br
8. Ethylene dibromide, CH_2BrCH_2Br
9. Hydrogen bromide, HBr
10. Methylene bromide, CH_2Br_2
11. Bromodifluoromethane, $CHBrF_2$

History: 1954 ACS 80, p. 50, Eff. Aug. 20, 1974.

R 408.10916 Gravity, suction, and pressure tanks.

Rule 916. (1) A gravity or suction water tank shall be maintained at the full water level designed for fire protection purposes.

(2) The water and air in a pressure water tank shall be maintained at the designed levels and pressures.

(3) The water in a gravity, suction, or pressure tank and risers shall be maintained above freezing temperature. Where a heater is used, the water temperature shall be not more than 60 degrees Fahrenheit.

(4) A steel water tank shall be inspected not less than every 3 years for deterioration and, when necessary, repairs made.

(5) A wooden water tank shall be inspected not less than every 2 years for deterioration and, when necessary, repairs made.

History: 1954 ACS 80, p. 51, Eff. Aug. 20, 1974.

R 408.10917 Fire pumps.

Rule 917. (1) A fire pump shall be operated not less than once a month as follows:

(a) A steam fire pump operated until water is discharged freely from the relief valve.

(b) A centrifugal pump operated at rated speed.

(c) If power is provided by an internal combustion engine, the engine shall be run for not less than 30 minutes to bring it up to normal operating temperature.

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(d) An automatically controlled pump tested manually shall have not less than 1 start each month accomplished by reducing the pressure in the water pressure sensing line or with a larger flow from the entire system.

(2) A fire pump shall be maintained in a room above freezing temperature.

(3) A fire pump shall be used for fire protection only.

(4) A fire pump shall be tested to rated capacity not less than once a year.

History: 1954 ACS 80, p. 51, Eff. Aug. 20, 1974.

AUTO SPRINKLER SYSTEMS

R 408.10921 Installation.

Rule 921. An automatic sprinkler system installed, or that portion of a system modified after the effective date of this part, shall be installed as prescribed by the N.F.P.A. standard, #13-1973, installation of sprinkler systems, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $2.50 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 51, Eff. Aug. 20, 1974.

R 408.10923 Inspection and maintenance of dry systems.

Rule 923. A dry pipe system shall:

(a) Have the system pressure checked not less than once a week and replenished, when necessary.

(b) Have a means of maintaining the temperature of the dry pipe valve above freezing.

(c) Have all low drain points drained and free of water during freezing temperatures.

(d) Maintain the priming water at the designed level.

(e) Give the dry pipe valve a working test, cleaning, and resetting not less than once a year.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

R 408.10924 Clearance to sprinkler deflectors.

Rule 924. The clearances between a ceiling type sprinkler deflector and the top of a stock pile shall be:

(a) Thirty-six inches where the top of solid piled stock is more than 15 feet high or is more than 12 feet in rack or palletized storage.

(b) Eighteen inches for all other piling.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

R 408.10925 Inspection and maintenance.

Rule 925. (1) A sprinkler shall not be painted or coated except by the sprinkler manufacturer. Excepted are petroleum jelly or paper bag coverings, which shall not interfere with the normal functioning of the sprinkler.

(2) An automatic sprinkler shall be replaced with a new sprinkler after it is installed 50 years or shows evidence of corrosion, leakage, or damage.

(3) A sprinkler in a spray area shall be kept free of deposits which would interfere with its operation.

(4) A sprinkler wrench shall be used for installing and removing a sprinkler.

(5) A broken or loose pipe hanger shall be replaced or refastened.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

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R 408.10926 Supplies.

Rule 926. A stock of extra sprinklers shall be maintained or readily available for each temperature rating and type so that the system can be returned to readiness as soon as possible.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

R 408.10927 Outside open sprinkler equipment.

Rule 927. Outside open sprinkler equipment shall be tested during warm weather not less than once a year.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

STANDPIPE AND HOSE SYSTEMS

R 408.10931 Installation.

Rule 931. A standpipe and hose system installed, or that portion of a system modified after the effective date of this part, shall be installed as prescribed by the N.F.P.A. standard, #14-1973, standpipe and hose systems, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $1.00 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

R 408.10933 Location.

Rule 933. A standpipe shall be located so as to be unobstructed, readily accessible, and so guarded that it is protected against mechanical damage.

History: 1954 ACS 80, p. 52, Eff. Aug. 20, 1974.

R 408.10934 Hose.

Rule 934. Where a hose outlet is required for use of building occupants, the hose length shall not exceed 75 feet of 1½-inch, unlined, or 100 feet of rubber lined, hose attached to the outlet. An employer having an organized and trained fire brigade may increase the 75 feet limitation to 100 feet of unlined hose.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10935 Hose rack or reel.

Rule 935. A hose rack or reel shall be provided for fire hose at each hose station and the hose and nozzle shall be maintained in the rack or reel when not in use.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10936 Hydrants.

Rule 936. (1) A yard hydrant shall be inspected not less than once a month for obstructions around the opening and accessibility to employees.

(2) A yard hydrant shall be flushed not less than once a year.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10937 Inspection of standpipe and hose system; water level; valve.

Rule 937. (1) An inspection of all portions of a standpipe and hose system shall be made not less than once a year by a trained and authorized employee or an outside service.

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(2) A water tank shall be maintained at the water level designed for fire protection purposes and where a pressure tank is used, the air pressure shall be maintained at the designed pressure level, but not less than 75 psi.

(3) The valve to the main connection of the source of water to a standpipe shall be kept open at all times.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974; 1954 ACS 89, p. 37, Eff. Nov. 13, 1976.

CARBON DIOXIDE SYSTEMS

R 408.10941 Installation.

Rule 941. A carbon dioxide extinguishing system installed, or that portion of the system modified after the effective date of this part, shall be installed as prescribed in the N.F.P.A. standard, #12-1973, carbon dioxide extinguishing systems, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $2.25 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10944 Installations prohibited.

Rule 944. A carbon dioxide extinguishing system shall not be installed to control a fire involving:

(a) Chemicals containing their own oxygen supply, such as cellulose nitrate.

(b) Combustible metals or special hazardous materials, such as sodium, potassium, magnesium, titanium, and zirconium.

(c) Metal hydrides.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10945 Safeguards.

Rule 945. (1) Where there is a possibility that an employee may be trapped in, or enter into, an atmosphere made hazardous by a carbon dioxide discharge, the following safeguards shall be provided:

(a) Predischarge and discharge alarm.

(b) Warning signs.

(c) Employee training.

(d) Self-contained breathing apparatus.

(2) Where an alarm, audible or visual, is provided to indicate system failure, it shall be distinctive from an alarm indicating operation or hazardous conditions and shall operate continuously until manually shut off.

(3) Before an employee enters an area where carbon dioxide has been discharged and may be trapped, the area shall be purged or the employee shall wear approved respiratory equipment.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

R 408.10946 Inspection.

Rule 946. (1) A carbon dioxide extinguishing system shall be inspected by a trained and authorized employee or outside service:

(a) Not less than annually to insure operability.

(b) Not less than semiannually to insure that all high pressure cylinders are at the designed weight. A cylinder showing a net loss in weight of more than 10% shall be refilled or replaced.

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(c) Not less than annually to check the accuracy of low pressure system liquid level gauges.

(d) If a container shows a loss of more than 10%, it shall be refilled, unless the minimum gas requirements are still provided.

(2) A tag shall be affixed indicating the date of inspection.

History: 1954 ACS 80, p. 53, Eff. Aug. 20, 1974.

DRY CHEMICAL SYSTEMS

R 408.10951 Installation.

Rule 951. A dry chemical extinguishing system installed, or that portion of the system modified after the effective date of this part, shall be installed as prescribed by the N.F.P.A. standard, #17-1973, dry chemical extinguishing systems, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $1.25 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

R 408.10953 Installations prohibited.

Rule 953. A dry chemical extinguishing system shall not be installed to control a deep seated or burrowing fire in ordinary combustibles, or for the items prescribed in subdivisions (a) and (b) of R 408.10944.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

R 408.10954 Safeguards.

Rule 954. Safeguards, as prescribed in R 408.10945, except subdivision (d), shall be provided where the possibility exists that an employee might be within the hazardous area during discharge of the extinguishing agent.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

R 408.10955 Inspection.

Rule 955. (1) A dry chemical extinguishing system shall be inspected by a trained and authorized employee or outside service:

(a) Not less than annually to insure operability.

(b) Not less than semiannually to insure the installed expellant gas containers are at the designed pressure or weight.

(c) Not less than semiannually to insure the stored pressure dry chemical container is at the designed pressure.

(2) A tag shall be affixed indicating the date of inspection.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

HIGH EXPANSION FOAM SYSTEMS

R 408.10961 Installation.

Rule 961. A high expansion foam system installed, or that portion of the system modified after the effective date of this part, shall be installed as prescribed by the N.F.P.A. standard, #11a-1970, high expansion foam systems, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of 75 cents each, from the National Fire Protection Association, 470 Atlantic Avenue,

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Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

R 408.10963 Installations prohibited.

Rule 963. A high expansion foam system shall not be installed to control a fire involving:

(a) Chemicals containing their own oxygen supply, such as cellulose nitrate.

(b) Energized unenclosed electrical equipment.

(c) Water reactive metals, such as sodium and potassium.

(d) Water reactive materials, such as triethyl-aluminum and phosphorous pentoxide.

History: 1954 ACS 80, p. 54, Eff. Aug. 20, 1974.

R 408.10964 Safeguards.

Rule 964. (1) Safeguards for a high expansion foam system shall be provided as prescribed in R 408.10954.

(2) Entry into foam shall be made only in an emergency. If emergency entry is necessary, self-contained breathing apparatus shall be worn in conjunction with a life line attended by another employee outside the hazardous area.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

R 408.10965 Inspection and maintenance.

Rule 965. (1) A high expansion foam system shall be inspected by a trained and authorized employee or by an outside service no less than once a year to insure operability, when needed.

(2) Strainers shall be inspected and cleaned after each use.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

HALOGENATED EXTINGUISHING SYSTEMS

R 408.10971 Installation.

Rule 971. (1) A halogenated fire extinguishing system installed or modified after the effective date of this part shall be installed as prescribed by the N.F.P.A. standard, #12A-1973, halogenated fire extinguishing agent systems—halon 1301, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $2.00 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

(2) The plan and installation of a halogenated fire extinguishing system shall be approved by the state fire marshal.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

R 408.10973 Exceptions to use.

Rule 973. A halogenated fire extinguishing system shall not be used to extinguish fires as listed in R 408.10944.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

R 408.10975 Safeguards.

Rule 975. (1) Where there is a possibility that an employee may be trapped in, or may enter into, an atmosphere made hazardous by the discharge of a halon 1301 extinguishing agent, the following safeguards shall be provided:

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(a) A predischarge and a discharge alarm in a normally occupied area, except an explosion suppressant system, does not require a predischarge alarm if the concentration of the discharge agent does not exceed 7%. If evacuation of the area by personnel can be accomplished within 1 minute, the concentration may be increased to 10%.

(b) Warning signs.

(c) Employee training.

(2) Where an alarm, audible or visual, is provided to indicate system failure, it shall be distinctive from an alarm indicating operation or hazardous conditions, and shall operate continuously until manually shut off.

(3) Before an employee enters an area where Halon 1301 has been discharged, the area shall be purged of that substance. In an emergency and before purging has been accomplished, an employee may enter the area while wearing approved respiratory equipment.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974; 1954 ACS 89, p. 37, Eff. Nov. 13, 1976.

R 408.10976 Inspection and maintenance.

Rule 976. (1) A halogenated extinguishing system shall be inspected by a trained and authorized employee or by an outside service not less than once a year to insure operability.

(2) Not less than semiannually the following shall be accomplished:

(a) The weight and pressure of a refillable container of a halogenated extinguishing agent shall be checked. A container shall be repaired or replaced if the loss in net weight is more than 5% or the loss in pressure is more than 10%.

(b) The weight of a nonrefillable container shall be checked. A container shall be replaced if the net weight loss is more than 5%.

(c) The weight, pressure, and date shall be entered on a tag attached to the extinguisher.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

LOCAL FIRE ALARM SYSTEMS

R 408.10981 Installation.

Rule 981. A local fire alarm system installed or that portion of the system modified after the effective date of this part shall be installed as prescribed by the N.F.P.A. standard, #72A-1972, standard for the installation, maintenance and use of local protective signaling systems for watchmen, fire alarm and supervisory service, which is incorporated herein by reference and which is available for inspection at the Lansing office of the department of labor. This standard may be purchased, at a cost of $1.25 each, from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 80, p. 55, Eff. Aug. 20, 1974.

R 408.10983 Installation.

Rule 983. (1) A local fire alarm system shall be mounted in a location where the system will not be activated by vibration or jarring.

(2) A manual fire alarm box shall be mounted permanently to a wall or post and protected against physical damage.

(3) A manual fire alarm box shall be located so that the maximum distance on each floor to a box will be not more than 200 feet. The box shall be unobstructed, readily accessible and in the regular path of travel to an exit. The location of the

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box shall be identified by a sign or light visible from a distance of not less than 200 feet.

(4) Where the protected premises has an emergency power supply, the local fire alarm system shall have a secondary source of power.

History: 1954 ACS 80, p. 56, Eff. Aug. 20, 1974.

R 408.10984 Maintenance and inspection.

Rule 984. A local fire alarm system shall be tested by a trained and authorized employee or an outside service not less than once a week to insure operability by the activation of not less than 1 box.

History: 1954 ACS 80, p. 56, Eff. Aug. 20, 1974.

PART 11. POLISHING, BUFFING, AND ABRADING

R 408.11101 Scope.

Rule 1101. This part sets forth rules in places of employment for safety in the use of buffing and polishing wheels and coated abrasives, including specifications for flanges, guards, fixtures, application of compounds, automatic buffing, polishing, storage, direction of operation, and speed.

History: 1954 ACS 65, p. 23, Eff. Sept. 15, 1970.

R 408.11103 Definitions; A, B.

Rule 1103. (1) "Abrading" means the process of removing materials by use of abrasives or wire wheels.

(2) "Acorn nut" means a hexagon nut with a rounded enclosed end; see figure 1.

FIGURE 1



(3) "Buffing wheel" means a wheel which, when used in conjunction with a compound and a centrifugal motion, will impart a luster to metal, plastics, or other materials. Buffing wheels are of 2 types, as follows:

(a) Type 1—"full disc buff" means a full circular disc of woven material plied and laminated, and generally sewn together.

(b) Type 2—"bias buff" means a radius of woven material drawn into a clinch ring, which then creates a circular wheel of laminated plies, radiating from the clinch ring.

History: 1954 ACS 65, p. 23, Eff. Sept. 15, 1970.

R 408.11104 Definitions; C to F.

Rule 1104. (1) "Clinch ring" means a series of hog rings pressed into a circular form integrally meshed through the buffing material.

(2) "Coated abrasive" means abrasive grains bonded to paper, fibre, or cloth, usually fabricated in various forms, such as a disc, endless belt, and sheet.

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(3) "Compound" means the abrasive in a bond mixture applied to the buffing wheel or part in a cake or liquid form.

(4) "Flange or end" means disc or plates between which a buff with a metal or fibre center is mounted.

(5) "Fixture" means the support used to hold or guide a part being buffed or polished.

History: 1954 ACS 65, p. 24, Eff. Sept. 15, 1970.

R 408.11105 Definitions; O to W.

Rule 1105. (1) "Off side" means a place above or below the center line of a wheel, depending on rotation of the wheel, where a part or compound will be thrust away from the operator.

(2) "Open spindle lathe—hand jack" means a machine on which buffing or polishing wheels are mounted and run.

(3) "Polishing wheel" means a full circular disc of a material, generally a product of the loom, compressed felt or sheepskin, that is plied and laminated. Abrasive grain is glued or cemented to the periphery and when cured is used to remove fine scratches and imperfections.

(4) "Safety guard" means an enclosure for protection from emission or accidental contact.

(5) "Wire brush wheel" means a full circular disc of wires held in place by a hub or ring.

History: 1954 ACS 65, p. 24, Eff. Sept. 15, 1970.

R 408.11111 Operator personal protection.

Rule 1111. (1) An operator shall:

(a) Wear eye protection, such as goggles or a face shield when polishing, buffing, or abrading.

(b) Wear a belly pad or apron when hand buffing.

(c) Not wear loose clothing.

(2) An operator should:

(a) Wear gloves or hand pads.

(b) Wear safety shoes or toe guards.

History: 1954 ACS 65, p. 24, Eff. Sept. 15, 1970.

R 408.11115 Guards.

Rule 1115. (1) A polishing, buffing, or wire brush wheel on a hand jack, automatic machine, or coated abrasive machine shall have guards made of a minimum of 16 gauge metal or equivalent and of a size and design to cover at least half of the sides of the working wheel, and extend at least 1 inch beyond the spindles. See figure 2.

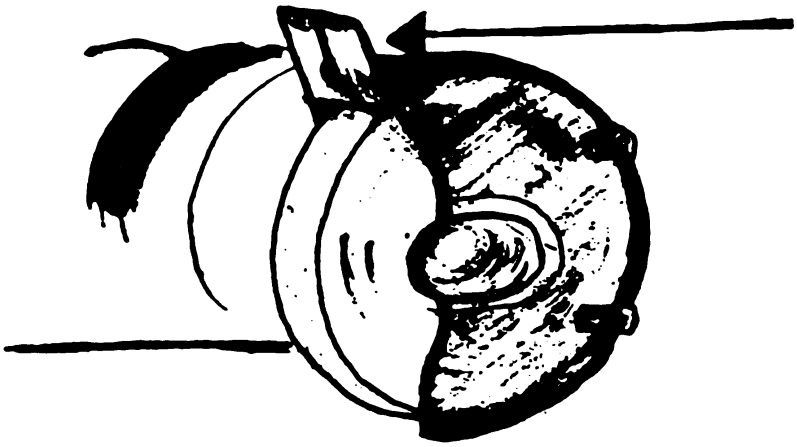
(2) An adjustable deflector of at least 16 gauge metal or equal material shall be installed and maintained within ¼ inch of the face of the wheel on all open spindle lathes. See figure 2.

(3) The face opening shall not be any greater in area than actually required for performance of the operation.

(4) In-running nip points of drive and idler rolls, such as found in belt sanding, shall be guarded with an enclosure which will include the rolls.

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FIGURE 2



History: 1954 ACS 65, p. 24, Eff. Sept. 15, 1970.

R 408.11116 Arbor ends.

Rule 1116. (1) An arbor end which is not equipped with an acorn nut or equivalent shall be guarded.

(2) A nut shall be fully installed on the spindle, and the nut shall be self-locking with the arbor rotation.

History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

R 408.11118 Flanges.

Rule 1118. (1) A flange shall be used with a metal or fibre center bias buff, except where the flange is an integral part of the buff.

(2) A flange shall:

(a) Be 3/16 inch thick for buff face up to 6 inches wide and 3/8 inch thick for a wider buff face.

(b) Be of a diameter to bear firmly on the clinch ring.

(c) Be of the same diameter and design of both sides.

(d) Be made of steel or material of equal strength.

(3) A flange should be tapered or bell shape instead of flat. See figure 3.

FIGURE 3



History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

R 408.11119 Lock out and stop devices.

Rule 1119. (1) Automatic equipment shall be provided with power lock out devices which shall be used to prevent inadvertent operation of the equipment.

(2) Emergency stop buttons or cords shall be provided along the line of heads and be accessible to the operator.

History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

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R 408.11121 Fixtures.

Rule 1121. Auxiliary equipment designed as a standing fixture shall be secured to the floor or machine.

History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

R 408.11123 Illumination.

Rule 1123. (1) Automatic polishing and buffing machinery and equipment shall be located with respect to sources of natural light so that light of 25 footcandles intensity will fall on the loading and unloading area. When natural light is insufficient to meet this requirement, artificial light shall be provided.

(2) Hand polishing and buffing machinery and equipment shall be located with respect to sources of natural light so that light of 30 footcandles intensity will fall on the work. When natural light is insufficient to meet this requirement, artificial light shall be provided.

History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

R 408.11131 Operations.

Rule 1131. (1) Buffing or polishing shall be performed on the off side.

(2) Buffing compound, when applied to a revolving wheel, shall be applied to the off side.

(3) The wheel speed shall not exceed the manufacturer's recommended revolutions per minute.

(4) Coated abrasives shall be run according to the direction (→) indicated by the manufacturer.

History: 1954 ACS 65, p. 25, Eff. Sept. 15, 1970.

R 408.11135 Storage of abrasives.

Rule 1135. Coated abrasives shall be stored under conditions of temperature and humidity to prevent breakage or warpage.

History: 1954 ACS 65, p. 28, Eff. Sept. 15, 1970.

R 408.11137 Fire and explosion precautions.

Rule 1137. Precautions shall be taken to protect against fire and explosion hazards involving aluminum, magnesium, titanium, lint, wax, and solvent when polishing, buffing, or abrading.

History: 1954 ACS 65, p. 28, Eff. Sept. 15, 1970.

PART 12. WELDING AND CUTTING

GENERAL PROVISIONS

R 408.11201 Scope.

Rule 1201. This part is intended to provide, in, about, or around places of employment, reasonable safety to persons involved in welding, cutting, brazing, soldering, and acetylene generating and to those exposed to these processes and the equipment and compressed gases used.

History: 1954 ACS 71, p. 43, Eff. May 1, 1972; 1954 ACS 81, p. 67, Eff. Sept. 26, 1974.

R 408.11203 Definitions; A to C.

Rule 1203. (1) "AC" means alternating current.

(2) "Arc welding" means a process for joining metals by heating with an electric arc with or without the use of pressure and with or without a filler material.

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(3) "Brazing" means a process of joining metals without melting them with a filler metal melting above 800 degrees Fahrenheit.

(4) "Confined space" means a small or restricted space without proper life supporting atmosphere or in which mobility is restricted.

(5) "Cutting" means a process in which the severing or removing of metal is effected by the use of an arc or flame.

(6) "Cylinders" means containers for storing compressed gases manufactured, labeled and periodically tested in accordance with specifications of the department of transportation regulations or manufactured in accordance with specifications of the national fire protection association, which are hereby incorporated by reference and are available for inspection at the Lansing office of the Michigan department of labor. These regulations, department of transportation regulations on transporting dangerous articles—tariff no. 14, 1970, may be purchased from the American Trucking Association, H. J. Sonnenberg, Issuing Officer, 1616 P Street N.W., Washington, D.C. 20036, at a cost of $11.00 each, and the national fire code, volume 2, gases, 1970-71, may be purchased from the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, at a cost of $5.00 each, or from the Michigan State Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 71, p. 43, Eff. May 1, 1972; 1954 ACS 81, p. 67, Eff. Sept. 26, 1974.

R 408.11204 Definitions; D to N.

Rule 1204. (1) "DC" means direct current.

(2) "Fire resistance" means the property of a material or assembly to withstand fire or give protection from it.

(3) "Gas welding" means a process for joining metals by heating with a gas flame with or without the use of pressure and with or without the use of a filler material.

(4) "Inert gas" means argon, carbon dioxide, helium, or nitrogen gas.

(5) "Manifold" means an assembly of pipe and fittings to interconnect either single or multiple sources to single or multiple outlets.

(6) "Noncombustible" means having properties which do not support combustion.

History: 1954 ACS 71, p. 43, Eff. May 1, 1972.

R 408.11205 Definitions; P to W.

Rule 1205. (1) "Press welding machine" means a machine that utilizes 2 platens, 1 of which moves toward the other during the initial part of the machine cycle. It does not provide welding pressure. After 1 of the platens has moved to a stop position, the welding pressure required for the welding operation is applied by 1 or more air or hydraulic cylinders.

(2) "Psig" means pounds per square inch as measured by a gauge.

(3) "Resistance welding" means the joining of metals by the use of heat generated at the joint by the resistance to the flow of electric current and by the application of pressure.

(4) "Soldering" means a process of joining metals without melting them using a filler metal melting at 800 degrees Fahrenheit, 427 degrees Centigrade, or below.

(5) "Spot welding" means a form of resistance welding in which the current and pressure are restricted to the spot of metal surfaces directly in contact between the electrodes.

(6) "Storage" means the storage of filled or empty cylinders not in use.

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(7) "Water capacity" means the weight of water, as related to liquefied gas, of a volume equivalent to that of the cylinder.

(8) "Welder" means a person capable of performing a manual or semi-automatic welding operation.

(9) "Welding operator" means a person who operates a machine or automatic welding equipment.

History: 1954 ACS 71, p. 43, Eff. May 1, 1972; 1954 ACS 81, p. 67, Eff. Sept. 26, 1974.

R 408.11211 Responsibility.

Rule 1211. (1) An employer shall:

(a) Give each employee training or a test before allowing him to use equipment for arc and gas welding and cutting.

(b) Provide face and eye protection as prescribed in Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(c) Insure that other personal protective clothing or equipment is used when necessary.

(d) Provide protective devices, such as, but not limited to, curtains, safety glasses, or face shields to reduce the risk of flash burn, sparks, and foreign bodies to all employees in the area.

(e) Provide ventilation where necessary to protect an employee against toxic materials as prescribed by the state department of public health.

(2) An employee shall:

(a) Use welding and cutting equipment as trained and authorized.

(b) Use the protective equipment required by the employer or the hazard.

(c) Not tamper with safety devices.

(3) An employee in charge of the operation of oxygen or fuel-gas supply equipment, of oxygen or fuel-gas systems, including generators, shall be instructed and judged competent by the employer for this work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

History: 1954 ACS 71, p. 44, Eff. May 1, 1972; 1954 ACS 81, p. 68, Eff. Sept. 26, 1974; 1954 ACS 89, p. 38, Eff. Nov. 13, 1976.

R 408.11212 General.

Rule 1212. (1) A mixture of fuel gas with air or oxygen shall not be permitted except when consumed at a burner or torch.

(2) Only apparatus, such as a torch, regulator, pressure reducing valve, acetylene generator, and manifold, designed for use with fuel gas or oxygen, shall be used for welding or cutting.

(3) The total volume of acetylene used per hour shall not exceed ½ of the total volume of the acetylene supply in the system.

(4) Liquid acetylene shall not be used.

(5) A cylinder to which a regulator is attached shall not be moved unless secured to a hand or powered truck designed or equipped for this purpose.

(6) A cylinder valve shall be closed when:

(a) Moving the cylinder.

(b) The work is finished or is left unattended during lunch, overnight or any other prolonged period.

(c) The cylinder is empty.

(7) Fuel gas shall not flow from a cylinder or manifold through a torch or other device equipped with a shut off valve unless the pressure is reduced by a regulator attached to the cylinder or manifold.

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(8) An oxygen cylinder, cylinder valve, coupling regulator, hose, and apparatus shall be kept free from oily or greasy substances and shall not be handled with oily hands or gloves. A jet of oxygen shall not be permitted to strike an oily surface, greasy clothes or enter a fuel, oil, or other storage tank.

(9) Oxygen shall not be used as a substitute for compressed air nor any other use except for welding or cutting or life support procedures.

(10) Welders shall place welding cable and other equipment so that it is clear of passageways, ladders, and stairways, or it shall be protected against damage or hazards to an employee.

History: 1954 ACS 81, p. 68, Eff. Sept. 26, 1974; 1954 ACS 89, p. 38, Eff. Nov. 13, 1976.

R 408.11213 Working in confined spaces.

Rule 1213. (1) When working in a confined space, the torch valves and the gas supply valve and oxygen valve outside the confined space shall be shut off during lunch, overnight, or any other prolonged period. Where practicable, the torch and hose shall be removed from the confined space.

(2) When stick electrodes are used in a confined space and welding is suspended during lunch, overnight or any other prolonged period, the electrode shall be removed from the holder and the machine shut off.

(3) The air in a confined space shall be tested with an approved device and purged, if necessary, prior to any entry. Ventilation shall be provided in the confined space when an employee is present.

(4) A cylinder or welding power source used in a confined space shall be placed and secured on the outside of the space where work is being performed.

(5) Where an employee must enter a confined space through a small opening, another employee trained in rescue procedures and equipment with such means as are necessary to effect a rescue, if needed, shall be stationed outside the confined space in position to watch the welder. When safety belts and lifelines are used, they shall be so attached to the welder's body that his body cannot be jammed in a small exit opening.

(6) After welding operations are completed in a confined space, a sign or other warning shall be used to mark the hot metal.

History: 1954 ACS 81, p. 68, Eff. Sept. 26, 1974; 1954 ACS 89, p. 39, Eff. Nov. 13, 1976.

R 408.11214 Warning tags and labels.

Rule 1214. (1) A storage container of welding materials with filler metals or fusible granular materials shall carry a special label:

CAUTION

Welding may produce fumes and gases hazardous to health. Use adequate ventilation. See American national standards institute standard Z49.1-1973, safety in welding and cutting.

(2) A storage container of brazing filler metals containing cadmium in significant amounts shall carry a special label:

WARNING

Contains cadmium—poisonous fumes may be formed on heating. Do not breathe fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators or air supplied respirators. See American national standards institute standard Z49.1-1973, safety in welding and cutting. If chest pain, cough, or fever develops after use, contact physician immediately.

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(3) A storage container of brazing or gas welding fluxes containing fluorides shall have a special label:

CAUTION

Contains fluorides. This flux, when heated, gives off fumes that may irritate eye, nose, and throat. Avoid fumes—use only in well ventilated spaces. Avoid contact of flux with eyes or skin. Do not take internally.

History: 1954 ACS 81, p. 69, Eff. Sept. 26, 1974.

CYLINDERS

R 408.11221 Cylinder marking.

Rule 1221. (1) Cylinders shall be legibly marked with either the chemical or trade name. Marking shall be by stenciling, stamping, or labeling and shall not be tampered with or be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

(2) Unlabeled cylinders shall not be used.

(3) Empty cylinders shall be so marked at time of depletion.

History: 1954 ACS 71, p. 44, Eff. May 1, 1972; 1954 ACS 81, p. 69, Eff. Sept. 26, 1974; 1954 ACS 89, p. 39, Eff. Nov. 13, 1976.

R 408.11222 Storage.

Rule 1222. (1) An oxygen cylinder shall be stored at least 20 feet from fuel gas cylinders or a highly combustible material such as, but not limited to, oil, grease, excelsior, flammable gas, or a source of ignition, or be separated from the material by a noncombustible wall, not less than 5 feet (1.6 m) high, having a fire resistance rating of 1 hour. An oxygen cylinder shall not be stored in an acetylene generator compartment.

(2) A cylinder shall be stored away from heat in excess of 125 degrees Fahrenheit.

(3) A cylinder, whether full or empty, in storage or during shipment, shall have the valve closed and cap connected in place, if a cap is provided in the design, or otherwise protected.

(4) Storage shall be set up to insure "first in," "first out" usage.

(5) A cylinder storage area shall be posted with the names of the individual gases stocked, and a warning posted against tampering by an unauthorized employee. An assigned storage area shall be located where a cylinder will not be knocked over or struck by a passing or falling object.

(6) Where different gases are stored, they shall be grouped by types. Groupings shall separate the flammable gases from the oxidizing gases as in subrule (1).

(7) A storage area for cylinders shall be well ventilated. A cylinder shall not be stored in basements or pits except where ventilation as specified by the department of public health is furnished to keep the area purged of any accumulation of gases.

(8) Storage of fuel gas in a building in one area within 100 feet (30 m) of another fuel gas storage area and not protected by an automatic sprinkler system shall be limited to a total gas capacity of 2,000 cubic feet (56 m^3, approx.) or 11.8 cubic feet (.33 m^3) of liquefied gas which is 735 pounds (333 kg.) water capacity. Storage in excess of this amount shall be in a separate room or compartment with an exterior wall and on the top floor of the building, outside or in a special building. All walls, floors and ceilings shall be constructed of noncombustible material having a fire resistance rating of 1 hour. The walls shall be continuous from the floor to the ceiling and securely anchored. The separate room,

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compartment or special building shall have no open flame for heat or light and shall be well ventilated. Openings from the separate storage room to other parts of the building shall be protected by a self-closing fire door for a class B opening and shall have a rating of at least 1 hour. Windows in partitions shall be wired glass and approved metal frames with a fixed sash. Installation shall be in accordance with the standard for the installation of fire doors and windows, N.F.P.A. 80-1974, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.75 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(9) Where a liquid or gaseous oxygen system is used to supply gaseous oxygen for welding and cutting and the system has a storage capacity of more than 20,000 cubic feet (560 m^3), measured at 14.7 psia (101.34 kPa) and 70 degrees Fahrenheit (21.1 degrees Celsius), including unconnected reserves at the site, the system shall be as prescribed in N.F.P.A. standard 50-1971, bulk oxygen systems, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $1.00 each.

(10) A cylinder used for methylacetylene-propadiene, stabilized, shall be constructed of materials suitable for this fuel gas in the gaseous or liquid phases.

History: 1954 ACS 71, p. 44, Eff. May 1, 1972; 1954 ACS 81, p. 69, Eff. Sept. 26, 1974; 1954 ACS 89, p. 39, Eff. Nov. 13, 1976.

R 408.11223 General rules for cylinders—I.

Rule 1223. (1) A chain, bracket, or other restraining device shall be used at all times to prevent cylinders from falling.

(2) Acetylene or liquefied gas cylinders shall not be placed on their sides, but shall be stood valve end up.

(3) A cylinder shall not be dropped, dragged, rolled on its side, or struck violently.

(4) A cylinder shall be lifted only by cradles or enclosed platforms when using a crane or hoisting device. Electromagnets, hooks, ropes, or slings shall not be used.

(5) A frozen or ice clogged valve shall be thawed either by warm air or use of warm water and dried before using. Boiling water or a flame shall not be used. Force shall not be applied to a valve or cap to loosen a cylinder frozen in place.

History: 1954 ACS 71, p. 44, Eff. May 1, 1972; 1954 ACS 81, p. 70, Eff. Sept. 26, 1974.

R 408.11224 General rules for cylinders—II.

Rule 1224. (1) Gases shall not be mixed within a cylinder except by the supplier.

(2) A cylinder shall not be placed where it will become a part of the electrical circuit by accidental grounding or where it may be burned by electric welding arc. A cylinder shall not be placed so that hot slag or flame will reach it or it shall be protected by a fire resistant shield. An electrode shall not be tapped against a cylinder to strike an arc.

(3) A regulator, gauge or hose shall not be interchangeable between fuel gas, oxidizing gas or inert gas. Connections for compressed gas cylinders shall be as prescribed in ASA B57.1-1965, compressed gas cylinder valve outlet and inlet connections, which is incorporated herein by reference and may be inspected at

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the Lansing office of the department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $4.00 each.

(4) A cylinder valve shall be opened slightly for an instant and then closed before connecting to a regulator or manifold to clear the valve of dust and dirt. This shall not be done near a source of ignition. Pressure to a regulator shall be introduced by slowly opening the cylinder valve. An acetylene cylinder valve shall not be opened more than 1½ turns of the spindle.

(5) Acetylene shall not be utilized or piped, except in cylinder manifolds, at a pressure in excess of 15 psig.

(6) Only the owner of the cylinder, if the owner is qualified, or a person trained, qualified, and authorized by the owner, shall refill a cylinder.

History: 1954 ACS 71, p. 45, Eff. May 1, 1972; 1954 ACS 81, p. 70, Eff. Sept. 26, 1974; 1954 ACS 89, p. 40, Eff. Nov. 13, 1976.

R 408.11225 General rules for cylinders—III.

Rule 1225. (1) A cylinder without fixed hand wheels shall have keys, handles or nonadjustable wrenches on valve stems while in service. A multiple cylinder installation shall require only 1 key or handle for each manifold. A hammer shall not be used to open a cylinder valve or loosen a cap.

(2) A cylinder, whether full or empty, shall not be used as a roller or support.

(3) A leaking cylinder, or a cylinder with a valve stuck open or a valve in need of repair, shall be taken outdoors away from sources of ignition, slowly emptied, tagged with a warning sign, and the manufacturer or distributor notified. Complete removal of the stem from the cylinder valve shall be avoided.

(4) Oxygen cylinders, cylinder valves, couplings, regulators, hose and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall not be handled with oily hands or gloves. A jet of oxygen shall not be permitted to strike an oily surface, greasy clothes or enter a fuel oil or other storage tank.

(5) Nothing shall be placed on top of a cylinder which would damage a safety device or interfere with the quick closing of the valve.

History: 1954 ACS 71, p. 45, Eff. May 1, 1972; 1954 ACS 81, p. 70, Eff. Sept. 26, 1974; 1954 ACS 89, p. 40, Eff. Nov. 13, 1976.

MANIFOLDING

R 408.11231 Oxygen manifolding.

Rule 1231. (1) An oxygen manifolding unit shall be located not less than 20 feet from combustible materials or separated by a noncombustible barrier, not less than 5 feet high, having a fire resistance rating of at least ½ hour.

(2) An oxygen manifold shall not be located in acetylene generating rooms.

(3) Each container and manifold unit shall be labeled to show the name of the gas contained.

(4) Each manifold shall be provided with approved pressure regulation devices.

History: 1954 ACS 71, p. 45, Eff. May 1, 1972; 1954 ACS 89, p. 41, Eff. Nov. 13, 1976.

R 408.11232 High pressure oxygen manifolds.

Rule 1232. (1) An oxygen high pressure manifold shall be not more than 6,000 cubic feet, except as permitted in subrule (3).

(2) More than 1 unit may be located in a room, but they shall be at least 50 feet (16 m) apart or separated by a noncombustible barrier not less than 5 feet (1.6 m) high having a fire resistance of ½ hour.

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(3) An oxygen high pressure manifold with an aggregate of more than 6,000 cubic feet (170 m^3 approx.) shall be located outdoors, in a separate noncombustible building or, if located in a building that is otherwise occupied, the manifold shall be located in a separate room of noncombustible construction having a fire resistance of ½ hour, or in an area with no combustible material within 20 feet (6.1 m) of the manifold.

(4) An oxygen manifold or oxygen bulk supply system with a storage capacity of more than 20,000 cubic feet (560 m^3) including unconnected reserves shall be as prescribed in R 408.11222(9).

History: 1954 ACS 71, p. 45, Eff. May 1, 1972; 1954 ACS 81, p. 70, Eff. Sept. 28, 1974.

R 408.11233 Low pressure oxygen manifolds.

Rule 1233. (1) The operating pressure of a low pressure oxygen manifold shall be not more than 250 psig. The following sign shall be posted at each low pressure oxygen manifold:

Low Pressure Manifold:
Do not connect high pressure cylinders
Maximum pressure—250 psig

(2) A low pressure oxygen manifold shall have a minimum bursting pressure of 1,000 psig and shall be protected by a safety relief valve which will relieve at a maximum pressure of 500 psig. The safety relief vent shall discharge outside of the plant at a point away from a source of ignition and where reentry could not occur.

(3) A hose or hose connection subject to manifold pressure shall have a minimum bursting pressure of 1,000 psig.

(4) An assembled manifold including leads shall be tested and proved gas tight at a pressure of 300 psig (2070 kPa gage). The material used for testing oxygen manifolds shall be oil-free and not combustible.

History: 1954 ACS 71, p. 45, Eff. May 1, 1972; 1954 ACS 81, p. 71, Eff. Sept. 28, 1974.

R 408.11234 Fuel gas manifolding.

Rule 1234. (1) Fuel gas connected to 1 manifold inside a building shall have a total gas capacity of not more than 3,000 cubic feet (85 m^3 approx.), or 11.8 cubic feet (.33 m^3) of liquefied gas which is 735 pounds (333 kg.) water capacity. More than 1 manifold unit may be located in a room, but the manifolds shall be not less than 50 feet (16 m) apart or separated by a noncombustible barrier not less than 5 feet (1.6 m) high having a fire resistance rating of ½ hour.

(2) Fuel gas capacity on 1 manifold of more than 3,000 cubic feet (85 m^3 approx.), or 11.8 cubic feet (.33 m^3) of liquefied gas which is 735 pounds (333 kg.) water capacity, is permissible in a separate room or compartment as specified in R 408.11222(8) or located outside the building.

(3) The pressure in the gas cylinders connected to, and discharged simultaneously through, a common manifold shall be approximately equal.

(4) Manifolds shall be approved either separately for each component part or as an assembled unit.

History: 1954 ACS 71, p. 46, Eff. May 1, 1972; 1954 ACS 81, p. 71, Eff. Sept. 28, 1974; 1954 ACS 89, p. 41, Eff. Nov. 13, 1976.

MANIFOLDING—SERVICE PIPING

R 408.11241 Piping material.

Rule 1241. (1) Piping for acetylene shall be limited to steel and ductile iron.

(2) Piping for other gases shall be compatible with the gas.

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(3) Oxygen at pressures of more than 700 psig shall be run in stainless steel or copper alloy piping.

(4) Gray or white cast iron fittings shall not be used.

(5) Pipe and fittings shall be as prescribed in section 2 of the ANSI B31.1-1967 standard, industrial gas and air piping systems, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor, except that:

(a) Pipe shall be not less than schedule 40 and fittings not less than standard weight in sizes up to and including 6 inch nominal.

(b) Copper tubing shall be type K or L.

(6) This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Lansing, Michigan 48926 at a cost of $8.00.

(7) A hose connection and hose complying with R 408.11233 may be used to connect the outlet of a manifold pressure regulator to piping if the working pressure of the piping is 250 psig or less, and the length of the hose does not exceed 5 feet.

History: 1954 ACS 71, p. 46, Eff. May 1, 1972; 1954 ACS 81, p. 71, Eff. Sept. 26, 1974; 1954 ACS 89, p. 41, Eff. Nov. 13, 1978.

R 408.11242 Piping assembly.

Rule 1242. (1) All piping shall be run as directly as practicable, protected against physical damage, proper allowance being made for expansion and contraction, jarring, and vibration. Piping in a tunnel, trench, or duct shall be welded or brazed. Shutoff valves shall be located outside the conduits. Oxygen piping may be placed in the same tunnel, trench, or duct with fuel gas pipe lines, with natural or forced ventilation provided.

(2) Low points in piping carrying moist gas shall be drained into drip pots constructed so as to permit pumping or draining out the condensate at necessary intervals. A drain valve shall be installed for this purpose, having an outlet normally closed with screw caps or plugs. Open end valves or petcocks shall not be used, except that, in drips located out of doors, underground, and not readily accessible, a valve may be used at such points if it is equipped with means to secure it in the closed position. A pipe leading to the surface of the ground shall be cased or jacketed where necessary to prevent loosening or breaking.

(3) A gas shutoff valve shall be provided at the pipe entrance to a building. There shall also be provided a shutoff valve in the discharge line from the generator, gas holder, manifold, or other source of supply. A shutoff valve shall not be installed in a manner that renders a safety relief device ineffective.

(4) Before assembly, piping and fittings shall be freed of scale and dirt. An oxygen line shall be washed out with a solution such as caustic soda or trisodium phosphate. After assembly, piping shall be blown out with oil-free air or oil-free inert gas.

(5) Loose dirt that may have been trapped in the pipe shall be blown out with oil-free air or oil-free inert gas.

(6) Pressure testing of a pipeline shall be done in a manner to protect an employee from injury due to blowing out of closures and other pressure restraining devices.

(7) A piping system shall be tested and proved gas-tight at 1½ times the maximum operating pressure and shall be purged of air before being placed in service. The material used for testing oxygen lines shall be oil free and non-combustible. A flame shall not be used to detect leaks.

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(8) Repairs on ferrous piping for other than inert gas lines shall be preceded by purging the lines, unless only nonsparking tools are used. When gas lines and other parts of a manifold system are being purged, a source of ignition shall not be permitted near the uncapped opening.

(9) Outdoor ferrous and all underground piping and fittings shall be covered or painted to protect against corrosion.

(10) A steel or wrought iron pipe joint shall be welded, threaded, or flanged.

(11) A brass or copper pipe joint shall be welded, brazed, threaded, or flanged. A seamless copper, brass, or stainless steel tubing joint shall be brazed or gas tubing fittings used. Where a socket type joint is used, it shall be brazed with silver brazing alloy or similar filler metal having a melting point not less than 800 degrees Fahrenheit.

History: 1954 ACS 71, p. 46, Eff. May 1, 1972; 1954 ACS 81, p. 71, Eff. Sept. 26, 1974; 1954 ACS 89, p. 41, Eff. Nov. 13, 1976.

R 408.11243 Installation and identification of piping.

Rule 1243. (1) Above ground piping, station outlet, and section valves shall be identified as to contents by color or name, or both, as prescribed in ASA standard A13.1-1956, identification of piping systems, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $2.00.

(2) A cylinder manifold shall be installed under the supervision of someone experienced in the proper practices with reference to their installation and use.

History: 1954 ACS 71, p. 46, Eff. May 1, 1972; 1954 ACS 81, p. 72, Eff. Sept. 26, 1974; 1954 ACS 89, p. 42, Eff. Nov. 13, 1976.

R 408.11244 Station outlets.

Rule 1244. (1) A station outlet shall be equipped with a shutoff valve for each torch supplied from it, designated Vf and Vo in figure 1, located upstream of other station outlet equipment.

(2) A station outlet shall be provided backflow prevention devices, designated as Sf and So in figure 1, at each station outlet, including those on a portable header, to prevent backflow, except where pipeline protection equipment, designated as Pf in figure 1, C is located at the station outlet.

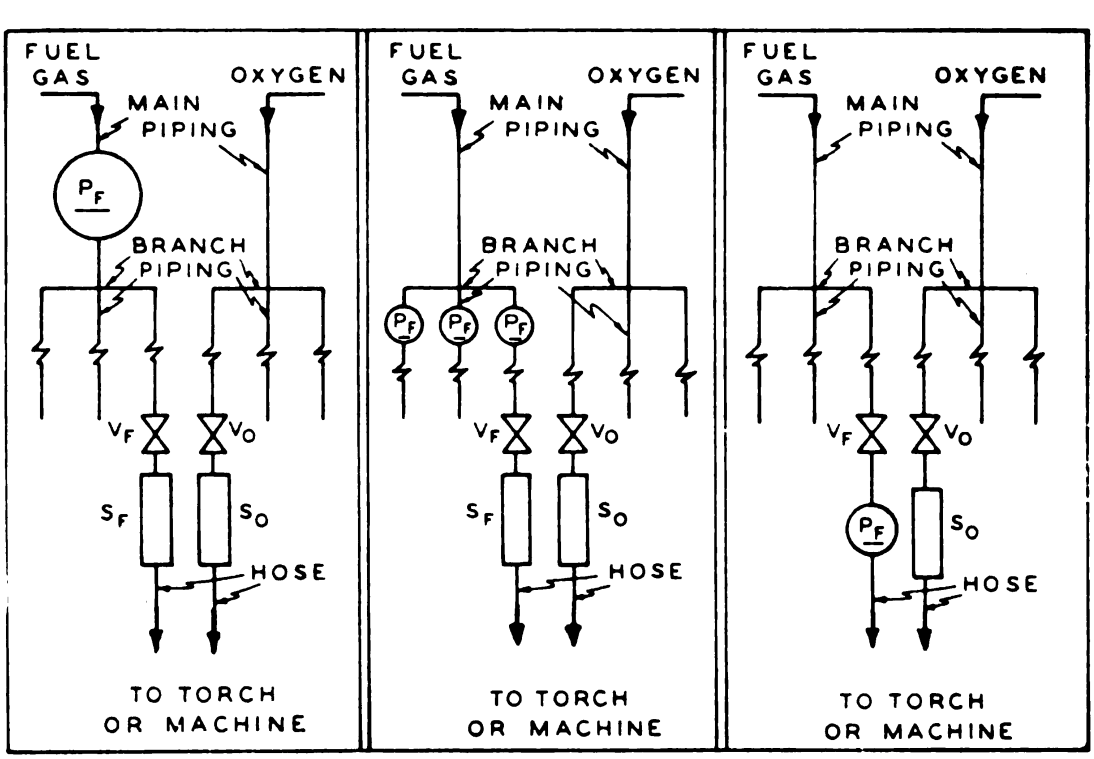
(3) A station outlet shall terminate with an approved union connection for a regulator or a hose, except that the outlet may terminate with pipe threads where a permanent connection is made, such as to a machine.

(4) Each station outlet shall be equipped with a detachable seal outlet cap, secured in place, which shall seal the outlet except when a hose, regulator, or piping is attached.

(5) The total volume of acetylene used per hour shall not exceed ½ of the total volume of the acetylene supply in the system.

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FIGURE 1



LEGEND
P_F—Protective equipment in fuel gas piping
V_F—Fuel gas station outlet valve
V_O—Oxygen station outlet valve
S_F—Backflow prevention device (s) at fuel gas station outlet
S_O—Backflow prevention device (s) at oxygen station outlet

History: 1954 ACS 71, p. 46, Eff. May 1, 1972; 1954 ACS 81, p. 72, Eff. Sept. 26, 1974; 1954 ACS 89, p. 42, Eff. Nov. 13, 1976.

R 408.11245 Portable outlet headers.

Rule 1245. (1) A portable outlet header shall not be used indoors, except where conditions preclude a direct supply from an outlet located on the service piping system.

(2) A master shutoff valve shall be provided for oxygen and fuel gas at the entrance of the portable outlet header.

(3) A portable outlet header shall be provided the protective devices prescribed in R 408.11252.

(4) Each service outlet of a portable outlet header shall be provided with a valve assembly which includes a detachable outlet seal cap, chained or otherwise secured to the valve body.

(5) A portable outlet header shall be provided a frame which will support the equipment in position and protect it from damage during handling and operation.

(6) Each outlet on the service piping from which oxygen or fuel gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

History: 1954 ACS 81, p. 73, Eff. Sept. 26, 1974; 1954 ACS 89, p. 43, Eff. Nov. 13, 1976.

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MANIFOLDING—PROTECTIVE DEVICES

R 408.11251 Pressure devices.

Rule 1251. Pressure regulating and relief devices shall be provided and set to function at not more than the designed pressure and to discharge away from a source of ignition.

History: 1954 ACS 71, p. 46, Eff. May 1, 1972.

R 408.11252 Protective devices.

Rule 1252. (1) Protective equipment shall be installed in fuel gas piping to prevent backflow of oxygen into the fuel gas supply system, passage of a flashback into the fuel gas supply system and excessive back pressure of oxygen in the fuel gas supply system. See Pf in figure 1.

(2) The 3 functions may be combined in 1 device or provided by separate devices.

(3) The protective equipment shall be located in the main supply line as shown in figure 1, A. In addition, an employer may use protective equipment shown in figure 1, B and C. Where a branch is sized 2 inches or more, the protective equipment Pf shall be provided as prescribed in figure 1, B or C.

(4) Backflow protection shall be provided by a device that will prevent fuel gas from flowing into the oxygen system or oxygen from flowing into the fuel-gas system. See figure 1, A and B and Pf in figure 1, A, B, and C.

(5) A pressure relief device shall be set at a pressure not more than the pressure rating of the backflow or flash-back protection devices, whichever is lower, and shall be located on the downstream side of both of these devices. Its vent shall be as large as the inlet and terminate in a hood or bend away from a source of ignition. The vent shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. A shutoff valve shall not be installed in the vent line.

(6) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

(7) Piping protective equipment incorporating a liquid shall have the level maintained. Antifreeze may be used to prevent freezing.

History: 1954 ACS 71, p. 47, Eff. May 1, 1972; 1954 ACS 81, p. 73, Eff. Sept. 26, 1974; 1954 ACS 89, p. 43, Eff. Nov. 13, 1976.

HOSES AND REGULATORS

R 408.11253 Hoses and connections.

Rule 1253. (1) Only approved hose and connections shall be used. A hose connection shall be fastened to withstand twice the working pressure without leaking, but not less than 300 psig (2070 kPa). Oil-free air or an oil-free inert gas shall be used for the test.

(2) Parallel lengths of hose taped together shall have not more than 4 inches out of each 12 covered by tape.

(3) Parallel hoses shall be color coded as follows:

(a) Red—fuel gases.

(b) Green—oxygen.

(c) Black—inert gas or air.

(4) A hose shall be repaired or replaced when it shows burns, leaks, worn places or other defects which could affect the safety of employees.

History: 1954 ACS 71, p. 47, Eff. May 1, 1972; 1954 ACS 81, p. 74, Eff. Sept. 26, 1974; 1954 ACS 89, p. 44, Eff. Nov. 13, 1976.

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R 408.11254 Regulators.

Rule 1254. Regulators shall:

(a) Be used as specified in R 408.11224(3).

(b) Be inspected for faulty seats and repaired when found defective.

(c) Be repaired by authorized and trained personnel, or be returned to the supplier for calibration or repairs.

(d) Not be removed until the cylinder valve is closed and the regulator drained.

(e) Have gauges marked "Use No Oil" when used for oxygen.

History: 1954 ACS 71, p. 47, Eff. May 1, 1972; 1954 ACS 81, p. 74, Eff. Sept. 28, 1974; 1954 ACS 89, p. 44, Eff. Nov. 13, 1976.

GENERAL FIRE RULES

R 408.11261 Fire precautions.

Rule 1261. (1) Cutting and welding shall be done in designated areas free of flammables or conditions favorable to fire or explosion. If it is not practical to perform the work in a designated area, a person shall be assigned responsibility for fire safety of the job and shall take the following action after inspecting the job site and designating precautions to be taken:

(a) Move flammables a minimum of 35 feet (10.7 m) from the area, cover the flammables with a fire resistant covering, or schedule the work for a time when the flammables have been removed.

(b) Cover cracks in the floor or walls that are within 35 feet (10.7 m) of the welding or cutting process if they could pass sparks to other areas.

(c) Wet down wooden floors, except when laid over concrete, and provide a bucket or pan containing water or sand or cover with a fire resistant shield. Where the floor has been wet down, arc welding operators shall be protected from shock.

(d) Have appropriate portable fire extinguishers on hand for use by trained employees.

(e) If there is a possibility that a smoldering fire may have started, keep an observer at the scene of the work for at least 30 minutes after the welding or cutting has stopped.

(2) An observer shall be assigned whenever welding or cutting is done in an area where a fire could start or 1 of the following conditions exists:

(a) Appreciable combustible materials in the building construction or contents less than 35 feet (10.7 m) from the point of operation.

(b) Appreciable combustible material more than 35 feet (10.7 m) away but easily ignited by spark.

(c) Wall or floor opening less than a 35 feet (10.7 m) radius from exposed combustible materials in adjacent areas including concealed spaces in walls and floors.

(d) Combustible material adjacent to the opposite side of a metal partition, wall, ceiling, or roof which is likely to ignite by conduction or radiation.

(3) Welding and cutting by gas utility firms on live mains is exempt from this rule when the main is filled under positive pressure with natural or manufactured gas and air movers are used to ventilate areas where fumes might accumulate.

(4) Welding or cutting shall not be permitted in the following situations:

(a) In an area not authorized by management.

(b) In a sprinklered building while such protection is impaired unless a fire watch is provided.

(c) In the presence of an explosive atmosphere such as mixtures of flammable gases, vapors, liquids, or dusts with air.

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(d) In an area nearer than 35 feet of storage of large quantities of exposed, readily ignitible materials such as bulk sulfur, baled paper, or cotton.

(5) Conveyor and exhaust systems that might carry sparks to a distant combustible shall be protected or shut down.

History: 1954 ACS 71, p. 47, Eff. May 1, 1972; 1954 ACS 81, p. 74, Eff. Sept. 26, 1974.

R 408.11262 Welding drums, barrels, tanks, or other containers.

Rule 1262. (1) Welding or cutting shall not be performed on drums, barrels, tanks, or other containers until they have been cleaned of all flammable, combustible, or toxic materials or fumes.

(2) All pipelines or other connections to drums, barrels, or tanks shall be disconnected or blanked.

(3) Hollow spaces or cavities shall be vented and either filled with water or purged with an inert gas before preheating, cutting, or welding.

(4) An opening shall be maintained during welding and cutting to vent gases or vapors.

(5) The welded construction of a transmission pipeline shall be conducted in accordance with the standard for welding pipelines and related facilities, API standard 1104-1973, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $1.00 from the American Petroleum Institute, 1801 K Street, N.W., Washington, D.C. 20006, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(6) The connection, by welding, of branches to a pipeline carrying a flammable substance shall be performed in accordance with the publication entitled "Welding or Hot Tapping on Equipment Containing Flammables," API standard PSD no. 2201-1963, which is incorporated herein by reference, and is available for inspection at the Lansing office of the department of labor. This standard may be obtained at no charge from the American Petroleum Institute, 1801 K Street, N.W., Washington, D.C. 20006, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 71, p. 48, Eff. May 1, 1972; 1954 ACS 89, p. 44, Eff. Nov. 13, 1976.

ARC WELDING AND CUTTING

R 408.11271 Arc welding machines.

Rule 1271. (1) An arc welding machine shall be capable of operating safely in the environment in which it is located. The design and construction shall enable the machine to carry its rated load with rated temperature rise where the temperature of the cooling air is not more than 104 degrees Fahrenheit and where the altitude is not more than 3,300 feet (1,000 m approx.).

(2) Where unusual service conditions, such as corrosive fumes, steam, oil vapor, flammable gases, vibration, shock, dust, or weather exist, a specially designed machine shall be used.

History: 1954 ACS 71, p. 48, Eff. May 1, 1972; 1954 ACS 81, p. 75, Eff. Sept. 26, 1974.

R 408.11272 Open circuit and no load voltages of arc welding machines.

Rule 1272. (1) When an arc welding machine is operated without being connected to a load, the open circuit voltage shall not exceed the values shown in table 1 when rated voltage is applied to the primary winding or when a generator type arc welding machine is operating at maximum rated no-load speed.

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TABLE 1
Maximum Open Circuit Voltages of Welding Machines

Welding Current	Maximum Open Circuit (no-load) Voltage	
	Manual & Semiautomatic Machines	Automatic Machines
ac	80 rms	100 rms
dc > 10% Ripple voltage	80 rms	100 average
dc < 10% Ripple voltage	100 average	100 average

(2) When welding and cutting processes require values of open circuit voltages higher than 100, insulation or other means shall be provided to prevent the operator from making accidental contact with the high voltage.

(3) Equipment working through resistors from DC trolley voltages of 250 to 600 volts shall have a protective device for automatically disconnecting the power during arc off periods.

(4) Automatic control devices for reducing no-load voltage below 50 volts shall be provided where AC welding is to be done under wet conditions that could provide a shock hazard.

History: 1954 ACS 71, p. 48, Eff. May 1, 1972; 1954 ACS 81, p. 75, Eff. Sept. 26, 1974.

R 408.11273 Design of arc welding machines.

Rule 1273. (1) A controller integrally mounted in an electric motor driven welder shall have the capacity for carrying rated motor current and shall be capable of making and interrupting stalled rotor current of the motor.

(2) Control apparatus shall be enclosed except for the operating wheels, levers, or handles. The handles and wheels shall be large enough to be grasped by a gloved hand.

(3) Input power terminals, tap change devices, and live metal parts connected to input circuits shall be completely enclosed and accessible only by use of tools.

(4) Welding lead terminals shall be protected from accidental electrical contact by personnel or metal objects. If a welding lead terminal normally used for connection to the work is connected to a grounded enclosure, it shall be done by a conductor at least 2 sizes smaller than the grounding conductor and it shall be so marked.

(5) Portable control devices, such as push buttons, shall not be connected to an AC circuit of more than 120 volts. Exposed metal parts of a portable control device operating above 50 volts shall be grounded.

(6) Auto transformers or AC reactors shall not be used to draw welding current directly from any AC power source having a voltage of more than 80 volts.

History: 1954 ACS 71, p. 48, Eff. May 1, 1972; 1954 ACS 84, p. 53, Eff. Sept. 26, 1974.

R 408.11274 Installation.

Rule 1274. (1) The frame or case of a welding machine shall be grounded unless the manufacturer does not recommend it.

(2) The work on which the operator welds shall be grounded by a grounded metal floor, platen, connection to a grounded building frame, or by a direct ground to the machine. A wire used for grounding a work piece shall be capable of carrying the full welding current.

(3) A conduit containing an electrical conductor shall not be used for completing a work-lead circuit.

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(4) A pipeline in service shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension, or repair if current is not carried through threaded joints, flanged bolted joints, or caulked joints and if special precautions are used to avoid sparking at connection of the work-lead cable.

(5) Chains, wire ropes, cranes, hoists, and elevators used for carrying loads shall not be used to carry a welding current.

(6) A welding cable shall be protected against damage, entanglement, or contact with power supply or high tension wires.

(7) A welding machine not provided with a controller or disconnect switch as an integral part shall have a controller or disconnect switch with overload protection provided. A disconnect switch with overload protection or overload disconnect protection or equivalent shall be provided for each outlet used by a portable welding machine.

(8) The rated current carrying capacity of the supply conductors for individual machines shall be not less than the rated primary current for the welding machine. The rated current carrying capacity of conductors for a group of welding machines may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible if all the machines supplied by the conductor will not be in use at the same time.

(9) Where a welding machine is working sufficiently close to another machine so that a welding operator is likely to touch the exposed parts of more than 1 electrode holder simultaneously, the machine shall be connected so as to minimize shock hazard as follows:

(a) DC machines shall be connected with the same polarity.

(b) AC machines shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

History: 1954 ACS 71, p. 49, Eff. May 1, 1972; 1954 ACS 81, p. 75, Eff. Sept. 26, 1974; 1954 ACS 89, p. 45, Eff. Nov. 13, 1976.

R 408.11275 Operation.

Rule 1275. (1) Engine fuel, cooling water, or shielding gas shall not be allowed to leak.

(2) A welding machine shall be disconnected when being moved and turned off when not in use.

(3) Electrodes shall be retracted or removed when not in use. Electrode holders not in use shall be placed so that they cannot make electrical contact with an employee, fuel or gas tanks, or conducting objects.

(4) A welder shall not let live electrodes or holders touch his bare skin or damp clothing. When arc welding is performed in wet conditions or under a condition of high humidity, the welder shall be protected against electric shock.

(5) Electrode holders shall not be cooled by immersion in water.

(6) Welding shall not be permitted where fumes or chlorinated hydrocarbons are present unless specific ventilation and personal protective equipment is provided as specified by the department of public health.

(7) Before starting an arc welding operation, the welder shall:

(a) Make sure the work lead is secured to the work.

(b) Make sure the magnetic work clamps are free of spatter on the contact surfaces.

(c) Spread out the welding cable, if necessary, to prevent overheating and damage.

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(d) Make sure grounding connections are secured to a good ground.

(e) Make sure the required switching equipment for shutting down the machine has been provided.

(8) A welder shall not curl or loop welding cable around his body.

History: 1954 ACS 71, p. 49, Eff. May 1, 1972; 1954 ACS 81, p. 76, Eff. Sept. 28, 1974; 1954 ACS 89, p. 45, Eff. Nov. 13, 1976.

R 408.11276 Maintenance of arc welding machines.

Rule 1276. (1) Spliced welding cable shall not be used within 10 feet (3.05 m) of an arc welding machine.

(2) Equipment in need of repair that constitutes a safety hazard shall not be used or put in use until repairs are made by a knowledgeable employee or outside service.

(3) Cut insulation on work and lead cable or exposed bare conductors of an arc welding machine shall be protected by electrical tape and made watertight or the conductor shall be replaced. Splices shall be made by insulated welded joints or pressure connectors.

(4) An arc welding machine which has become wet shall be thoroughly dried and tested before use.

History: 1954 ACS 81, p. 76, Eff. Sept. 28, 1974.

RESISTANCE WELDING

R 408.11281 Resistance welding; generally.

Rule 1281. (1) An inspection shall be made of a resistance welding machine not less than yearly and records maintained of the findings and action taken. In addition, the operator shall report any defects to his supervisor. A defect which could cause injury shall be repaired before the machine is placed in operation.

(2) Each resistance welding operation shall be analyzed and safeguards and personal protective equipment shall be used where a hazard is found.

(3) The operator of a resistance welding machine and nearby employees shall be protected from flying sparks by shields, curtains, goggles or a combination of a face shield and safety glasses as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(4) A resistance welding machine shall be installed by a qualified employee under the direction of a licensed electrician or supervised by a welding engineer.

(5) A disconnect switch, circuit breaker or circuit interrupter shall be installed on or near the machine so that power can be shut off and locked out whenever the machine needs servicing.

(6) A pair of ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch. When used in a series connected water line, a single switch shall be sufficient if related to the downstream tube.

(7) Controls for automatic, air, or hydraulic clamps and resistance machines shall be located or guarded to prevent accidental activation.

(8) A foot control for a resistance welder shall be guarded as prescribed in rule 2351 of the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12351 of the Michigan Administrative Code.

History: 1954 ACS 81, p. 76, Eff. Sept. 28, 1974.

R 408.11282 Nonportable spot and seam welding machines.

Rule 1282. (1) An external weld initiating control circuit for a nonportable spot or seam welding machine shall operate at not more than 120 volts for stationary equipment and not more than 36 volts for portable equipment.

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(2) Stored energy or capacitor discharge type of resistance welding equipment and control panels involving more than 500 volts (550 rms volts) shall be insulated and completely enclosed. Doors of this equipment and control panels shall be interlocked in a manner to interrupt the power and short circuit all capacitors when the door is opened. In addition to the mechanical interlock, a manually operated switch or equivalent device shall be installed to insure absolute discharge of the capacitors.

(3) The door and access panel of the resistance welding machine and its control panel accessible at production floor levels shall be kept locked or interlocked to prevent entry by unauthorized employees to energized portions of the equipment. A door or access panel shall be considered locked if a key or wrench is required to open it.

(4) Where an operator's fingers are inserted between the electrodes during operation of a press welding machine, a device or guard, such as but not limited to an electric eye, 2-hand control, barriers or pull backs shall be provided and used.

(5) One or more safety emergency stop devices shall be provided on all multispot welding machines with a minimum of 1 stop device at each operator position.

(6) A large welding press shall be equipped with one or more safety pins, latches, or blocks capable of sustaining the full static load. The blocks, pins, and latches shall be electrically interlocked with the power source so that when the blocks are removed from their storage area on the machine and inserted under the ram or platen, the machine becomes inoperative.

(7) The welding transformer secondary shall be grounded by one of the following:

(a) Permanently grounding 1 side of the welding secondary circuit.

(b) Connecting a grounding reactor across the secondary winding with a reactor tap to ground.

(c) As an alternate, on nonportable machines, arranging for an isolation contactor to open 1 side of the line, while the welding or electronic contactor shall open the other side.

History: 1954 ACS 81, p. 77, Eff. Sept. 26, 1974; 1954 ACS 89, p. 46, Eff. Nov. 13, 1976.

R 408.11283 Portable welding guns.

Rule 1283. (1) Unless the design makes it unnecessary, a portable welding gun shall be counterbalanced including the cables.

(2) All suspended portable welding gun equipment, except the gun assembly, shall be equipped with a safety chain or cable capable of supporting the total shock load in event of failure of any component of the supporting system.

(3) When a trolley is used to support a portable welding machine with a clevis for attachment to a safety chain, the clevis shall be wrought or forged steel and capable of supporting the shock load in event of failure of the trolley.

(4) The movable holder shall have such clearance where it enters the welding gun frame that a shear action cannot take place if the operator's fingers are placed on the operating movable holder or guarding shall be provided.

(5) The secondary and case of a portable welding transformer shall be grounded by a center tapped secondary or by a center tapped grounding reactor connected across the secondary.

History: 1954 ACS 81, p. 77, Eff. Sept. 26, 1974.

R 408.11284 Flash welding.

Rule 1284. (1) A flash welding machine shall be equipped with a hood to control flying flash.

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(2) For the protection of an operator of nearby equipment, fire-resistant curtains or suitable shields shall be set up around the machine and in such a manner that the operator's movements are not hampered.

History: 1954 ACS 89, p. 46, Eff. Nov. 13, 1976.

ACETYLENE GENERATORS

R 408.11291 Acetylene generators; marking; pressure limits.

Rule 1291. (1) An acetylene generator shall be of approved construction and permanently marked with the following information:

(a) Manufacturer's name and address.

(b) Name or model number of the generator.

(c) Capacity in cubic feet per hour.

(d) Weight and size of carbide of a single charge.

(2) The carbide used shall be not more than that marked on the acetylene generator and the rated capacity shall not be exceeded. Unless the generator is especially rated higher, a carbide feed generator shall not be rated at more than 1 cubic foot per hour per single charge.

(3) A relief valve for a generating chamber shall be set to open at a pressure of not more than 15 psig, (103 kPa gage). A relief valve for a hydraulic back pressure valve shall be set to open at a pressure of not more than 20 psig, (137.4 kPa gage).

(4) A nonautomatic generator used for generating acetylene shall be set to operate at a pressure of not more than 1 psig, (.687 kPa gage) and all water overflows shall be visible.

(5) An acetylene generator shall be so located that there will be unobstructed space around it to operate the machine without interference to or from other machines or employees and to permit adjustment and charging.

History: 1954 ACS 81, p. 77, Eff. Sept. 26, 1974; 1954 ACS 89, p. 46, Eff. Nov. 13, 1976.

R 408.11292 Acetylene generators; stationary.

Rule 1292. (1) An acetylene generator shall be installed level and in a manner not to place a strain on the generator or its connections. A generator shall be electrically grounded.

(2) A generator shall be located where water will not freeze. Heating shall be by steam, hot water, or other indirect means. Open flames, fire, or other sources of ignition shall not be permitted inside a generator house, room, or in any enclosure communicating with them. Sodium chloride or other corrosive chemicals shall not be used for protection against freezing.

(3) A water supply line to an acetylene generator with a noncontinuous connection shall terminate not less than 2 inches (5.04 cm) above the fill opening so that the water can be observed as it enters the generator. A supply line with a continuous connection shall be used only when the generator is provided an open overflow or an automatic water shutoff which will prevent overfilling the generator.

(4) An acetylene generator shall discharge only through an open connection into a vented outdoor receptacle or residue pit.

(5) An acetylene generator shall be vented by use of schedule 40 galvanized pipe, except that a vent pipe 4 inches (10.2 cm) or more in diameter of not less than 14 gage sheet metal may be used outside of a building. The pipe shall be secured to the building without a trap and installed so that condensation will drain back to the generator. The pipe shall carry to outside the building and terminate in a hood or bend not less than 12 feet from the ground and 3 feet (.91 m) from combustible construction, away from a window or other opening in a building

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and any source of ignition, and shall be constructed so that rain, snow, insects, or birds cannot obstruct the opening. The vent pipes from several generators shall not be interconnected, but shall lead outside separately.

History: 1954 ACS 81, p. 78, Eff. Sept. 26, 1974; 1954 ACS 89, p. 47, Eff. Nov. 13, 1976.

R 408.11293 Gas holders.

Rule 1293. (1) A gas holder shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move without a tendency to bind and shall have a clearance of not less than 2 inches (5.08 cm) from the shell.

(2) The compressor or booster cutoff of a gas holder shall be located 12 inches above the landing point of the gas bell to prevent collapse of the bell.

(3) A gas holder shall be located in a heated and ventilated room as prescribed in R 408.11292(2) and the department of public health. When heat is not supplied, the gas holder seals shall be protected from freezing.

(4) A means shall be provided to stop the generator feeding mechanism before the gas holder reaches the upper limit of its travel. A gas holder connected to only 1 generator shall have a capacity of not less than ⅓ of the hourly rating of the generator.

(5) Protective devices shall be installed in each supply line when acetylene is used from a gas holder without an increase in pressure at some points but with increased pressure by a compressor or booster pump at other points. A low pressure protective device shall be installed between the gas holder and the shop piping, and a medium pressure protective device shall be installed between the compressor or booster pump and the shop piping (See figure 2). Approved protective equipment is used to prevent:

(a) Backflow of oxygen into a fuel gas supply system.

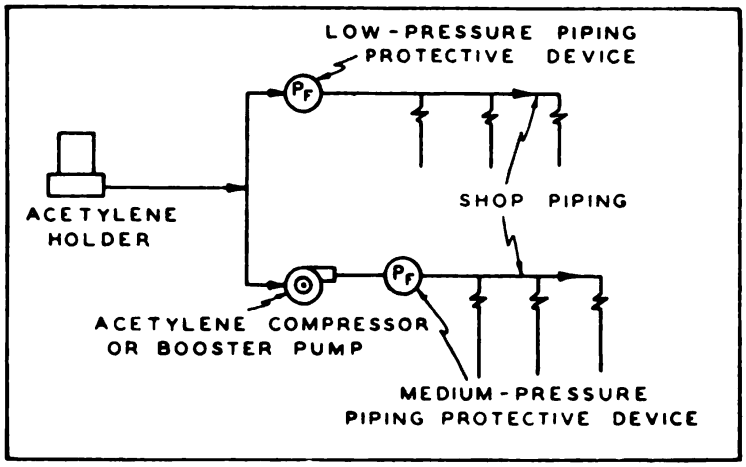
(b) Passage of a flashback into a fuel gas supply system.

(c) Excessive back pressure of oxygen in the fuel gas supply system. The 3 functions may be combined in 1 device or may be provided by separate devices.

(6) A compressor or booster pump shall be located in a ventilated area away from sources of ignition.

(7) A compressor or booster pump shall be provided with a pressure relief valve which will relieve at not more than 15 psig (103.5 kPa gage) as prescribed in R 408.11292(5). The discharge outlets of a compressor or booster pump shall be provided protective equipment as prescribed in R 408.11252.

FIGURE 2



History: 1954 ACS 81, p. 78, Eff. Sept. 26, 1974.

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R 408.11294 Stationary acetylene generators; outside houses and inside rooms.

Rule 1294. (1) An opening in an outside acetylene generator house shall not be located within 5 feet (1.6 m) of an opening in another building. The walls, floor, and roof shall be of noncombustible construction with a 1-hour fire-resistance rating.

(2) Where part of a generator house is used for storage or manifolding of oxygen cylinders, the space to be occupied shall be separated from the generator or carbide storage section by construction partition walls continuous from floor to ceiling, gas tight, constructed as prescribed in subrule (1), securely anchored and with not less than 1 exterior wall. Separation walls shall be without openings. Exit doors shall be located so as to be accessible in an emergency.

(3) Explosion venting for generator houses and rooms shall be provided in the exterior wall or roof. The venting area shall be equal to not less than 1 square foot (.092 m2) per 50 cubic feet (1.42 m3) of room volume and may consist of 1 or any combination of the following:

(a) Walls of light, noncombustible material, preferably single thickness, single strength glass.

(b) Lightly fastened hatch covers.

(c) Lightly fastened swinging doors on exterior walls swing outward.

(d) Lightly fastened walls or roof designed to relieve at a pressure of not more than 25 pounds (11.35 kg) per square foot.

(4) The installation of an acetylene generator within a building shall be restricted to a 1-story building or the roof or top floor of a multistory building. A generator installed inside a building shall be enclosed in a separate room and constructed as prescribed in subrule (2).

(5) An opening from an inside generator room to another part of the building shall be protected by a swinging type self-closing class "B" fire door having a 1-hour fire resistance rating. A window in the partition shall be wired glass in metal frames as prescribed in NFPA-80-1973 standard, installation of fire doors and windows, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased from the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $2.25.

(6) A generator room or house shall be equipped with vents located at ceiling and floor levels.

(7) Illumination during daylight hours shall be by natural light. Where artificial lighting is necessary, it shall be from explosion-proof fixtures and controls. Wiring shall run through rigid conduit with threaded connectors. Telephone and other electrically powered apparatus either shall be designed for an explosive atmosphere or located outside the generator room or house.

History: 1954 ACS 81, p. 79. Eff. Sept. 28, 1974.

R 408.11295 Portable acetylene generators.

Rule 1295. (1) A portable acetylene generator shall not be used less than 10 feet (3.2 m) of combustible material other than the floor. Ceiling height shall be not less than 10 feet (3.2 m).

(2) A portable generator shall be located in a room with a total volume of not less than 35 times the total gas generating capacity per charge of all generators in the room. The gas generating capacity in cubic feet per charge is figured by multiplying the pounds of carbide per charge by 4½.

(3) A portable acetylene generator shall:

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(a) Be protected from freezing. Salt or other corrosive chemicals shall not be used.

(b) Be cleaned, recharged and the air mixture blown off outside the building.

(c) Not be moved by a crane or derrick when charged. When transported and operated on a vehicle, it shall be secured to the vehicle. The generator shall not be operated, charged or cleaned while vehicle motor is running.

(d) Not be stored in a room in which an open flame is used unless the generator contains no carbide and has been purged of acetylene. The storage room shall be ventilated.

(e) Be protected from any source of spark or flame.

(4) A portable generator shall be of a type approved for portable use.

History: 1954 ACS 81, p. 80, Eff. Sept. 28, 1974; 1954 ACS 89, p. 47, Eff. Nov. 13, 1976.

R 408.11296 Maintenance and operation.

Rule 1296. (1) An unauthorized employee shall not enter an acetylene generator room or house.

(2) Operating instructions shall be posted near the acetylene generator for ready reference.

(3) A batch type acetylene generator shall be flushed with water and the water supply replenished after a charge of carbide is exhausted, before additional carbide is added.

(4) The water carbide residue mixture shall be piped into a settling pit not a sewer pipe. Only the clear water from the settling pit may be discharged into a sewer pipe.

(5) Carbide added to an acetylene generator shall refill the space provided without ramming the charge. Steel or other ferrous tools shall not be used.

(6) The water chamber of an acetylene generator shall be maintained at the indicated level except when draining during a recharging operation.

(7) Prior to making a repair involving a source of ignition, such as welding, soldering, or other hot work, the carbide charge and feed mechanism shall be removed. All acetylene shall be expelled by completely flooding the generator with water and disconnecting the generator from the piping system. Water shall be maintained in the generator until repairs are completed. Hot repairs shall not be made in a room or house with other acetylene generators unless all generators and piping have been purged.

(8) Whenever repairs are to be made, or the generator is to be charged, or the carbide is to be removed, the water chamber shall be filled to the proper level.

History: 1954 ACS 81, p. 80, Eff. Sept. 28, 1974; 1954 ACS 89, p. 47, Eff. Nov. 13, 1976.

R 408.11297 Carbide storage; general.

Rule 1297. (1) Carbide shall be contained in metal packages capable of containing the material without rupture. The package shall be water and air tight without the use of a solder which would melt during a fire. The package shall have a screw top or equivalent.

(2) The package shall be labeled as prescribed in the occupational safety standards commission standard, Part 16. Labeling of Hazardous Substances, being R 408.11601 to R 408.11613 of the Michigan Administrative Code. Packages containing calcium carbide shall be conspicuously marked "Calcium Carbide—Dangerous If Not Kept Dry" or with an equivalent warning.

History: 1954 ACS 81, p. 80, Eff. Sept. 28, 1974; 1954 ACS 89, p. 48, Eff. Nov. 13, 1976.

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R 408.11298 Carbide storage; indoors.

Rule 1298. (1) Inside storage areas for carbide shall not be protected by a sprinkler system.

(2) Carbide stored indoors shall not exceed 600 pounds (272.2 kg). The area shall be dry, waterproof, and ventilated. Carbide storage with cylinders of fuel gas shall not exceed 600 pounds (272.2 kg).

(3) Packages of carbide, except for 1 of each size, shall be kept sealed. A seal shall not be broken when there is more than 1 pound (.454 kg) of any other unsealed package of the same size of carbide in the room.

(4) Carbide in excess of 600 pounds (272.2 kg), but not more than 5,000 pounds (2,267.96 kg), shall be stored:

(a) In an inside acetylene generator room or outside generator house.

(b) In a separate room of a 1-story building which may contain other occupancies, without a cellar or basement beneath the carbide storage area. This room shall be constructed as prescribed in R 408.11294 and shall not be used for any other purpose.

(c) In a 1-story building without a cellar or basement and used for no other purpose. The building shall be located away from a congested mercantile or manufacturing district. If the building is of noncombustible construction, it may adjoin another 1-story building but the buildings shall be separated by an unpierced firewall. If the building is separated by less than 10 feet (3.2 m) from another building, there shall be no openings in the mutually exposed sides within 10 feet (3.2 m). If the carbide storage building is of combustible construction, it shall be not less than 20 feet (6.4 m) from any other 1- or 2-story building and not less than 30 feet (9.6 m) from any other building more than 2 stories.

History: 1954 ACS 81, p. 81, Eff. Sept. 26, 1974.

R 408.11299 Carbide storage; outside.

Rule 1299. (1) Only unopened metal containers of carbide shall be stored outside.

(2) The container of carbide stored outside shall be inspected monthly for water and air tightness and rusting.

(3) The bottom tier of each row of carbide containers shall be placed on wooden planking or equivalent so that the container will not make contact with the ground or groundwater.

(4) The storage area shall be not less than 10 feet (3.2 m) from the adjoining property which may be occupied.

(5) Containers of carbide shall be used on a first-in, first-out basis.

History: 1954 ACS 81, p. 81, Eff. Sept. 26, 1974.

PART 14. CONVEYORS
GENERAL PROVISIONS

R 408.11401 Scope.

Rule 1401. This part applies to the construction, maintenance, and operation of conveyors and conveying machinery in, about, or around employment. This part does not apply to industrial trucks, underground mining conveyors, passenger conveyors, stacker cranes, driverless electronic tugs, or construction equipment.

History: 1954 ACS 73, p. 35, Eff. Nov. 10, 1972.

R 408.11403 Definitions; A to C.

Rule 1403. (1) "Aisle" means a path of travel for vehicles and employees.

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(2) "Auger or screw conveyor" means a revolving pipe or shaft on which is mounted helically shaped flighting which serves to convey bulk materials along a trough or a defined path. See figure 1.

(3) "Belt conveyor" means an endless belt operating between a drive and a tailend, with or without bend terminals, and over idler rolls or slider beds which handles bulk materials, packages or objects placed directly on the belt. See figure 2.

(4) "Belt tripper" means a device incorporating a system of pulleys which cause a conveyor belt to load or unload material at 1 or more points along the length of a belt conveyor. See figure 3.

(5) "Bucket, gravity discharge or pivoted bucket conveyor" means a series of buckets mounted between 2 endless chains or on a belt which may operate in horizontal, inclined or vertical paths. See figure 4.

(6) "Conveyor" means a horizontal, inclined or vertical device for moving or transporting bulk materials, packages or objects in a predetermined path by design and having points of loading or discharge fixed or selective.

(7) "Cross over" means a stile-like device used to cross over a conveyor or machine.

History: 1954 ACS 73, p. 35, Eff. Nov. 10, 1972.

R 408.11404 Definitions; D to I.

Rule 1404. (1) "Declined conveyor" means a conveyor transporting down a slope.

(2) "Extendable conveyor" means a conveyor which may be lengthened or shortened by power to suit operating needs.

(3) "Hanger" means a bearing, housing or frame which supports a shaft below a point at which the hanger is attached to the conveyor frame, trough or other structure.

(4) "Hinged section" means a section of conveyor equipped with a hinge mechanism for movable service.

(5) "Horizontal reciprocating or walking beam conveyor" means a reciprocating beam or beams that through hinged flights, special fixtures or other means advances material in a horizontal plane. See figure 7.

(6) "Inclined conveyor" means a conveyor transporting up a slope.

(7) "Indexing" means the controlled starting or stopping of a conveyor by distance or time.

History: 1954 ACS 73, p. 35, Eff. Nov. 10, 1972.

R 408.11405 Definitions; L to N.

Rule 1405. (1) "Live roller conveyor" means a series of rollers over which objects are moved by application of power to some or all of the rollers.

(2) "Means of egress" means a continuous path of travel from any point in a building to the open air outside at ground level.

(3) "Monorail or trolley conveyor" means a series of trolleys supported from or within an overhead track and connected by an endless propelling medium, such as a chain, cable or other linkage, with loads usually suspended from the trolley.

(4) "Nip point" means that point where a moving object creates a pinch or shearing action with a fixed or another moving object.

History: 1954 ACS 73, p. 36, Eff. Nov. 10, 1972.

R 408.11406 Definitions; P.

Rule 1406. (1) "Passageway" means a path of travel for foot traffic only.

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(2) "Pinch point" means a point at which it is possible to be caught between moving parts of a machine or between moving and stationary parts of a machine, or between the material and any part of a machine.

(3) "Pneumatic conveyor" means a system of tubes or ducts through which objects or bulk materials are conveyed by a pressure or vacuum system. See figure 5.

(4) "Portable conveyor" means a transportable conveyor, usually having supports which provide mobility. See figure 6.

(5) "Pulley" means a wheel, usually cylindrical but sometimes polygonal in cross section, with the wheel's center board for mounting on a shaft and used to transmit power or change direction.

History: 1954 ACS 73, p. 36, Eff. Nov. 10, 1972.

R 408.11407 Definitions; R to V.

Rule 1407. (1) "Rollback" means an uncontrolled run of a conveyor down an inclined slope opposite to the direction of intended travel.

(2) "Roller conveyor" means a series of rollers supported in a frame over which packages or objects are moved manually, by gravity or by power. See figure 8.

(3) "Runaway" means an uncontrolled run of a conveyor on a declined slope in the direction of intended travel.

(4) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(5) "Safety limit switch" means a final device used to disconnect power to a conveyor in case of control or operator failure.

(6) "Slat conveyor" means 1 or more endless chains to which nonoverlapping, noninterlocking, spaced slats are attached to form a moving support for packages or objects being conveyed. See figure 9.

(7) "Suspended tray conveyor" means pendant trays or carriers attached to 1 or more endless chains which receive and deliver packages or objects at 1 or more locations. See figure 10.

(8) "Vertical reciprocating conveyor" means a conveyor with power or counterbalanced gravity actuated carriers which receive and discharge material to other elevations.

History: 1954 ACS 73, p. 36, Eff. Nov. 10, 1972.

R 408.11411 Employers' and employees' general responsibilities.

Rule 1411. (1) An employer shall provide training to an employee working on or by a conveyor regarding the hazards and safeguards of such work.

(2) An employer shall establish an inspection program to maintain conveyor components in a condition which does not constitute a hazard to the employee.

(3) An employee shall not ride, cross or walk on a conveyor unless it is designed for riding or crossovers are provided as specified in R 408.11425, except a floor-level slat type conveyor moving at not more than 60 feet per minute. A chain or cable conveyor used to tow objects does not require a crossover if the conveyor is not more than 8 inches above the floor, 12 inches in width and painted yellow in color.

History: 1954 ACS 73, p. 36, Eff. Nov. 10, 1972.

R 408.11412 Maintenance.

Rule 1412. (1) Lubrication shall be accomplished by 1 of the following methods:

(a) Scheduling when a conveyor can be shut off and locked out.

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(b) Automatic pressure or gravity feed system.

(c) Extension pipe leading to an area outside of guards or away from any hazard.

(2) In any case, rule 732, which concerns lubrication, of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be complied with.

(3) Repairs or clean up, where unexpected motion would cause injury, shall be done when power is off and locked out.

(4) A walkway or catwalk along a conveyor shall be maintained clear of spills or other obstructions which may be a slipping or tripping hazard.

(5) A flammable cleaning fluid used in splicing of belts shall be kept in a safety container. Welding, cutting, or smoking shall not be permitted in the area where flammable cleaning fluids are being used.

History: 1954 ACS 73, p. 37, Eff. Nov. 10, 1972.

DESIGN

R 408.11421 Guarding.

Rule 1421. (1) Where a hazard exists, guards shall be provided to protect an employee from contact with moving parts where adjustments are required when a conveyor is in operation.

(2) A lift or transfer point shall have any nip point guarded and shall have a means of complying with power lockout rules prescribed in R 408.11431(1).

(3) A conveyor which indexes shall be guarded so that an employee will not be caught or trapped by the sudden movement of the conveyor.

(4) A conveyor shall be guarded so that an employee will not be caught or trapped between the conveyor and a stationary or moving part.

(5) A trolley conveyor installed overhead and dipping to a work station shall have a tray-type guard or standard barrier pursuant to rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10231 of the Michigan Administrative Code, or the area shall be designated as nonpedestrian and telltales shall be hung along the portion of the conveyor that dips to protect an employee from accidental injury.

(6) An opening for a conveyor through a floor or wall shall be guarded pursuant to rule 213 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10213 of the Michigan Administrative Code.

(7) A conveyor passing over a walkway, passageway or work area shall be provided with a pan or screen-type guard containing sides sufficient to contain any falling material which would cause injury. The designed strength of the guard shall be capable of and shall continue to withstand the maximum impact load.

History: 1954 ACS 73, p. 37, Eff. Nov. 10, 1972.

R 408.11422 Counterweights.

Rule 1422. (1) A counterweight and its pulleys shall be enclosed pursuant to rule 730(2) of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10730(2) of the Michigan Administrative Code.

(2) A counterweight and its pulleys suspended more than 7 feet above the floor or ground, in an area where an employee could walk, shall have an enclosure around the area of impact or a catch pan under the counterweight of such strength and design to hold the counterweight and pulley from dropping to the ground, floor, or platform.

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(3) A counterweight attached to an arm shall have a bolt fastened near the end of the arm or a cable or chain attached to the counterweight to prevent its dropping off the arm.

History: 1954 ACS 73, p. 37, Eff. Nov. 10, 1972.

R 408.11423 Take-up.

Rule 1423. Where a spring take-up is used to maintain tension on a conveyor, the spring and fastening assembly shall be constructed to retain the spring assembly in case of breakage.

History: 1954 ACS 73, p. 37, Eff. Nov. 10, 1972.

R 408.11424 Hinged sections.

Rule 1424. (1) A manually operated hinged section for employee passage through a gravity roller conveyor, chute, belt, or other type of conveyor that requires more than a 40-pound lifting effort to operate shall be counterbalanced.

(2) A power operated section for employee passage shall be provided with a mechanical safety device which shall prevent the section from falling in case of power failure.

(3) A power conveyor having a hinged section used for the purpose of clearing a passageway shall be designed so that the section cannot be raised while the conveyor is in operation or the material being conveyed shall be stopped when the section is raised.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11425 Crossovers.

Rule 1425. (1) A clearance of 80 inches above a floor or platform shall be maintained as a means of egress. Where a conveyor reduces this clearance, a crossover, passageway, or different means of egress shall be provided.

(2) A crossover shall be equipped with slip resistant treads, a railing and toeboard as specified in the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10201 to R 408.10241 of the Michigan Administrative Code.

(3) A crossover which cannot clear packages or objects on the conveyor shall be hinged to swing out of the way or a sensing device shall be provided to stop the conveyor if the crossover has not been moved.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11426 Passageways and walkways.

Rule 1426. (1) A passageway under a conveyor shall have not less than 5 feet of headroom except a main aisle shall have not less than 80 inches of headroom. Where the headroom is less than 80 inches, telltales and illumination of not less than 10 foot candles shall be provided to indicate low headroom.

(2) A maintenance walkway shall be not less than 18 inches wide where it runs along a conveyor.

(3) A walkway along a conveyor in a pit or tunnel shall have illumination of at least 10 foot candles when an employee is required to work in the area.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11427 Safety factors.

Rule 1427. (1) Structural supports of a conveyor shall be designed and constructed with a minimum design safety factor of at least 3 which shall include static and dynamic loads.

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(2) A hook or carrier used on a monorail and a trolley conveyor to carry objects shall be designed with a minimum safety factor of 5 and maintained to hold the object or carriers without creating a hazard.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11428 Adjustment.

Rule 1428. A conveyor capable of adjustment to variable fixed elevations shall be equipped with a locking device to hold the conveyor at any altitude where failure to hold would create a hazard to an employee.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11429 Rollbacks and runaways.

Rule 1429. Rollbacks and runaways on a conveyor shall be controlled by 1 or more of the following:

(a) Track design.
(b) Back stops.
(c) Ratchets or one-way clutch on drive pulleys.
(d) Anti-runaway devices.
(e) Automatically applied brakes.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

ELECTRICAL

R 408.11431 Lockout.

Rule 1431. (1) An employer shall establish and maintain a lockout procedure which shall safeguard an employee.

(2) An electrically powered conveyor shall be equipped with a disconnect switch at the power source which shall be shut off and locked out during any type of repair, service or set up work if a hazard exists.

History: 1954 ACS 73, p. 38, Eff. Nov. 10, 1972.

R 408.11432 Starting.

Rule 1432. (1) A starting button, except a control button in a console for a manually programed multi-conveyor system, shall be equipped with a device to prevent accidental actuation.

(2) A powered conveyor, which would cause injury when started, shall not be started until employees in the area are alerted by a signal or by a person in authority that the conveyor is about to start.

(3) Power to a conveyor shall be wired so that after an interruption of electrical service, the conveyor shall not automatically restart upon resumption of electrical service.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

R 408.11433 Stop devices.

Rule 1433. (1) An emergency stop device shall be available at each point of operation where a hazard exists and within reach of an employee at that point.

(2) An emergency stop device of the momentary-contact type shall have a means of being maintained by a device in the "off" position.

(3) If more than 1 stop device is located along a conveyor, the devices shall be wired so that the conveyor can be made restartable only at the location where stopped.

(4) A stop device, except a pull cord, shall be distinguished by its red color.

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(5) Conveyors in a series shall be electrically interlocked so that when any conveyor in the series is stopped for any reason, the initial stopping shall cause the upstream conveyors to stop if continued operation creates a hazard.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

R 408.11434 Switches.

Rule 1434. (1) An electrical outlet for 220 volts or more to which a portable conveyor is connected shall be equipped with a disconnect switch which shall be opened before connecting or disconnecting the plug. A load breaking plug may be used in place of a disconnect switch.

(2) A safety limit switch shall not be used as an operating control device.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

R 408.11435 Grounding.

Rule 1435. (1) An electrically powered portable or permanently installed conveyor shall be grounded.

(2) Where an explosion hazard exists, such as but not limited to dust or fumes, a means of draining the potential static electricity build up shall be provided and used.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

R 408.11436 Portable conveyors used out-of-doors.

Rule 1436. A portable conveyor used out-of-doors shall be equipped with weatherproof electrical equipment.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

SPECIFIC CONVEYORS

R 408.11441 Auger and screw conveyors.

Rule 1441. An auger or screw conveyor, with an opening not screened or covered and secured by bolts or clamps, shall be equipped with an interlocked cover which shall cut the power when raised and not start until the cover is replaced and the starter actuated.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

R 408.11442 Belt conveyors.

Rule 1442. (1) A belt conveyor using a belt tripper or other moving deflector which requires an operator to travel on the belt tripper shall have the operator's platform designed to safeguard the operator from falling or coming in contact with moving or stationary parts.

(2) A nip point at a pulley shall be guarded by an enclosure or barrier constructed to prevent access by an employee's body members or loose clothing.

(3) A belt conveyor for bulk material shall have built up sides where material spilling over the sides is a hazard.

(4) A pulley with rotating shaft shall have projecting shaft ends covered or cut flush with the hanger.

(5) A shuttle or movable hopper mounted on wheels shall have sweeps fastened ahead of the wheels with an opening of not less than ⅜ inch between the sweep and the rail.

History: 1954 ACS 73, p. 39, Eff. Nov. 10, 1972.

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R 408.11443 Belt trippers.

Rule 1443. A belt tripper, with or without an operator, shall be equipped with a safety limit switch and a fixed stop to prevent over-run at each end of the runway which shall shut off the power if the tripper moves too close to the end of the runway.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11444 Bucket, pivoted bucket and gravity-discharge conveyors.

Rule 1444. A bucket, pivoted bucket, or gravity-discharge conveyor shall be enclosed with a guard or barrier to protect operating personnel.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11445 Carrier and trolley conveyors.

Rule 1445. A manually powered carrier or trolley conveyor shall have a protective device on the carrier or rail to prevent the carrier from dropping off the rail or off the end of the rail.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11446 Extendable conveyors.

Rule 1446. An extendable conveyor shall be equipped with a device located on the outermost end which shall stop movement of the conveyor when contact is made by the device.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11447 Pneumatic conveyors.

Rule 1447. (1) A pneumatic conveyor shall be designed so that doors to pressure vessels cannot be opened when there is a positive internal pressure.

(2) A gasket holding line pressures shall be shielded to prevent a gasket leak from projecting the conveyed material into a work area if the material would cause a hazard.

(3) A receiver or storage bin shall be equipped with full bin indicators or controls to prevent overfilling, if overfilling will create a hazard.

(4) A pneumatic conveyor carrying oxidizable materials shall be designed for hazards, such as but not limited to explosion, fire or corrosion.

(5) A pneumatic conveyor serving an area containing contaminated air shall be designed so that the contaminated air cannot be transported to another area.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11448 Portable conveyors.

Rule 1448. The stability of a portable conveyor shall be provided by 1 or more of the following:

(a) Securing to a fixed object.

(b) Use of outriggers.

(c) A base width of not less than ⅓ the height.

(d) A base as wide as the distance from the floor to the center of gravity.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11449 Reciprocating conveyors.

Rule 1449. (1) A reciprocating conveyor shall have inside and outside nip points guarded.

(2) If the reciprocating member of a horizontal reciprocating conveyor moves within 18 inches of a wall or other object, a barrier shall be installed at the end to prevent access by an employee.

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(3) A vertical reciprocating conveyor which is manually loaded or unloaded shall be guarded with an interlock door or gate to prevent an employee being caught within a nip point.

(4) The carriage and controls of a vertical reciprocating conveyor shall be designed and installed to prevent use of the conveyor as a man lift.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11450 Roller conveyors.

Rule 1450. (1) A roller conveyor with a hinged section or with an open discharge end shall be equipped with a stop device projecting above the rollers which shall prevent a package or object from being discharged off the conveyor unless it is so designed to discharge.

(2) Nip points between power and idler rolls or delivery conveyors and idler rolls shall be eliminated by 1 of the following:

(a) The idler roller set in a 45 degree inclined slot in the direction of travel.

(b) Steel plates welded between the rolls with a maximum of ⅛ inch between plate and rolls.

(c) The idler roller set in a horizontal slot and connected with an interlock switch which will stop the conveyor.

(d) A device which offers equal or better protection may be substituted for subdivisions (a), (b), or (c).

(3) The nip point between a belt and a carrier roller on a belt drive live roller conveyor shall be protected by pop-out type carrier rollers or steel plates as prescribed in subrule (2)(b). The belt conveyor shall be guarded as specified in R 408.11442.

History: 1954 ACS 73, p. 40, Eff. Nov. 10, 1972.

R 408.11451 Slat conveyors.

Rule 1451. (1) A slat conveyor with the slat spaced 1 inch or more apart and moving at floor level or in work areas shall have a solid smooth bed under the slats to prevent a shear hazard.

(2) A slat conveyor with slats more than ¼ inch, but less than 1 inch apart, and moving at floor level or in a work area shall not have any nip point less than 4 inches below the slats.

History: 1954 ACS 73, p. 41, Eff. Nov. 10, 1972.

R 408.11452 Suspended tray or vertical opposed shelf chain conveyors.

Rule 1452. A suspended tray or vertical opposed shelf chain conveyor which is manually loaded or unloaded shall have safety devices, such as but not limited to lintel and sill switches or deflectors, to safeguard an employee.

History: 1954 ACS 73, p. 41, Eff. Nov. 10, 1972.

R 408.11461 Clothing, jewelry and fire precautions.

Rule 1461. (1) Loose clothing and jewelry, including, but not limited to, long or floppy sleeves or pants with large pantlegs or cuffs, rings, wrist watches, bracelets, ties, and scarves shall not be worn around conveyors where they constitute a hazard to an employee.

(2) Where combustibles, such as, but not limited to, coal or grain, are conveyed or stored, and where a fire caused by slippage between a drive pulley and a belt would create a hazard, the conveyor shall be equipped with a device so adjusted that a 5% loss of full load rated speed of the belt shall shut down the belt drive.

History: 1954 ACS 73, p. 41, Eff. Nov. 10, 1972.

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APPENDIX

TYPES OF CONVEYORS

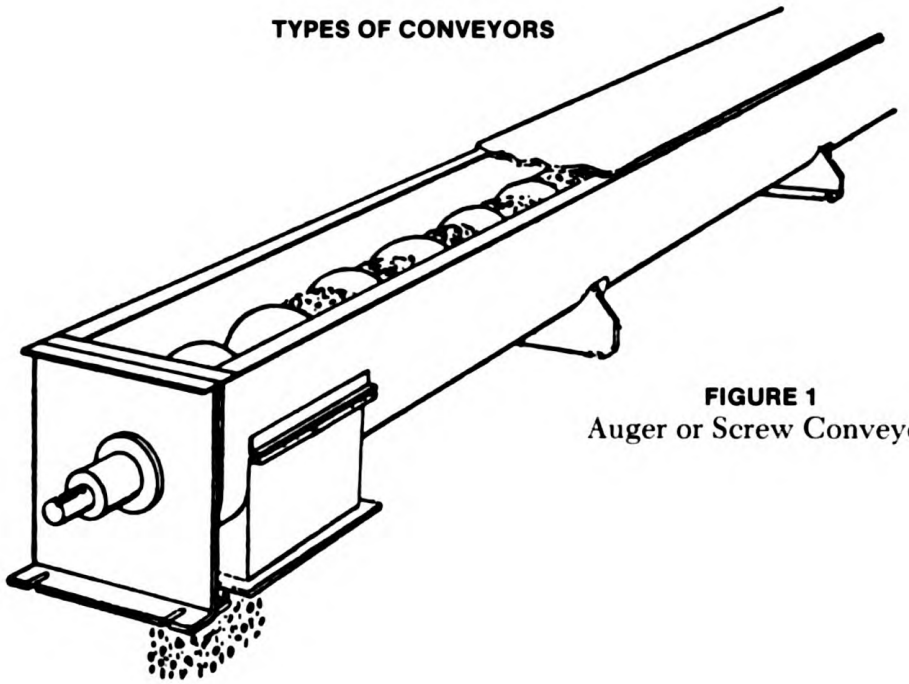


FIGURE 1
Auger or Screw Conveyor

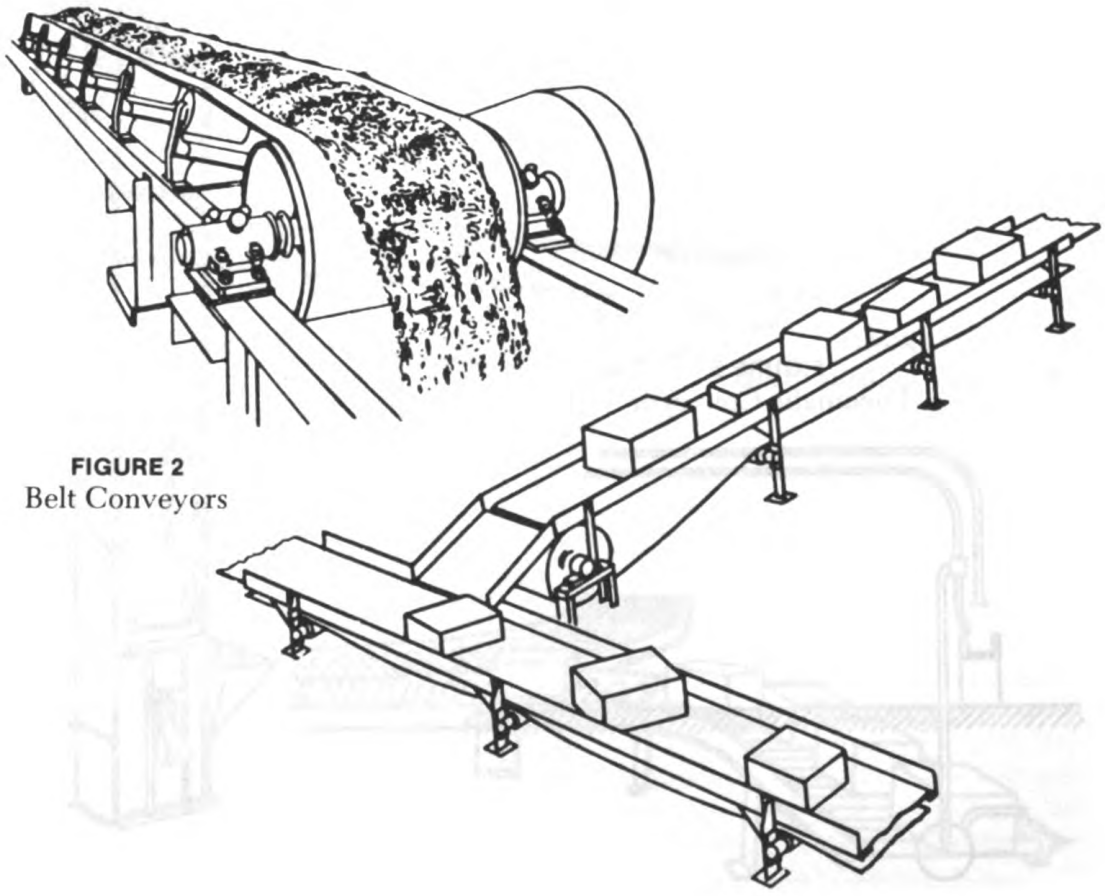


FIGURE 2
Belt Conveyors

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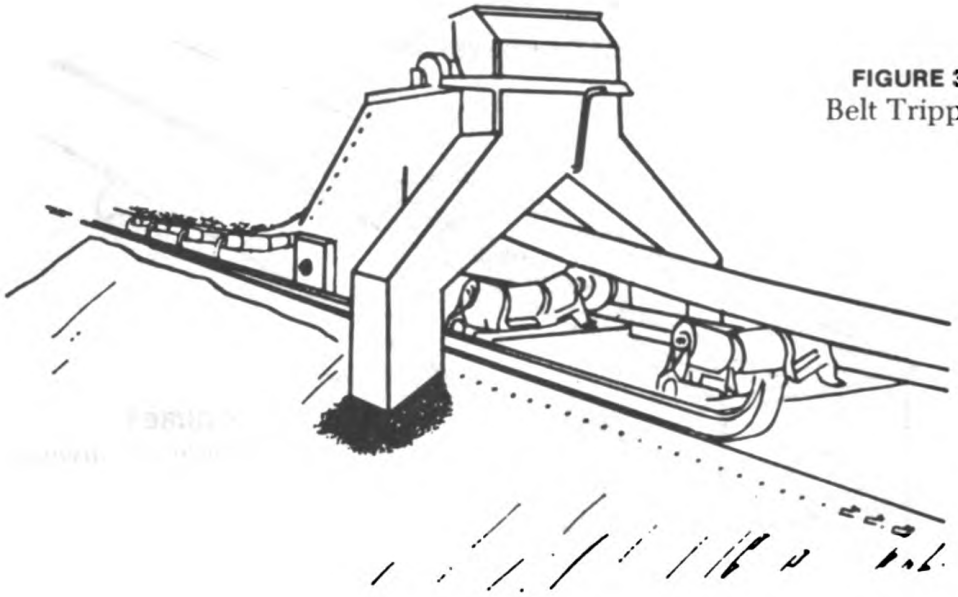


FIGURE 3
Belt Tripper

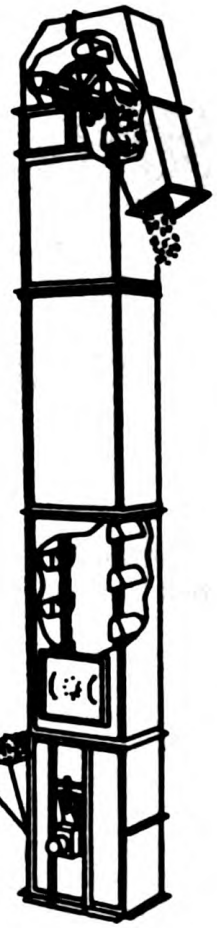


FIGURE 4
Bucket, Gravity Discharge or Pivoted Bucket Conveyor

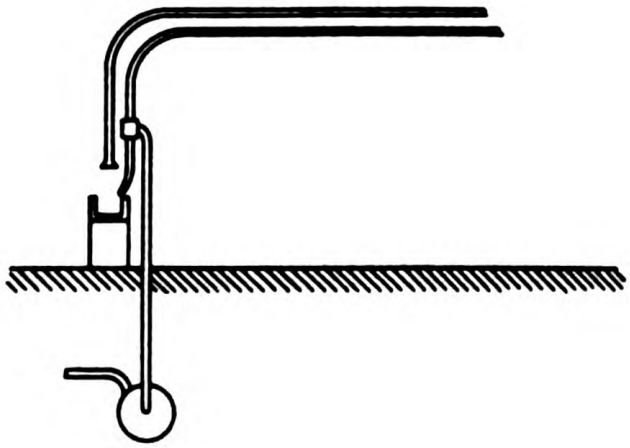


FIGURE 5
Pneumatic Conveyor

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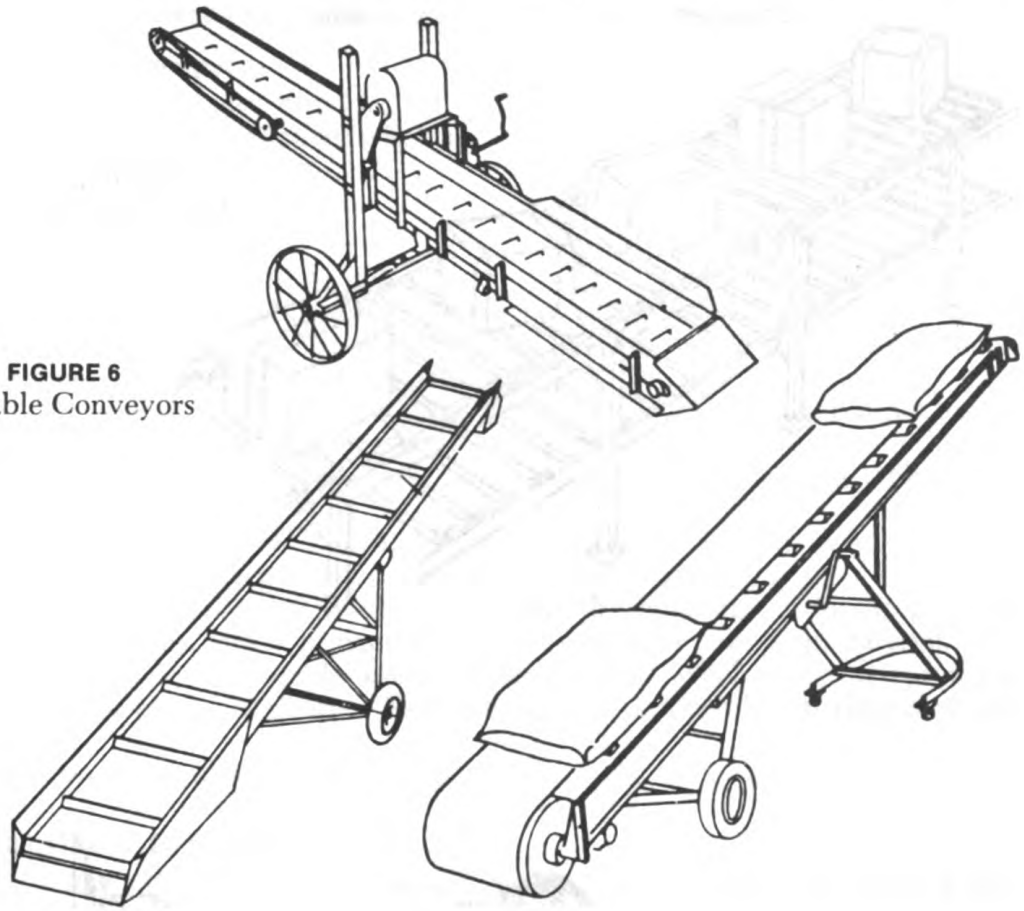


FIGURE 6
Portable Conveyors

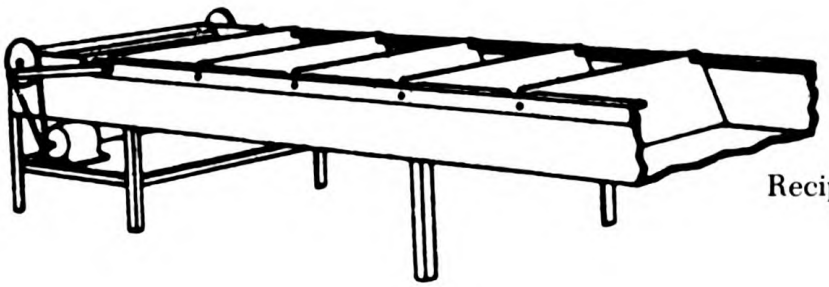


FIGURE 7
Reciprocating Conveyor



FIGURE 8
Roller Conveyor

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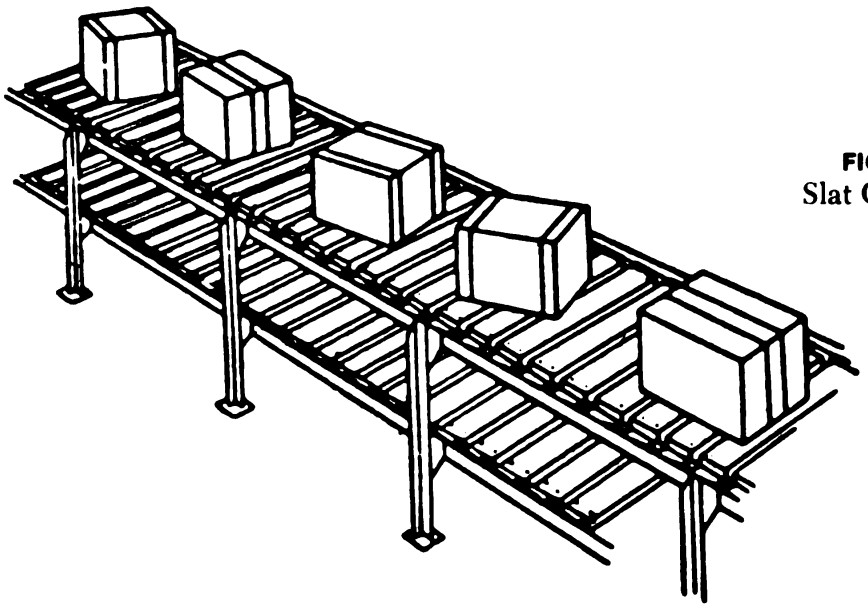


FIGURE 9
Slat Conveyor

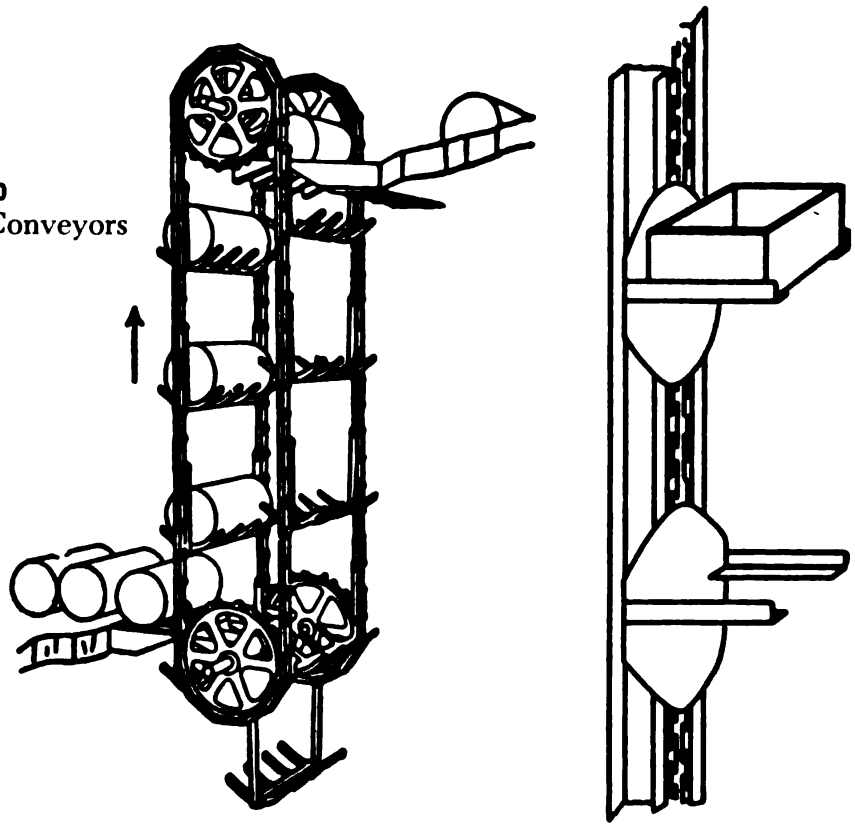


FIGURE 10
Suspended Tray Conveyors

History: 1954 ACS 73, pp. 41-44, Eff. Nov. 10, 1972.

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PART 16. LABELING OF HAZARDOUS SUBSTANCES

R 408.11601 Scope.

Rule 1601. This part provides for warning label requirements for containers holding hazardous substances when such containers are used, handled, or stored by employees covered by the act.

History: 1954 ACS 71, p. 49, Eff. May 1, 1972.

R 408.11604 Definitions; C to E.

Rule 1604. (1) "Combustible liquid" means a liquid which gives off flammable vapors above 80 degrees Fahrenheit to and including 150 degrees Fahrenheit as determined by an approved flash point test.

(2) "Container" means a portable individual package, such as, but not limited to, a bag, box, bottle, barrel, can, carboy, or drum that is used to store or dispense a hazardous substance. A process tank, reactor, tank truck, and tank car are excepted.

(3) "Corrosive" (physiological) means a substance which in contact with living tissue causes destruction of the tissue by chemical action.

(4) "Dust" means solid particles generated by handling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic material.

(5) "Extremely flammable liquid" means a liquid which gives off flammable vapors, at or below 20 degrees Fahrenheit, as determined by an approved flash point test.

History: 1954 ACS 71, p. 49, Eff. May 1, 1972.

R 408.11605 Definitions; F to H.

Rule 1605. (1) "Flammable liquid" means a liquid which gives flammable vapors above 20 degrees Fahrenheit to and including 80 degrees Fahrenheit as determined by an approved flash point test.

(2) "Fume" means solid particles generated by condensation from a gaseous state, generally after volatilization from molten metals, and often accompanied by a chemical reaction such as oxidation.

(3) "Gas" means a normally formless fluid which occupies a space or enclosure and which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

(4) "Hazardous substance" means a substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable, or which generates pressure through decomposition, heat, or other means, if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a direct result of a customary or reasonable anticipated handling or use.

(5) "Highly toxic" means a substance which falls within any of the following categories:

(a) Produces death within 14 days in ½ or more than ½ of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered.

(b) Produces death within 14 days in ½ or more than ½ of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of 1 hour or less at an atmosphere concentration of 200 parts per million by volume or less of gas or vapor or 2 milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

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(c) Produces death within 14 days in ½ or more than ½ of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. If available data on human experience with any substance in the concentrations listed in subdivisions (a), (b), or (c) indicate results different from those obtained on animals, the human data shall take precedence in any classification of a substance as highly toxic.

History: 1954 ACS 71, p. 50, Eff. May 1, 1972.

R 408.11606 Definitions; I to O.

Rule 1606. (1) "Irritant" (physiological) means a substance which on immediate, prolonged or repeated contact with normal living tissue induces a local inflammatory reaction.

(2) "Label" means a display of legibly written, printed, or graphic matter upon the immediate container of a substance covered by this part which label includes the requirements of this part.

(3) "Mist" means suspended droplets generated by condensation from the gaseous to the liquid state or by breaking up a liquid state into a dispersed state, such as by splashing, foaming, or atomizing.

(4) "Mixture" means a physical commingling of 2 or more substances which have not reacted chemically with each other.

(5) "Oxidizing material" means a substance that yields oxygen readily to stimulate the combustion of organic matter.

History: 1954 ACS 71, p. 50, Eff. May 1, 1972.

R 408.11607 Definitions; S to V.

Rule 1607. (1) "Strong sensitizer" means a substance that shows from available data on human experience to be capable of inducing an allergic reaction in approximately 1% of the persons who come in contact with it.

(2) "Toxic" means a substance which falls within any of the following categories:

(a) Produces death within 14 days in ½ or more of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of more than 50 milligrams but not more than 500 milligrams per kilogram of body weight, when orally administered.

(b) Produces death within 14 days in ½ or more than ½ of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of 1 hour or less at an atmosphere concentration of more than 200 parts per million but not more than 2000 parts per million by volume of gas or vapor or 2 milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

(c) Produces death within 14 days in ½ or more than ½ of a group of 10 or more rabbits tested in a dosage of more than 200 milligrams but not more than 1000 milligrams per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. If available data on human experience with any substance in the concentrations listed in subdivisions (a), (b), or (c) indicate results different from those obtained on animals, the human data shall take precedence in any classification of a substance as toxic.

(3) "Vapor" means the gaseous form of a substance which is normally in the solid or liquid state.

History: 1954 ACS 71, p. 50, Eff. May 1, 1972.

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R 408.11611 General labeling requirements.

Rule 1611. (1) A container of hazardous substances shall be labeled pursuant to this part.

(2) A container of hazardous substances shall not be accepted by an employer for use or handling by his employees unless the container is labeled pursuant to this part.

(3) An employer shall not distribute, make available, furnish, or supply a hazardous substance for use by his employees unless labeled pursuant to this part. Excepted are containers of 1 quart capacity or less holding samples of hazardous substances for in-plant use. These quart or less containers shall carry a label with an identification name and statement of the hazard.

History: 1954 ACS 71, p. 51, Eff. May 1, 1972.

R 408.11612 Specific labeling requirements.

Rule 1612. (1) A label shall be placed on a container of a hazardous substance or, in case of a mixture, the primary hazard which would be most likely to cause an adverse effect on an employee, and such label shall contain the following appropriate information pursuant to this part and table 1 (see table 2 for typical labels):

(a) A product name, trade name, chemical name or generic name. It is recommended that the chemical or generic name be included if the product or trade name is used.

(b) A signal word to draw attention and designate the degree of hazard as follows:

(i) DANGER shall mean the most serious hazard.

(ii) WARNING shall mean a lesser hazard.

(iii) CAUTION shall mean the least hazard.

(c) A statement, including but not limited to "causes burns" or "vapor hazardous," as to hazards that are present with customary use or handling of the substance.

(d) Instructions on measures to avoid injury, including but not limited to "keep away from open flame" or "avoid breathing dust."

(e) Treatment instructions where the result of contact or exposure is severe and immediate treatment is desirable.

(2) Compressed gases carrying an approved department of transportation label shall be deemed to comply with this part.

(3) A label required by this part shall be located prominently on the container. Printing shall be legible and in contrast by typography and layout to other printed matter.

(4) A hazardous substance which requires special handling or storage shall have instructions covering this point included on the warning label or a separate label.

(5) If a container is too small to permit printing the entire precautionary labeling in legible size, the labeling may be condensed as follows:

(a) Retain the signal word.

(b) Retain the word poison or the skull and cross bones, where required on the label.

(c) Retain the statement of hazard, shortened if possible to a practical equivalent. Consider omitting statements for hazards which are less serious because of size of the package or use of the product.

(d) Omit minor precautionary measures, or combine precautionary measures with statement of hazard.

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(e) If necessary in order to permit printing the warning in a legible size, the precautionary labeling may be placed on a cardboard or heavy paper tag securely attached to the immediate container.

History: 1954 ACS 71, p. 51, Eff. May 1, 1972; 1954 ACS 77, p. 135, Eff. Nov. 21, 1973.

R 408.11613 Cleaning of containers.

Rule 1613. An employer shall not distribute, make available, furnish, or supply a container known to have contained a hazardous substance unless the container has been thoroughly cleaned to remove all traces of any hazardous substance, except where refilled with the same substance.

History: 1954 ACS 71, p. 52, Eff. May 1, 1972.

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TABLE 1
Selection of Precautionary Statements

	Class of Hazard	Signal Word	Statements of Hazard	Precautionary Measures	Instructions in Case of Contact or Exposure
INGESTION	Highly Toxic	DANGER!	MAY BE FATAL IF SWALLOWED	Wash thoroughly after handling.	☠ POISON ☠ Call a Physician FIRST AID: If swallowed dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.
	Toxic	WARNING!	HARMFUL IF SWALLOWED	Wash thoroughly after handling.	FIRST AID: If swallowed, induce vomiting by sticking finger down throat or by giving soapy or strong salty water to drink. Repeat until vomit is clear. Call a physician. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.
ABSORPTION	Highly Toxic	DANGER!	MAY BE FATAL IF ABSORBED THROUGH SKIN	Do not get in eyes, on skin, on clothing. Wash thoroughly after handling.	☠ POISON ☠ Call a Physician FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)
	Toxic	WARNING!	HARMFUL IF ABSORBED THROUGH SKIN	Avoid contact with eyes, skin, and clothing. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

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TABLE 1 (Cont.)

	Class of Hazard	Signal Word	Statements of Hazard	Precautionary Measures	Instructions in Case of Contact or Exposure
INHALATION	Highly Toxic	DANGER!	MAY BE FATAL IF INHALED	Do not breathe (dust, vapor, mist, gas). Keep container closed. Use only with adequate ventilation.	☠ POISON ☠ Call a Physician FIRST AID: If inhaled, remove to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.
	Toxic	WARNING!	HARMFUL IF INHALED	Avoid breathing (dust, vapor, mist, gas). Keep container closed. Use with adequate ventilation.	FIRST AID: If inhaled, remove to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.
	Strong Sensitizer, Lungs	WARNING!	MAY CAUSE ALLERGIC RESPIRATORY REACTION	Avoid breathing (dust, vapor, mist, gas). Keep container closed. Use with adequate ventilation.	
	Physiologically Inert Vapor or Gas	CAUTION!	(VAPOR) (GAS) REDUCES OXYGEN AVAILABLE FOR BREATHING	Keep container closed. Use with adequate ventilation. Do not enter storage areas unless adequately ventilated.	

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CONTACT

Class of Hazard	Signal Word	Statements of Hazard	Precautionary Measures	Instructions in Case of Contact or Exposure
Corrosive, Eye	DANGER!	CAUSES (SEVERE) EYE BURNS	Do not get in eyes. Avoid breathing (dust, vapor, mist, gas). Keep container closed. Use with adequate ventilation. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Corrosive, Eye and Skin	DANGER!	CAUSES (SEVERE) BURNS	Do not get in eyes, on skin, on clothing. Avoid breathing (dust, vapor, mist, gas). Keep container closed. Use with adequate ventilation. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)
Irritant Eye	WARNING!	CAUSES EYE IRRITATION	Avoid contact with eyes. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.
Irritant, Eye and Skin	WARNING!	CAUSES IRRITATION	Avoid contact with eyes, skin, and clothing. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician. Flush skin with water. (Wash clothing before re-use.)

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TABLE 1 (Cont.)

	Class of Hazard	Signal Word	Statements of Hazard	Precautionary Measures	Instructions in Case of Contact or Exposure
	Strong Sensitizer, Skin	WARNING!	MAY CAUSE ALLERGIC SKIN REACTION	Avoid prolonged or repeated contact with skin. Wash thoroughly after handling.	FIRST AID: In case of contact, immediately wash skin with soap and plenty of water.
FLAMMABILITY	Extremely Flammable Liquid	DANGER!	EXTREMELY FLAMMABLE	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.	
	Flammable Liquid	WARNING!	FLAMMABLE	Keep away from heat, sparks, and open flame. Keep container closed. Use with adequate ventilation.	
	Flammable Solid	WARNING!	FLAMMABLE	Keep away from heat, sparks, and open flame.	
	Flammable Gas	DANGER!	EXTREMELY FLAMMABLE (GAS) (LIQUID AND GAS) UNDER PRESSURE.	Keep away from heat, sparks, and open flame. Use with adequate ventilation. Never drop cylinder. Keep cylinder out of sun and away from heat.	

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	Class of Hazard	Signal Word	Statements of Hazard	Precautionary Measures	Instructions in Case of Contact or Exposure
FLAMMABILITY	Combustible Liquid	CAUTION!	COMBUSTIBLE	Keep away from heat and open flame.	
	Pyroforic Substance	DANGER!	EXTREMELY FLAMMABLE CATCHES FIRE IF EXPOSED TO AIR	Keep away from heat, sparks, and open flame. Keep container closed.	
	Strong Oxidizer	DANGER!	STRONG OXIDIZER CONTACT WITH OTHER MATERIAL MAY CAUSE FIRE	Keep from contact with clothing and other combustible materials. Do not store near combustible materials. Store in tightly closed container.	Remove and wash contaminated clothing promptly.

FOOTNOTES

1. In addition to the use of POISON and skull and crossbones in the highly toxic classes shown in the table, certain laws may require this use in other specified instances.
2. Examples of Antidote Statements; Examples of Notes to Physicians; Instructions in Case of Fire, Spill, or Leak; and Instructions for Container Handling and Storage are illustrated separately.
3. Products may present a special or unique hazard not covered in this table. For example, some chemicals may react violently with water, may liberate extremely poisonous vapors under special conditions. These special conditions shall be covered in the precautionary label text.
4. The First Aid Instructions for Class of Hazard INGESTION are considered to be applicable in the vast majority of cases involving the ingestion of a poison. In all cases, a study of the particular product involved and the applicable laws may dictate either additional or completely different First Aid Instructions.
5. Eyes shall be protected as specified in Part 35, Face and Eye Protection of the Occupational Safety Standards Commission standard being R 408.13501 to R 408.13569 of the Michigan Administrative Code.
6. Controlled ventilation shall be provided to maintain exposure limits below maximum allowable concentration as defined in Michigan Department of Public Health, Basic Guide for Control of Occupational Air Contaminates and Physical Agents being R 325.2401 of the Michigan Administrative Code.

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TABLE 2

Labels for Chemicals with Single Hazards

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED

Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED

Do not breathe (dust, mist, vapor, gas).*
Keep container closed.
Use only with adequate ventilation.

POISON

Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF ABSORBED THROUGH SKIN

Do not get in eyes, on skin, on clothing.
Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF SWALLOWED

Wash thoroughly after handling.

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

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(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF INHALED

Avoid breathing (dust, mist, vapor, gas).*
Keep container closed.
Use with adequate ventilation.

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF ABSORBED THROUGH SKIN

Avoid contact with eyes, skin, and clothing.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

(Insert required name of hazardous substance as per R 408.11612)

DANGER! CAUSES (SEVERE) EYE BURNS

Do not get in eyes.
Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! CAUSES (SEVERE) BURNS

Do not get in eyes, on skin, on clothing.
Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

WARNING! CAUSES EYE IRRITATION

Avoid contact with eyes.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

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(Insert required name of hazardous substance as per R 408.11612)

WARNING! CAUSES IRRITATION

Avoid contact with eyes, skin, and clothing.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician. Flush skin with water. (Wash clothing before re-use.)

(Insert required name of hazardous substance as per R 408.11612)

WARNING! MAY CAUSE ALLERGIC SKIN REACTION

Avoid prolonged or repeated contact with skin.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately wash skin with soap and plenty of water.

(Insert required name of hazardous substance as per R 408.11612)

WARNING! MAY CAUSE ALLERGIC RESPIRATORY REACTION

Avoid breathing (dust, mist, vapor, gas).*
Keep container closed.
Use with adequate ventilation.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

CAUTION! (VAPOR) (GAS) REDUCES OXYGEN AVAILABLE FOR BREATHING*

Keep container closed.
Use with adequate ventilation.
Do not enter storage areas unless adequately ventilated.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! EXTREMELY FLAMMABLE

Keep away from heat, sparks, and open flame.
Keep container closed.
Use with adequate ventilation.

(Insert required name of hazardous substance as per R 408.11612)

WARNING! FLAMMABLE

Keep away from heat, sparks, and open flame.
Keep container closed.
Use with adequate ventilation.

(Insert required name of hazardous substance as per R 408.11612)

WARNING! FLAMMABLE

Keep away from heat, sparks, and open flame.

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! EXTREMELY FLAMMABLE
(GAS) (LIQUID AND GAS) UNDER PRESSURE*

Keep away from heat, sparks, and open flame.
Use with adequate ventilation.
Never drop cylinder.
Keep cylinder out of sun and away from heat.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

CAUTION! COMBUSTIBLE

Keep away from heat and open flame.

(Insert required name of hazardous substance as per R 408.11612)

DANGER! EXTREMELY FLAMMABLE
CATCHES FIRE IF EXPOSED TO AIR

Keep away from heat, sparks, and open flame.
Keep container closed.

(Insert required name of hazardous substance as per R 408.11612)

DANGER! STRONG OXIDIZER
CONTACT WITH OTHER MATERIAL MAY CAUSE FIRE

Keep from contact with clothing and other combustible materials.
Do not store near combustible materials.
Store in tightly closed container.
Remove and wash contaminated clothing promptly.

Labels for Chemicals with Multiple Hazards

When a chemical falls into two or more of the hazard classes enumerated in Table 1, the precautionary label text will be the sum of all of the statements in the individual classes. **Be certain to refer to all footnotes to table 1 to determine the need for additional label statements.**

Some condensation of this information along the following lines is indicated:

1. Only one Signal Word **should** be used and this **should** be the Signal Word corresponding to the class of greatest hazard.

2. In the toxicity classes, Statements of Hazard may be combined when the product is equally toxic by more than one route of exposure. Examples of such combinations are: MAY BE FATAL IF SWALLOWED OR INHALED or HARMFUL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN.

3. When the same Precautionary Measure is applicable to more than one class of hazard, it **should not** be repeated.

4. When more than one first-aid statement is required, the words FIRST AID and "Call a physician" need not be repeated provided the statements are grouped under a general heading of FIRST AID and the phrase "Call a physician" is positioned in such a way as to be clearly applicable to all first-aid statements. Similarly, the instruction "Never give anything by mouth to an unconscious person." may appear in more than one statement, and this need not be repeated if it is clearly applicable to all of the statements that would otherwise include it.

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5. When a product presents hazards by both skin contact and absorption, only one first-aid statement **should** be used. In such cases, the first-aid statement used **should** be that applicable to the class of hazard in the following order of priority: Highly Toxic; Toxic; Corrosive, Eye and Skin; Irritant, Eye and Skin; Strong Sensitizer, Skin.

The labels given in this section represent most of the instances in which condensation of label language is desirable. The language for flammability class of hazard does not lend itself to condensation with the language for other classes of hazard. Therefore no example is given.

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED OR INHALED

Do not breathe (dust, vapor, mist, gas).*
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

Select applicable word or words in parentheses.

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED OR ABSORBED THROUGH SKIN

Do not get in eyes, on skin, on clothing.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED
HARMFUL IF INHALED

Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.



Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED
HARMFUL IF ABSORBED THROUGH SKIN

Avoid contact with eyes, skin, and clothing.
Wash thoroughly after handling.



Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED OR ABSORBED THROUGH SKIN

Do not breathe (dust, vapor, mist, gas).*
Do not get in eyes, on skin, on clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED
HARMFUL IF SWALLOWED

Do not breathe (dust, vapor, mist, gas).*
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

**Select applicable word or words in parentheses.*

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED
HARMFUL IF ABSORBED THROUGH SKIN

Do not breathe (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF ABSORBED THROUGH SKIN
HARMFUL IF SWALLOWED

Do not get in eyes, on skin, on clothing.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF ABSORBED THROUGH SKIN
HARMFUL IF INHALED

Do not get in eyes, on skin, on clothing.
Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.



Call a Physician

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF SWALLOWED OR INHALED

Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF SWALLOWED OR ABSORBED THROUGH SKIN

Avoid contact with eyes, skin, and clothing.
Wash thoroughly after handling.

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

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(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF INHALED OR ABSORBED THROUGH SKIN

Avoid breathing (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

WARNING! MAY CAUSE ALLERGIC SKIN OR RESPIRATORY REACTION

Avoid breathing (dust, vapor, mist, gas).*
Avoid prolonged or repeated contact with skin.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: In cases of contact, immediately wash skin with soap and plenty of water.

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN

Do not breathe (dust, vapor, mist, gas).*
Do not get in eyes, on skin, on clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED OR INHALED
HARMFUL IF ABSORBED THROUGH SKIN

Do not breathe (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED OR ABSORBED THROUGH SKIN
HARMFUL IF INHALED

Do not get in eyes, on skin, on clothing.
Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

**Select applicable word or words in parentheses.*

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF SWALLOWED
HARMFUL IF INHALED OR ABSORBED THROUGH SKIN

Avoid breathing (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED OR ABSORBED THROUGH SKIN
HARMFUL IF SWALLOWED

Do not breathe (dust, vapor, mist, gas).*
Do not get in eyes, on skin, on clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON

Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

**Select applicable word or words in parentheses.*

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(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF INHALED
HARMFUL IF SWALLOWED OR ABSORBED THROUGH SKIN

Do not breathe (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

(Insert required name of hazardous substance as per R 408.11612)

DANGER! MAY BE FATAL IF ABSORBED THROUGH SKIN
HARMFUL IF SWALLOWED OR INHALED

Do not get in eyes, on skin, on clothing.
Avoid breathing (dust, vapor, mist, gas).*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

POISON
Call a Physician

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before re-use. (Discard contaminated shoes.)

If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times. Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen.

**Select applicable word or words in parentheses.*

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(Insert required name of hazardous substance as per R 408.11612)

WARNING! HARMFUL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN

Avoid breathing (dust, vapor, mist, gas).*
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: If swallowed, dilute by giving several glasses of water, soapy water, salty water (1 Tbs. per glass), milk, or by sticking finger down throat. If vomiting occurs repeat several times.

EXCEPTIONS: Never induce vomiting or give anything by mouth to a victim having convulsions or unconscious.

If inhaled, remove to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash clothing before re-use. (Discard contaminated shoes.)

**Select applicable word or words in parentheses.*

History: 1954 ACS 71, pp. 53, 57, Eff. May 1, 1972.

PART 17. REFUSE PACKER UNITS
GENERAL PROVISIONS

R 408.11701 Scope.

Rule 1701. This part applies to the safe design, use and maintenance of mobile and stationary equipment used in the collection and compaction of solid waste in, around, or about places of employment.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

R 408.11704 Definitions; C to H.

Rule 1704. (1) "Container" means a bin used for collection of refuse at a point of origin.

(2) "Hopper" means a part on a refuse packer unit for receiving refuse.

(3) "Hydraulic piping" means flexible or rigid tubing used to transfer fluids under pressure.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

R 408.11705 Definitions; L to P.

Rule 1705. (1) "Loading sill" means the ledge of a hopper over which refuse is deposited into the hopper.

(2) "Mobile refuse packer unit" means a motor powered vehicle equipped with a body which receives solid waste material and compacts it under pressure.

(3) "Packer blade or panel" means a metal plate which moves the solid waste material from a hopper into a holding unit.

(4) "Pinch point" means a point at which it is possible to be caught between moving parts of a machine or between moving and stationary parts of a machine.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

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R 408.11706 Definitions; R, S.

Rule 1706. (1) "Receiving box" means a receptacle which receives refuse from a stationary refuse packer unit.

(2) "Refuse" means putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes.

(3) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(4) "Stationary refuse packer unit" means a unit which remains at 1 location and receives solid waste material and compacts it under pressure.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

R 408.11711 Employer responsibilities.

Rule 1711. An employer shall:

(a) Provide instruction and training before assigning an employee to a refuse packer unit.

(b) Use a refuse packer unit within its maximum rated capacity.

(c) Maintain a refuse packer unit within its maximum rated capacity.

(d) Establish and maintain a lockout procedure as prescribed in subrules (3) and (4) of R 408.11715.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

R 408.11713 Employee responsibilities.

Rule 1713. An employee shall:

(a) Use the guards and other safety features provided on a refuse packer unit.

(b) Use personal protective devices provided by the employer.

(c) Use a refuse packer unit only after he is instructed and trained in its safe operation.

(d) Use a refuse packer unit within the maximum rated capacity of the equipment.

(e) Report damage to or failure of a refuse packer unit.

(f) Not eject or dump a loaded refuse packer unit until all employees are clear of the rear of the unit.

(g) Not ride on the rear steps of a mobile packer unit when it is backing up.

History: 1954 ACS 74, p. 122, Eff. Dec. 29, 1972.

R 408.11715 Operation of refuse packer units.

Rule 1715. (1) An employee shall not pass or work under any elevated equipment or part thereof, except when protected by a truck cab or when the elevated part is supported by a prop extending to the vehicle, which prop shall:

(a) Be of such strength as to sustain the load.

(b) Maintain support in case of movement of the vehicle or mechanical failure.

(2) An operator shall not eject or dump a loaded unit until all employees are clear of the rear of the unit.

(3) A lockout procedure for a refuse packer unit shall be established and followed whereby the power shall be shut off and the key removed before and during repairs to the packer or compaction mechanism, except during maintenance testing.

(4) A power source of a stationary refuse packer unit to be repaired, serviced or set-up shall be locked out by each employee while doing such work. Any residual pressure shall be relieved before and during the work.

History: 1954 ACS 74, p. 123, Eff. Dec. 29, 1972.

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R 408.11716 Hoisting cables and chains.

Rule 1716. (1) A chain and its component parts, other than alloy steel chain having a minimum tensile strength of 125,000 pounds per square inch, shall have a designed safety factor of not less than 5. Alloy chain shall not be used in excess of the working load in straight tension for its size as prescribed in table 1.

(2) A hoist cable and its component parts for mobile refuse packer units shall have a designed safety factor of not less than 2 based on the applied pull.

(3) A hoist cable shall be inspected on installation and monthly thereafter.

(4) A hoist cable shall not be used if, in any length equal to 8 diameters of the cable, the total number of visible broken wires exceeds 10% of the total number of wires, or if the cable shows other signs of excessive wear, corrosion, kinks or bird caging.

(5) Where a "U" type cable clamp or clip is applied, it shall comply with table 2.

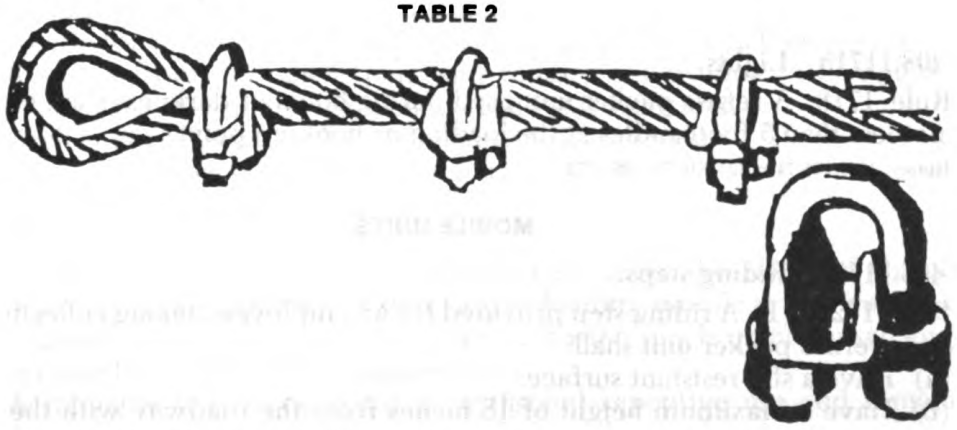
(6) The hydraulic relief valve in a cable operating system shall be set at the manufacturer's rating and sealed.

(7) A hoist cable bent to form an eye shall be equipped with a metal thimble.

TABLE 1
Working Load

Nominal Size, Chain Bar, in.	Work Load, lb., min.
¼	3,250
⅜	6,600
½	11,250
⅝	16,500
¾	23,000
⅞	28,500
1	38,750
1⅛	44,500
1¼	57,500
1⅜	67,000
1½	80,000
1¾	100,000

TABLE 2



Note: There is only one correct method of installing wire rope clips. They should be attached to rope ends as shown in photograph above. The base of each clip should bear against the live, or long rope end, and the U-bolt should bear against the dead or short rope end.

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Number and Spacing of Clips for Ropes of Various Sizes

Diameter of rope (in.)	Number of clips	Center-to-center space between clips (in.)	Length of rope turned back exclusive of eye (in.)
¼	2	1½	3
5/16	2	1⅞	4
⅜	2	2¼	5
7/16	2	2⅝	6
½	3	3	9
⅝	3	3¾	12
¾	4	4½	18
⅞	4	5¼	21
1	4	6	24
1⅛	5	6¾	34
1¼	5	7½	38
1⅜	6	8¼	50
1½	6	9	54
1⅝	6	9¾	60
1¾	7	10½	74
1⅞	8	11¼	90
2	8	12	96
2⅛	8	13	104
2¼	8	14	112

History: 1954 ACS 74, p. 123, Eff. Dec. 29, 1972; 1954 ACS 79, p. 65, Eff. Apr. 16, 1974.

R 408.11717 Hydraulic piping.

Rule 1717. (1) Hydraulic piping shall have a designed safety factor of not less than 4.

(2) A refuse packer unit with a leaking hydraulic system, in excess of normal seepage, which constitutes a hazard to an employee or potential malfunction of equipment, shall not be used until it is repaired.

(3) An employee shall be protected from contact with hydraulic piping capable of causing a burn. The hydraulic piping shall be located or guarded to prevent damage from being struck or by striking other objects.

History: 1954 ACS 74, p. 123, Eff. Dec. 29, 1972.

R 408.11718 Lights.

Rule 1718. A refuse packer unit used during hours of darkness shall have light of not less than 5 footcandles at the loading or hook-up point.

History: 1954 ACS 74, p. 123, Eff. Dec. 29, 1972.

MOBILE UNITS

R 408.11721 Riding steps.

Rule 1721. (1) A riding step provided for an employee making collections on a mobile refuse packer unit shall:

(a) Have a slip resistant surface.

(b) Have a maximum height of 18 inches from the roadway with the mobile unit empty.

(2) A grab handle shall be provided for each employee using a riding step as specified in rule 237 of the occupational safety standards commission standard,

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Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10237 of the Michigan Administrative Code.

History: 1954 ACS 74, p. 124, Eff. Dec. 29, 1972; 1954 ACS 79, p. 66, Eff. Apr. 16, 1974.

R 408.11722 Warning devices.

Rule 1722. An audible or visual warning device shall be installed on a mobile packer unit to signal when the unit moves in reverse so as to warn an employee at the rear of the unit.

History: 1954 ACS 74, p. 124, Eff. Dec. 29, 1972.

R 408.11723 Loading and unloading.

Rule 1723. (1) A mechanism such as, but not limited to, a hoisting motor or lifting arm, used for loading or lifting a container, shall be constructed and maintained to handle the designed rating of a mobile refuse packer unit.

(2) On a mobile unit, except a front loader, when loading mechanically, a locking device shall be provided to prevent dislodgement of a container during the dumping operation.

History: 1954 ACS 74, p. 124, Eff. Dec. 29, 1972.

R 408.11724 Controls.

Rule 1724. (1) This rule takes effect 180 days after filing this 1974 amendment with the secretary of state.

(2) A side loading mobile refuse packer unit with a top loading hopper shall have a fixed barrier or a movable barrier interlocked with the power source if a pinch point is created by the compaction mechanism.

(3) A refuse packer unit with a side loading door shall have the door interlocked with the power source of the compaction mechanism when the bottom of the loading opening is less than 6 feet vertically from the loading surface.

(4) Loading compaction controls for a rear loading unit shall be located so that the operator using the compaction controls has a view of the loading sill.

(5) Operator controls for a mobile unit shall be designed or located so that unintentional activation will not occur.

(6) Except when guarded as required in R 408.11725(1), a mobile refuse packer unit shall be equipped with operator controls that require continuous pressure of both hands on the control devices until the packer blade has moved beyond the pinch point created where the blade or sweep panel and hopper come together, or shall provide for the blade or sweep panel to stop not less than 6 inches nor more than 16 inches from the pinch point and require reactivation to complete the cycle. When using the split cycle, a single control is sufficient.

(7) Each control device shall be labeled as to its function.

History: 1954 ACS 74, p. 124, Eff. Dec. 29, 1972; 1954 ACS 79, p. 66, Eff. Sept. 26, 1974.

R 408.11725 Guards.

Rule 1725. (1) One hundred and eighty days after the filing of this 1974 amendment with the secretary of state, a rear loading mobile refuse packer unit shall be guarded to prevent employee access to the pinch point caused by the packing cycle by 1 of the following devices:

(a) A movable barrier designed to withstand repetitive use and remain in alignment and prevent the operator from reaching the pinch point created during the packing cycle. The barrier shall be provided with a cushion along its entire length where the barrier meets the sill to prevent chance of injury. The barrier

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shall be interlocked with the packing cycle so that it is in place before the packer mechanism closes to not less than 6 inches nor more than 14 inches of the pinch point.

(b) An elevating hopper which rises not less than 6 feet above the working surface before the packer blade closes to within 6 inches of the hopper sill.

(c) A fixed or movable barrier or other safety device which will prevent access to the pinch point by an employee.

(2) An operator of a mobile refuse packer may use the controls prescribed in R 408.11724(6) in lieu of fixed or movable barriers.

(3) An exposed pinch point created by mechanical controls or lifting arms on a mobile refuse packer unit shall be guarded.

History: 1954 ACS 74, p. 124, Eff. Dec. 29, 1972; 1954 ACS 79, p. 67, Eff. Apr. 16, 1974.

STATIONARY UNITS

R 408.11731 Controls.

Rule 1731. (1) Operator controls on a stationary refuse packer unit shall be designed and located to prevent accidental activation.

(2) The hopper or load opening on a manually controlled stationary refuse packer unit shall be visible to the operator from his control station.

(3) An emergency stop device distinguished by its size or color shall be provided at the control station to stop the ram of a stationary refuse packer unit.

(4) When a stationary refuse packer unit is equipped for direct manual loading and the operator is not protected from the pinch point, the control shall require continuous pressure and the compactor cycle shall stop when the control is released. Such a control shall be a minimum of 6 feet from the pinch point.

(5) Each control device shall be labeled as to its function.

History: 1954 ACS 74, p. 125, Eff. Dec. 29, 1972; 1954 ACS 79, p. 67, Eff. Apr. 16, 1974.

R 408.11732 Guards.

Rule 1732. (1) A hopper opening on a stationary refuse packer unit shall be guarded with a standard barrier as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10231 of the Michigan Administrative Code.

(2) A pinch point exposed to contact by an employee shall be enclosed or guarded.

(3) A lifting device used to empty a container at a stationary refuse packer unit shall have a locking device as prescribed in R 408.11723(2).

(4) Maintenance access openings shall be covered and secured on the compactor. The cover shall be removable by hand tools or interlocked to the power source.

(5) A locking device used to couple a receiving box and stationary compactor unit shall be capable of withstanding the rated pressure of the compactor.

(6) A receiving box loading device shall provide a positive locking action to prevent dislodgement during the loading of the box on a vehicle.

(7) A receiving box loaded on a vehicle for transport shall have a retaining device other than the loading device.

History: 1954 ACS 74, p. 125, Eff. Dec. 29, 1972.

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PART 18. OVERHEAD AND GANTRY CRANES
GENERAL PROVISIONS

R 408.11801 Scope.

Rule 1801. This part covers the equipment, installation, maintenance, and operation of top running overhead and gantry single and multiple girder cranes in, about, and around places of employment in order to safeguard employees. It does not apply to top running overhead cranes with push-type bridge and trolley, monorails, railway or truck cranes, mine hoists, conveyors, shovels, dragline excavators, equipment used on construction jobs, or to systems used to transport people.

History: 1954 ACS 76, p. 59, Eff. July 25, 1973; 1954 ACS 82, p. 89, Eff. Dec. 31, 1974.

R 408.11803 Definitions; B, C.

Rule 1803. (1) "Brake" means a device used for retarding or stopping motion by friction or power means.

(2) "Bridge" means that part of a crane consisting of girders, trucks, end ties, footwalks, and driving mechanism.

(3) "Cab" means an operator compartment located on a crane bridge or trolley.

(4) "Controller" means a device with a handle or push button that controls the motion of a crane.

(5) "Crane" means a top running overhead or a gantry crane.

History: 1954 ACS 76, p. 59, Eff. July 25, 1973; 1954 ACS 82, p. 89, Eff. Dec. 31, 1974.

R 408.11804 Definitions; F to M.

Rule 1804. (1) "Floor-operated crane" means a top running overhead crane which is controlled by an operator on a floor or independent platform.

(2) "Gantry crane" means a crane similar to an overhead crane except that the bridge for carrying the trolley or trolleys is rigidly supported by 1 or more legs running on a fixed rail or other runway.

(3) "Hooker" means an employee who attaches the load to the hook in hoisting or setting the load or both.

(4) "Hot metal crane" means a crane which transports molten metal.

(5) "Load" means the total superimposed weight on a load block or hook.

(6) "Main switch" means a switch on a crane controlling the entire power supply to the crane except that a magnet and convenience outlet circuit may bypass the main switch.

(7) "Modified" means a change in design or rating.

History: 1954 ACS 76, p. 59, Eff. July 25, 1973; 1954 ACS 82, p. 89, Eff. Dec. 31, 1974.

R 408.11805 Definitions; O to R.

Rule 1805. (1) "Overhead crane" means a top running crane with a movable bridge carrying a movable or fixed hoisting mechanism for lifting and lowering, moving horizontally and traveling on an overhead fixed runway.

(2) "Preformed" means to permanently shape wire rope before fabrication into helical form.

(3) "Pulpit" means an operator compartment for a crane located at a fixed position remote from the crane.

(4) "Rail stop" means a device attached to a rail to stop the movement of a crane beyond a fixed point.

History: 1954 ACS 76, p. 59, Eff. July 25, 1973; 1954 ACS 82, p. 90, Eff. Dec. 31, 1974.

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R 408.11806 Definitions; S.

Rule 1806. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the actual load or stress when in use.

(2) "Seizing" means to bind the end of a wire rope with a soft annealed iron wire.

(3) "Side pull" means to pull a load with a hoist, chain or cable other than vertically.

(4) "Storage gantry crane" means a gantry type crane of long span usually used for bulk storage of materials. The bridge girders are supported on 1 or more legs. It may have 1 or more fixed or hinged cantilever ends.

(5) "Swaged socket" means a fitting into which wire rope is inserted and attached by cold forming.

History: 1954 ACS 82, p. 90, Eff. Dec. 31, 1974.

CONSTRUCTION, INSTALLATION, AND EQUIPMENT

R 408.11821 Certification, modification, guards, and incorporation of standards.

Rule 1821. (1) A top running or gantry crane erected or modified after June 24, 1973 shall be certified, by a crane manufacturer or an engineer knowledgeable in crane construction, that the new construction or installation, or modification conforms to chapter 2-1 of the American national standard safety code for overhead and gantry cranes, USAS standard B30.2.0-1967, chapter 2-1 of which is incorporated herein by reference. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $3.00 each. This standard may be inspected at the Lansing office of the department of labor.

(2) Gears and other means of power transmission, except shafts, where exposed to contact, shall be guarded as prescribed in rule 731 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10731 of the Michigan Administrative Code.

(3) A crane, except a top running crane with an underhung, single-girder hoist trolley, installed after August 31, 1971, shall be modified to conform to chapter 2-1 of ANSI B30.2.0-1967, overhead and gantry cranes, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926

History: 1954 ACS 76, p. 59, Eff. July 25, 1973; 1954 ACS 82, p. 90, Eff. Dec. 31, 1974; 1954 ACS 89, p. 48, Eff. Nov. 13, 1976.

R 408.11822 Marking rated capacity.

Rule 1822. The rated capacity of a crane shall be legibly marked on each side of the crane, and if the crane has more than 1 hoisting unit, each unit shall have its rated capacity marked on it or its load block and this marking shall be legible from the ground or floor.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

R 408.11823 Safety factor for hoisting cables.

Rule 1823. The designed safety factor for the hoisting cable on:

(a) A hot metal crane shall be not less than 8.

(b) Any other crane shall be not less than 5.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

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R 408.11824 Wire rope.

Rule 1824. (1) A wire rope used on a crane shall be repaired or replaced if:

(a) Within a segment of 8 diameters in length, the total number of broken wires exceeds 10% of the total number of wires.

(b) The wire rope has been kinked, crushed or bird caged, or has sustained any other damage which distorts the wire rope structure.

(c) The wire rope shows heat or corrosive damage.

(2) Wire rope discarded from a crane because of subrule (1) shall not be used for a sling.

(3) Wire rope for a crane bent to form an eye shall be equipped with a metal thimble.

(4) An end fitting shall be a clamp, swage or a zinc or equivalent poured socket. Before cutting wire rope, seizings shall be placed as follows: 1 seizing on each side of the cut on preformed wire rope; 2 seizings on each side of ⅞ inch size or smaller nonpreformed wire rope; and 3 seizings on each side of 1 inch or larger size nonpreformed wire rope.

(5) Wire rope, with an independent wire rope core, shall be used on all molten metal applications and in an area where the environmental atmosphere will cause deterioration of a hemp center.

(6) Wire rope shall be stored in a manner to prevent damage or deterioration.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

R 408.11825 Hooks.

Rule 1825. A crane hook shall be discarded if:

(a) The throat opening is more than 15% greater than the manufactured size.

(b) The hook has more than a 10% twist from a vertical center line drawn through the hook socket.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

R 408.11826 Testing of cranes.

Rule 1826. (1) Before a new or modified crane is put into operation or if a crane has not been used in the past 12 months, the equipment shall be tested to insure compliance with this part, including the following functions:

(a) Hoisting and lowering.

(b) Trolley travel.

(c) Bridge travel.

(d) Travel limiting devices.

(2) The trip setting of a hoist limit switch shall be determined with an empty hook traveling in increasing speeds up to the maximum speed. The actuating mechanism of the limit switch shall be located so that it will trip the switch, under all conditions, in time to prevent contact of the hook or hook block with the trolley.

(3) When a crane is given a load test, the test load shall be not more than 125% of the rated load. The test reports shall be maintained on file within the premises where the crane is located.

History: 1954 ACS 82, p. 90, Eff. Dec. 31, 1974.

R 408.11831 Rescinded.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973; rescinded 1954 ACS 82, p. 90, Eff. Dec. 31, 1974.

R 408.11832 Trolley stops.

Rule 1832. (1) Stops shall be provided at the limits of travel of the trolley.

(2) The stops shall be fastened to resist the forces applied when contacted.

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(3) A stop engaging the tread of the wheel shall be of a height not less than that of the wheel radius. A stop which engages other parts of the crane is preferable.

History: 1954 ACS 82, p. 90, Eff. Dec. 31, 1974.

R 408.11833 Rescinded.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973; rescinded 1954 ACS 82, p. 91, Eff. Dec. 31, 1974.

R 408.11835 Ladders; catwalks; escape devices.

Rule 1835. (1) When a fixed ladder provides access to a crane, it shall be as prescribed in the occupational safety standards commission standard, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code.

(2) A catwalk for or on a crane shall have a standard barrier as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10201 to R 408.10241 of the Michigan Administrative Code.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

R 408.11837 Temporary wiring.

Rule 1837. Temporary wiring shall be subject to the requirements of the state electrical administrative board.

History: 1954 ACS 76, p. 60, Eff. July 25, 1973.

R 408.11841 Brakes and restraints.

Rule 1841. (1) An overhead or gantry crane bridge which is powered shall be equipped with an operable brake, noncoasting mechanical drive or other braking means. The brake or drive shall be capable of stopping the bridge within a distance in feet equal to 10% of the full load speed in feet per minute when traveling at full speed with full load.

(2) A trolley of a cab operated crane with the cab on the trolley shall meet the requirements of subrule (1).

(3) A gantry crane used out-of-doors shall be provided with a positive mechanical restraint, such as, but not limited to, an automatic rail clamp, to secure the crane against wind movement while parked. If clamps act on the rail heads, beads or weld flash on the rail heads shall be ground off.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973; 1954 ACS 82, p. 91, Eff. Dec. 31, 1974.

R 408.11843 Controls.

Rule 1843. (1) A controller in a cab operated crane shall be permanently identified by function and direction.

(2) Rope controls for a floor operated crane shall be equipped with an arrow attached to the rope showing the direction of travel when the rope is pulled.

(3) A pendant, radio, cab, or pulpit control station shall be equipped with a positive stop device, colored red, to disconnect all motors.

(4) A crane shall be equipped with a main switch which can be locked out. An employer shall establish a lockout procedure which shall be used in connection with R 408.11875.

(5) A controller on a pendant or radio-controlled crane, when released from the "on" position, shall automatically return to the "off" position.

(6) A transmitter for a radio-controlled crane shall be stored in a locked cabinet or in a supervised storage area when not in use.

(7) All cranes shall be provided with an operable overtravel limit switch in the hoisting direction. The switch shall be located so that it is tripped under all conditions to prevent contact of the hook or block with the hoist.

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(8) A crane not equipped with spring return controllers or momentary contact push buttons shall be provided with a device which will disconnect all motors from the line on failure of power and will not permit restarting until the controller handle is brought to the "off" position, or a reset switch or button is operated.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973; 1954 ACS 82, p. 91, Eff. Dec. 31, 1974; 1954 ACS 89, p. 49, Eff. Nov. 13, 1976.

R 408.11845 Warning devices.

Rule 1845. (1) A crane, except a pendant controlled crane where the operator and other employees in the area of the load can see all load movement, shall be equipped with a warning device, such as a flashing light, bell, or siren. An operator shall use a warning device before starting and intermittently while traveling in an occupied area.

(2) A wind indicating device shall be provided on an outdoor storage gantry type crane which will give a visual or audible alarm to the operator at a predetermined wind velocity.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973; 1954 ACS 82, p. 91, Eff. Dec. 31, 1974; 1954 ACS 89, p. 49, Eff. Nov. 13, 1976.

R 408.11847 Tool storage and fire extinguishers.

Rule 1847. (1) Tools and other necessary articles shall be stored in a secured container and not allowed to be loose in or about a crane.

(2) On a cab operated crane, a class C or multi-purpose fire extinguisher shall be provided and maintained accessible to the crane operator.

(3) The employer shall insure that the crane operator is knowledgeable in the operation of the fire extinguisher.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973; 1954 ACS 82, p. 91, Eff. Dec. 31, 1974; 1954 ACS 89, p. 49, Eff. Nov. 13, 1976.

OPERATORS AND OPERATIONS

R 408.11851 Qualifications.

Rule 1851. (1) An employee selected to operate a cab or pulpit type crane shall have the following minimum qualifications and be examined for them not less than every 3 years:

(a) Vision shall measure 20/40 acuity on an approved testing device. Corrective lenses are permissible but shall be worn 100% of the time when operating a crane. Peripheral vision shall be a minimum of 140 degrees with a minimum of 65 degrees on 1 side. Depth perception shall be within the minimums as stated on an approved testing device. An operator shall be able to distinguish between red, green and yellow colors.

(b) Effective use of all 4 limbs.

(c) Height sufficient to operate the controls and to have an unobstructed view over the controls into the work area.

(d) Coordination between eyes, hands, and feet.

(e) Freedom from known convulsive disorders and episodes of unconsciousness.

(2) An employee assigned to operate a crane shall have the ability to understand signs, labels and instructions.

(3) An employee operating a crane at the effective date of this part and not meeting the requirements of subdivisions (a), (b), (c), and (d) of subrule (1) and subrule (2) may be continued as an operator if his handicap or disability does not prove detrimental to his task.

(4) An employer may apply this rule to an operator of a floor operated crane.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973.

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R 408.11852 Training.

Rule 1852. An employer shall train a prospective operator before his assignment as an operator of a crane. Training shall be with respect to overhead and gantry cranes and shall include:

(a) Capabilities of equipment and attachments.

(b) Purpose, use, and limitation of controls.

(c) How to make daily checks.

(d) Practice in operating assigned equipment through its functions necessary to perform the required jobs.

(e) A review of applicable state standards and company rules and regulations.

History: 1954 ACS 76, p. 61, Eff. July 25, 1973.

R 408.11853 Testing.

Rule 1853. (1) An employee, except a learner, shall pass a qualification test, including items in R 408.11852, before operating a crane.

(2) An employer shall test the knowledge and ability of an employee before authorizing him to operate a crane. The test shall determine the employee's:

(a) Operating ability.

(b) Knowledge of equipment.

(c) Knowledge of daily checks.

(d) Knowledge of applicable state standards and company rules and regulations.

History: 1954 ACS 76, p. 62, Eff. July 25, 1973.

R 408.11855 Limitations on use of cranes.

Rule 1855. (1) An employer shall limit the use of a crane to:

(a) An employee who has been trained and qualified to operate the type of crane to which he is assigned.

(b) A learner under the direct supervision of a designated operator.

(c) Maintenance personnel during performance of their duties.

(d) Its maximum rated capacity.

(2) An employer shall establish and enforce a safe procedure, applicable to authorized employees, for boarding and leaving an overhead crane.

History: 1954 ACS 76, p. 62, Eff. July 25, 1973.

R 408.11857 Reporting defects.

Rule 1857. (1) An operator shall report any defects in a crane to his supervisor.

(2) An unauthorized employee shall not enter a crane cab or pulpit.

History: 1954 ACS 76, p. 62, Eff. July 25, 1973.

R 408.11859 Personal protective equipment.

Rule 1859. (1) An operator and an employee directing a lift shall use the personal protective devices required in the area.

(2) A hooker directing a lift shall wear a hard hat as prescribed in the occupational safety standards commission standard, Part 32. Head Protection Equipment, being R 408.13201 to R 408.13241 of the Michigan Administrative Code, except a hard hat is not required if the load is never lifted to a height greater than the shoulders of the hooker when he or she is standing erect.

(3) An employee performing maintenance on an overhead or gantry crane, where a standard barrier as prescribed in R 408.11835 or platform is not provided, shall wear an approved safety belt and lanyard.

History: 1954 ACS 76, p. 62, Eff. July 25, 1973; 1954 ACS 99, p. 109, Eff. Apr. 18, 1979.

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R 408.11861 General conduct of operators.

Rule 1861. (1) An operator, when starting on duty:

(a) Shall not close the main switch or emergency contactor until he checks to see if anyone is on the crane and if a warning sign is on the crane, hook, or main switch.

(b) Shall test all controls, limit switches, and brakes. When a load approaches the rated load, the operator shall test the hoisting brakes by raising the load a few inches and applying the brakes.

(2) A hoisting limit switch on a crane or hoisting means shall not be used as an operating control unless the crane is also equipped with a backup limit switch.

(3) A load shall not be lowered below a point where less than 2 full wraps of wire rope remain on the hoisting drum.

(4) When there is doubt concerning the safety of a crane or hoisting means, an operator shall stop the crane and report the condition creating this doubt to his supervisor.

(5) In case of power failure, an operator shall place all controllers in the "off" position.

(6) An operator leaving a crane unattended shall land any attached load, place the controllers in the "off" position and open the main switch. Before closing a main switch, an operator shall make sure all controllers are in the "off" position. On pendant controlled cranes, the main switch need not be opened if the crane is left unattended for short periods.

(7) An operator leaving an outdoor crane shall secure it as prescribed in subrule (2) of R 408.11841.

History: 1954 ACS 76, p. 62, Eff. July 25, 1973; 1954 ACS 82, p. 91, Eff. Dec. 31, 1974.

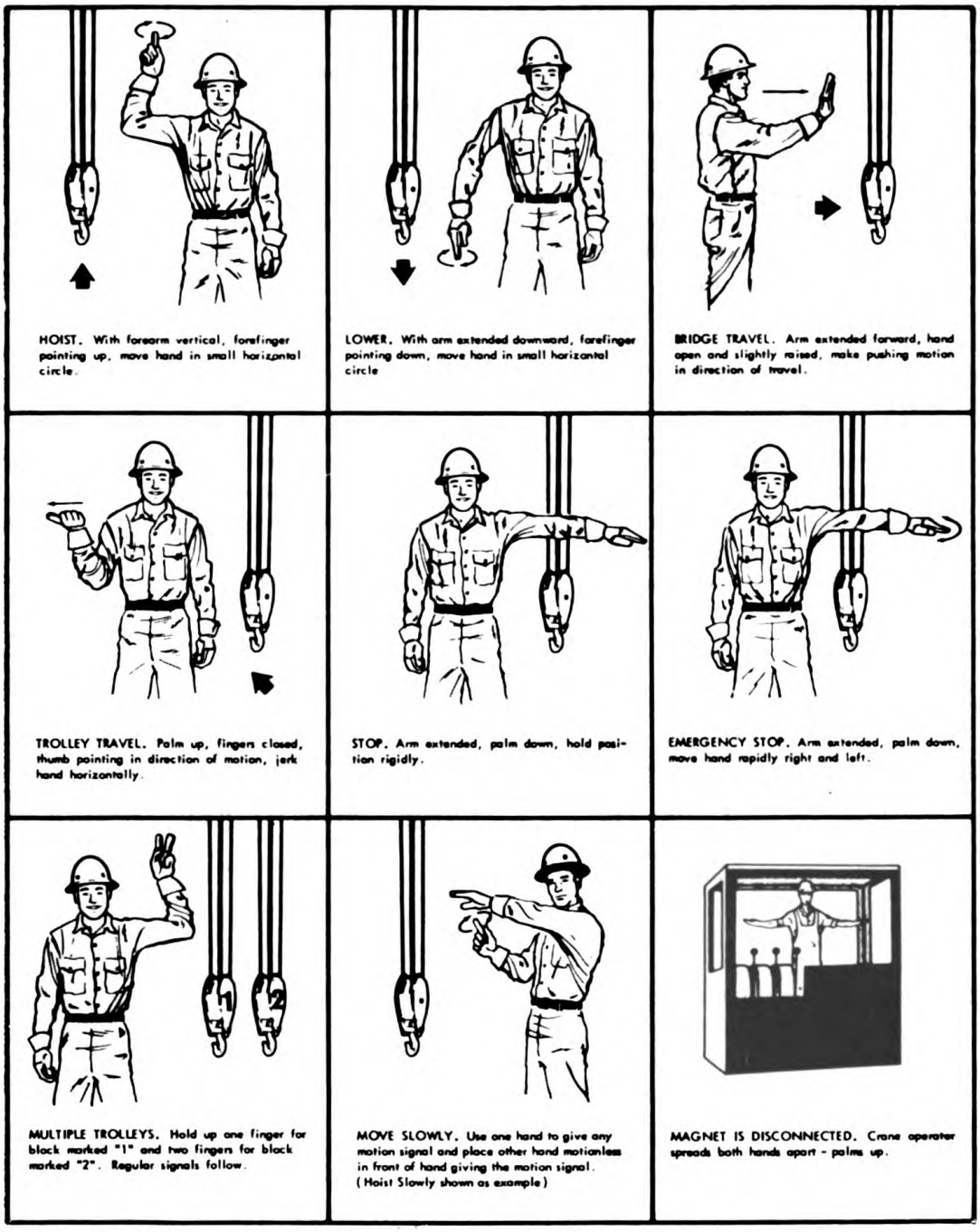
R 408.11863 Signals.

Rule 1863. An operator shall respond to signals only from the employee directing a lift. However, he shall obey at all times an emergency stop signal from any employee. The signals given an operator shall conform to table 1. When 2 or more cranes are used to lift a load, a designated employee shall give all signals.

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TABLE 1

Overhead and Gantry Cranes



History: 1954 ACS 76, p. 62, Eff. July 25, 1973.

R 408.11865 Lifting.

Rule 1865. (1) An operator of a crane shall not carry a load over an employee.

(2) A crane shall not be used to make a side pull, except where it has been specifically established by an authorized employee that such side pull and possible consequent load swing will not endanger employees or result in equipment deterioration creating a potential hazard.

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(3) Compressed gases shall be lifted only by a cradle or enclosed platform.

(4) An employee shall not ride a hoisting device, such as a magnet, hook, ball, or load, except on a work platform; which shall:

(a) Be suspended from the top 4 corners and fastened to the structural floor member.

(b) Have the point of suspension at the hook fixed so that it cannot be accidentally disengaged.

(c) Have a standard barrier and toeboard on all sides, as prescribed in rules 231 and 233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 and R 408.10233 of the Michigan Administrative Code. The intermediate rail may be omitted from 1 side.

(5) When attaching or moving a load, the operator or hooker shall make sure:

(a) The hoisting rope or chain is free of kinks or twists and not wrapped around the load.

(b) The load is attached to the load block hook by means of a sling or other approved device.

(c) The sling and load will clear all obstacles or obstructions.

(d) The load is balanced and secured before lifting the load more than a few inches.

(e) That multiple lines are not twisted around each other.

(f) The hook is brought over the load in a manner to prevent swinging.

(g) There is no sudden acceleration or deceleration of the moving load.

History: 1954 ACS 76, p. 64, Eff. July 25, 1973; 1954 ACS 82, p. 92, Eff. Dec. 31, 1974.

INSPECTION AND MAINTENANCE

R 408.11871 Daily inspection.

Rule 1871. At the beginning of each shift during which a crane is used, visual inspections shall be made in accordance with table 2. A visual inspection shall be limited to that which can be made from a catwalk or other safe observation point.

TABLE 2
Minimum Inspection Schedule

Item	Daily	Monthly to Quarterly	Yearly or More Often
Operating Mechanisms	visual for function	check for wear, distortion and fractures	
Limit Switches	visual and operational for function	check for adjustment and wear	
Air Systems	visual for leaks	visual for leaks	
Hydraulic Systems	visual for leaks	visual for leaks and abrasions	
Hooks*	visual for deformation and cracks		
Chains	visual for wear, elongation and twist	measure for wear and elongation	
Wire Rope**	visual for wear, broken wire, kinks	measure for wear	
Slings	visual for wear, broken wire, kinks	measure for wear	

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TABLE 2 (Cont.)
Minimum Inspection Schedule

Item	Daily	Monthly to Quarterly	Yearly or More Often
Rope Reeving	visual for proper seating in drum and sheave grooves	visual for proper seating in drum and sheave grooves	
Chain Drive Sprockets			check for wear
Drive Chain		check for stretch	
Brake System		check for adjustment and wear	
Sheaves			check for wear and cracks
Drums			check for wear and cracks
Fasteners		check for tightness	
Electrical Apparatus		check electrical components for function, loose connections and deterioration	
Lock and Clamp Mooring Devices		visual for function and wear	check for wear, distortion and fractures
Cab		check hangers and fasteners	
Load, Wind and Other Indicators		accuracy	
Power Plants		performance and safety requirements	

*See R 408.11825
**See R 408.11824

History: 1954 ACS 76, p. 64, Eff. July 25, 1973; 1954 ACS 82, p. 92, Eff. Dec. 31, 1974.

R 408.11872 Monthly and yearly inspections.

Rule 1872. (1) Monthly to yearly inspections shall be made in accordance with table 2. Before use an outdoor crane or a crane used in a corrosive atmosphere, which has been idle for more than 1 month, shall be inspected for all items on table 2. Conditions of extreme duty cycle, heat and corrosive or climatic extremes shall indicate a need for more frequent inspections before use.

(2) Records shall be kept for not less than 2 years of all monthly-to-quarterly and yearly inspections.

History: 1954 ACS 76, p. 66, Eff. July 25, 1973; 1954 ACS 82, p. 93, Eff. Dec. 31, 1974.

R 408.11875 Maintenance.

Rule 1875. (1) An employer shall maintain a crane and its accessories in a condition that will not endanger an operator or other employee.

(2) An unsafe condition on a crane determined by an inspection, shall be corrected by a designated trained employee or an outside crane service company before the crane is put into operation.

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(3) Before adjustments or repairs are commenced on a crane the following precautions shall be taken:

(a) A crane to be repaired shall be moved to a location where it will cause the least interference with other moving equipment on the track or rails and operations in the area.

(b) Controllers shall be placed in the "off" position.

(c) The main switch shall be placed in the "off" or "open" position and locked, except where power is necessary to adjust or service the crane.

(d) A warning or "out of order" sign shall be placed at the operator control station.

(e) Illumination of not less than 15 footcandles intensity shall be provided while maintenance is performed on a crane.

(4) Where any other crane uses the same runway, a protective device shall be used to prevent interference with the idle crane undergoing repairs. Where the protective device is impracticable, a signal man shall be placed at a visual vantage point to warn the operator of the active crane when it reaches the limit of safe distance from the idle crane.

(5) A crane that has been adjusted or repaired shall not be returned to normal operation until all guards have been replaced, locks removed by those who installed them, or their supervisor, safety devices reactivated and the maintenance equipment removed.

(6) Manual lubrication on a crane shall comply with subrule (3)(c).

(7) An accumulation of dirt on a crane that would create a hazardous condition shall be removed.

History: 1954 ACS 76, p. 66, Eff. July 25, 1973; 1954 ACS 82, p. 94, Eff. Dec. 31, 1974.

PART 19. CRAWLER, LOCOMOTIVE, AND TRUCK CRANES GENERAL PROVISIONS

R 408.11901 Scope.

Rule 1901. This part provides for the safe construction and maintenance of crawler, locomotive, and truck cranes, including mobile hydraulic cranes, used only as lifting cranes, by the employer and their safe use by the employee in, around, and about a place of employment. Railway cranes on public right-of-ways for clearing wrecks are excluded.

History: 1954 ACS 82, p. 94, Eff. Dec. 31, 1974.

R 408.11903 Definitions; B, C.

Rule 1903. (1) "Boom" means a structural member hinged at the lower end to a fixed location and used for supporting hoisting tackle.

(2) "Boom angle" means the acute angle between the longitudinal center line of the boom and the horizontal.

(3) "Boom stop" means a device used to limit the angle of the boom at the highest position.

(4) "Crawler crane" means a rotating superstructure with a power plant, operating machinery, and boom mounted on a base equipped with crawler treads for travel, and used for hoisting and swinging loads.

History: 1954 ACS 82, p. 94, Eff. Dec. 31, 1974.

R 408.11904 Definitions; J to R.

Rule 1904. (1) "Jib" means an extension attached to a boom point to provide added boom length for lifting a specific load. A jib may be in line with the boom or offset to various angles.

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(2) "Load rating" means the rating in pounds established by the manufacturer in conjunction with R 408.11923 and is dependent on such factors as anchorage, structural competence, rope strength, and hoist capacity.

(3) "Locomotive crane" means a rotating superstructure with a power plant, operating machinery, and boom mounted on a base or car equipped for travel on a railroad track. It may be self-propelled or propelled by an outside source.

(4) "Mobile hydraulic crane" means a crane using a hydraulic means of powering some of the basic crane functions.

(5) "Reeving" means a rope system in which the rope travels around drums and sheaves.

History: 1954 ACS 82, p. 94, Eff. Dec. 31, 1974.

R 408.11905 Definitions; S.

Rule 1905. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(2) "Side loading" means a load applied at an angle to the vertical plane of the boom.

(3) "Standby" means not to be in regular service, but used intermittently or occasionally as required.

(4) "Standing rope" means a supporting rope which maintains a constant distance between points of attachment to the 2 components connected by the rope.

(5) "Structural competence" means the ability of a machine and its components to withstand the stresses imposed by applied loads.

(6) "Swing" means the rotation of a mast or boom for movement of loads in a horizontal direction about the axis of rotation.

History: 1954 ACS 82, p. 95, Eff. Dec. 31, 1974.

R 408.11906 Definitions; T to W.

Rule 1906. (1) "Truck crane" means a rotating superstructure with a power plant, operating machinery, and boom mounted on an automotive truck equipped with a power plant for travel.

(2) "Whipline" means a separate or auxiliary hoist rope system of lighter load capacity and higher speed than provided by the main hoist.

(3) "Winch head" means a power driven spool for handling of a load by means of friction between fiber or wire rope and the spool.

History: 1954 ACS 82, p. 95, Eff. Dec. 31, 1974.

R 408.11911 Employer responsibilities.

Rule 1911. (1) An employer shall limit the use of a crawler, locomotive, or truck crane to:

(a) An employee who has been trained and qualified to operate the type crane to which he is assigned.

(b) A learner under the direct supervision of a designated employee.

(c) Authorized maintenance personnel during the performance of their duties.

(2) An employer shall maintain a crane and its accessories in a condition which will not endanger an operator or other employees.

(3) An employer shall limit the use of a crane to its maximum rated capacity.

History: 1954 ACS 82, p. 95, Eff. Dec. 31, 1974.

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R 408.11912 Employee responsibilities.

Rule 1912. (1) An employee, except a learner, shall pass a qualification test including items in R 408.11915 before operating a crane.

(2) An operator shall report any defects of a crane to his supervisor.

(3) An unauthorized employee shall not enter a crane cab.

(4) An unauthorized employee shall not ride on any exterior part of a crane.

History: 1954 ACS 82, p. 95, Eff. Dec. 31, 1974.

R 408.11913 Operator selection.

Rule 1913. (1) An employee selected to operate a crawler, locomotive, or truck crane shall meet the following requirements:

(a) Vision shall measure 20/40 acuity on an approved testing device. Corrective lenses are permissible, but shall be worn 100% of the time when operating a crane. Peripheral vision shall be a minimum of 140 degrees with a minimum of 65 degrees on 1 side. Depth perception shall be within the minimums as stated on an approved testing device. An operator shall be able to distinguish between red, green, and yellow colors.

(b) Effective use of all 4 limbs.

(c) Height sufficient to operate the controls and to have an unobstructed view over the controls into the work area.

(d) Coordination between eyes, hands, and feet.

(e) Freedom from known convulsive disorders and episodes of unconsciousness.

(f) Ability to hear and understand conversational levels of sound in an ordinary office environment.

(g) Ability to read and understand signs, labels, and instruction manuals.

(2) An employee assigned to operate a crawler, locomotive, or truck crane shall have his ability to meet the minimum requirements in this rule verified not less than every 3 years.

(3) The requirements of this rule, except subdivision (e) of subrule (1), may be waived for an existing employee operating a crawler, locomotive, or truck crane at the effective date of this part, who has demonstrated his ability to perform the duties in a safe manner.

History: 1954 ACS 82, p. 95, Eff. Dec. 31, 1974.

R 408.11914 Operator training.

Rule 1914. An employer shall provide training to a prospective crane operator prior to assignment as an operator of a crane. Instruction shall include:

(a) Capabilities of the equipment and attachments.

(b) Purpose, use, and limitations of the controls.

(c) How to make daily inspections of the equipment.

(d) Practice in operating assigned equipment through the functions necessary to perform the job.

(e) A review of state standards, company rules, and regulations applicable to crane operation.

History: 1954 ACS 82, p. 96, Eff. Dec. 31, 1974.

R 408.11915 Operator testing.

Rule 1915. An employer shall determine the ability of an employee before authorizing the employee to operate a crane. This determination shall be based on the employee's:

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(a) Operating ability.
(b) Knowledge of the equipment.
(c) Knowledge of state standards, company rules, and regulations applicable to crane operation.
(d) Knowledge of daily inspections of the equipment.

History: 1954 ACS 82, p. 96, Eff. Dec. 31, 1974.

R 408.11916 Personal protective equipment.

Rule 1916. (1) An operator and an employee directing a lift for a crane shall use the personal protective equipment required in the area.

(2) An employee directing a lift for a crane shall wear a hard hat as prescribed in the occupational safety standards commission standard, Part 32. Head Protection Equipment, being R 408.13201 to R 408.13241 of the Michigan Administrative Code.

History: 1954 ACS 82, p. 96, Eff. Dec. 31, 1974.

CONSTRUCTION

R 408.11921 Construction; standards.

Rule 1921. (1) A crawler, locomotive or truck crane, purchased or modified after the effective date of this part, shall be as prescribed in chapter 5-1 and section 5-2.2 of chapter 5-2, USAS B30.5-1968, "Crawler, Locomotive and Truck Cranes," which are incorporated herein by reference and which are available for inspection at the Lansing office of the department of labor. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $3.00 each.

(2) A mobile hydraulic crane purchased or modified after the effective date of this part shall be as prescribed in chapter 15-1 and section 15-2.2 of chapter 15-2, ANSI B30.15-1973, "Mobile Hydraulic Cranes," which are incorporated herein by reference and which are available for inspection at the Lansing office of the department of labor. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $4.50 each.

(3) A crawler, locomotive, or truck crane purchased after August 31, 1971, shall be modified to conform to chapter 5 and section 5-2.2 of chapter 5-2 of the USAS standard, B30.5-1968, "Crawler, Locomotive, and Truck Cranes," or chapter 15-1 and section 15-2.2 of chapter 15-2 of ANSI standard, B30.15-1973, "Mobile Hydraulic Cranes."

History: 1954 ACS 82, p. 96, Eff. Dec. 31, 1974; 1954 ACS 89, p. 49, Eff. Nov. 13, 1976.

R 408.11923 Rating charts.

Rule 1923. (1) A legible rating chart shall be provided at the operator station showing not less than the following information for crawler, locomotive, or truck cranes:

(a) Load capacity relating to corresponding boom angles and operating radii for all boom lengths, jib lengths, and angles. Where optional equipment, such as outriggers or extra counterweights, is provided by the manufacturer, alternate ratings shall be provided in addition.

(b) Where structural competence limits the ratings, such information shall be shown on the chart.

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(2) The required parts of line for hoist reeving, including the size and construction of rope, shall be on the rating chart or in the operating manual.

History: 1954 ACS 82, p. 96, Eff. Dec. 31, 1974.

R 408.11924 Ballast and counterweights.

Rule 1924. A crane shall not be operated with more than the designed amount of ballast or counterweight. The amount of ballast or counterweight shall not be changed without authorization of the manufacturer in writing and making corresponding changes in the rating chart prescribed in R 408.11923.

History: 1954 ACS 82, p. 97, Eff. Dec. 31, 1974.

OPERATION

R 408.11931 Operating practices; general.

Rule 1931. (1) An operator shall respond to signals only from the designated signalman using appropriate signals, except where voice communications equipment is used (See figure 1). An operator shall obey a stop signal from anyone.

(2) A crane shall be equipped with an audible signaling device which shall be actuated before traveling and intermittently during travel when approaching an employee. When moving a crane, the following signals shall be used:

(a) Stop, 1 audible signal.

(b) Go ahead, 2 audible signals.

(c) Back up, 3 audible signals.

(3) An operator is responsible for those operations under his control. Whenever there is doubt as to safety, he shall stop operations until safety is assured.

(4) An operator shall not close a switch or start an engine if there is a warning sign or tag on the starting controls until the sign or tag has been removed by the employee placing it or removed by an authorized employee after making sure the hazard is removed. Before closing a switch or starting an engine, an operator shall see that all controls are in the off position and all employees are in the clear.

(5) If power fails during operation, the operator shall:

(a) Set all brakes and locking devices.

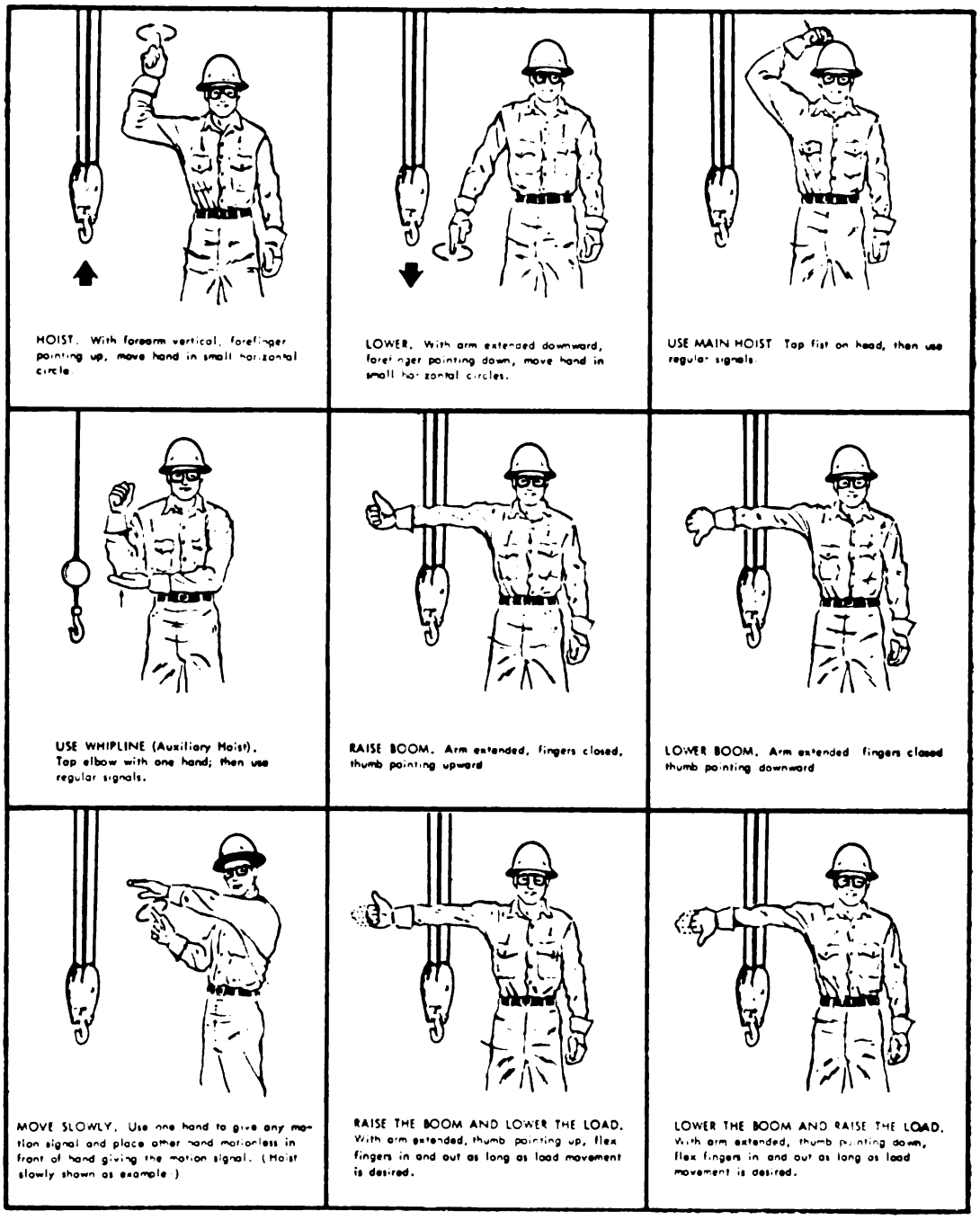
(b) Move all clutches and other power controls to the off or neutral position, unless such action would create an unsafe condition.

(c) If practicable, land any suspended load under brake control.

(6) An operator shall test all controls at the start of a shift. Needed adjustments shall be made before operations begin.

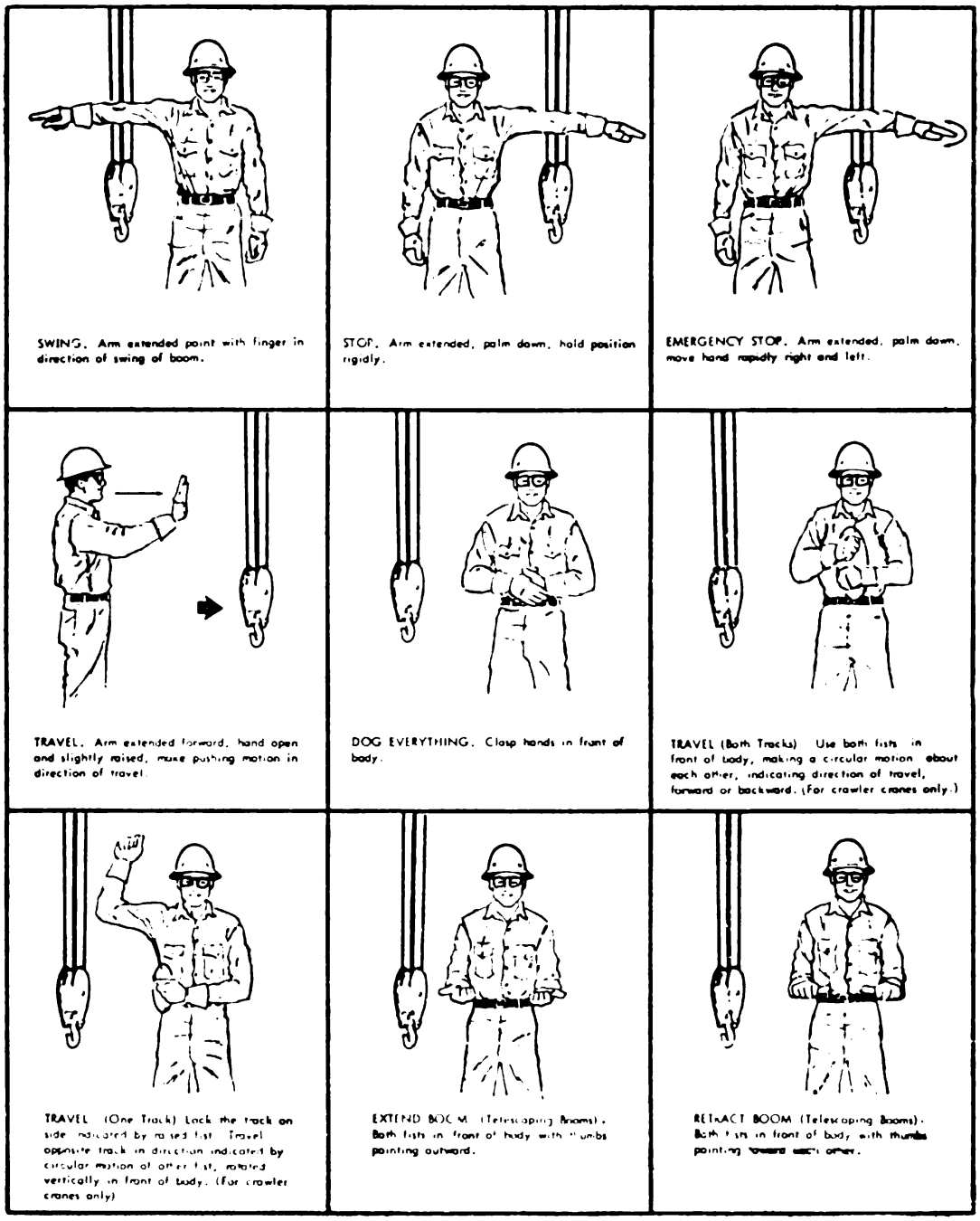
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FIGURE 1
Standard Hand Signals for Controlling Crane Operations



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FIGURE 1 (Cont.)
Standard Hand Signals for Controlling Crane Operations



SWING. Arm extended point with finger in direction of swing of boom.

STOP. Arm extended, palm down, hold position rigidly.

EMERGENCY STOP. Arm extended, palm down, move hand rapidly right and left.

TRAVEL. Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.

DOG EVERYTHING. Clasp hands in front of body.

TRAVEL (Both Tracks) Use both fists in front of body, making a circular motion about each other, indicating direction of travel, forward or backward. (For crawler cranes only.)

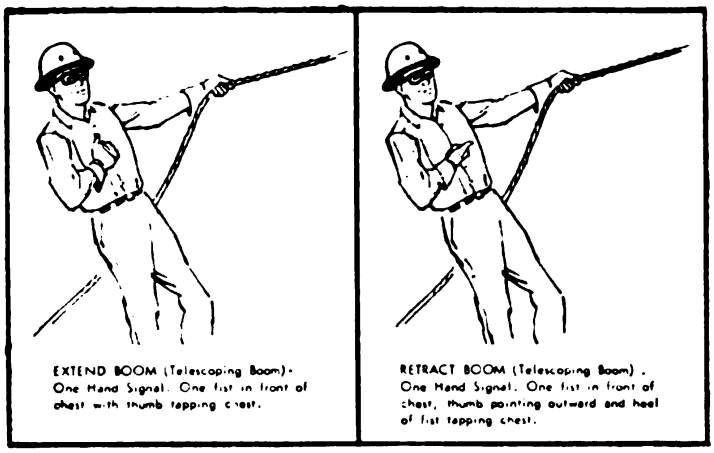
TRAVEL (One Track) Lock the track on side indicated by raised fist. Travel opposite track in direction indicated by circular motion of other fist, rotated vertically in front of body. (For crawler cranes only)

EXTEND BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing outward.

RETRACT BOOM (Telescoping Booms). Both fists in front of body with thumbs pointing toward each other.

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FIGURE 1 (Cont.)
Standard Hand Signals for Controlling Crane Operations



History: 1954 ACS 82, p. 97, Eff. Dec. 31, 1974.

R 408.11932 Operating practices.

Rule 1932. (1) An operator shall not leave a crawler, locomotive, or truck crane unattended until:

(a) Any attached load, bucket, lifting magnet, or other device is landed.

(b) The master clutch is disengaged.

(c) The travel, swing and boom brakes and other locking devices are set.

(d) The clutch controls are in the off or neutral position unless such action would create an unsafe condition.

(e) The engine is stopped.

(f) The crane is secured against accidental travel.

(2) When assembling or disassembling a boom on the ground, it shall be blocked to prevent dropping the boom and boom sections.

(3) When a boom section is manually telescoped it shall be positioned so that through and through pinning of the cylinder eye may be accomplished and shall be checked in a horizontal position.

(4) When 2 or more cranes are used to lift a single load, 1 designated employee shall direct the rigging, lift and movement.

(5) A locomotive crane shall not be rotated into a position where other railcars on an adjacent track might strike it, except where it has been ascertained that cars are not moving on the adjacent track and flag protection has been provided.

(6) Specified tire pressures shall be maintained.

History: 1954 ACS 82, p. 100, Eff. Dec. 31, 1974.

R 408.11933 Attaching and holding a load.

Rule 1933. (1) A load shall be attached to the hook by means of a sling or other lifting device. The hoist rope shall not be wrapped around a load except when setting or removing a pole.

(2) Before starting to hoist, the operator shall make sure:

(a) The hoist rope is not kinked.

(b) The multiple part lines are not twisted around each other.

(c) The hook is not swinging when brought over the load.

(3) An employee shall not be permitted to pass or stand under a suspended load.

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(4) An operator shall not load a crane beyond the rated load. A load which is limited by structural competence rather than by stability shall be checked by the operator to determine that the weight does not exceed the rated load.

History: 1954 ACS 82, p. 100, Eff. Dec. 31, 1974.

R 408.11934 Moving a load.

Rule 1934. (1) In moving a load, an operator shall avoid sudden acceleration and deceleration of a movement of the boom which would cause a swinging action by the load.

(2) An operator shall not move a load or hook if an employee is on it.

(3) A load shall be secured and balanced before it is lifted more than 6 inches.

(4) An operator shall test the hoisting brakes before moving a near rated load by raising the load a few inches and applying the hoisting brakes. This requirement applies to both single or multiple line reeving.

(5) A load or boom shall not be lowered below a point where less than 2 full wraps of rope remain on the drum.

(6) A load shall not be moved in a manner to contact obstructions.

(7) The rotational speed of a crane shall be such that the center of the load does not swing out beyond the radius of the point sheave in use. A tag line shall be used when rotation of the load would be hazardous.

History: 1954 ACS 82, p. 100, Eff. Dec. 31, 1974.

R 408.11935 Moving a load.

Rule 1935. (1) A crane shall not be used for dragging a load sideways.

(2) A load shall not be lifted over the front area of a truck crane, unless it is within the capacity of the rating chart for the front area of the truck crane.

(3) Floats or pads secured to outriggers shall be used when the load to be handled at a particular radius exceeds the rated load without outriggers (see R 408.11923). A wood block used to support an outrigger shall be:

(a) Of such size as to prevent shifting and toppling of the load.

(b) Of such strength to resist crushing.

(c) Free of defects such as knots and cracks which could affect its ability to support the load.

(4) Before lifting a load with a locomotive crane not using outriggers, a means shall be provided to prevent carrying the load on the truck springs. Rail clamps shall not be used to restrain a locomotive crane from tipping.

(5) Before moving with a load, a designated employee shall determine:

(a) Position to carry the load.

(b) Boom location.

(c) Ground conditions.

(d) Travel route.

(e) Speed of movement.

(f) Location of overhead wires.

(6) A crane, while moving from 1 location to another, shall have:

(a) The boom carried in line with the direction of movement.

(b) The superstructure secured against rotation, except when negotiating a turn with an operator in the cab or the boom on a dolly.

(c) An empty hook restrained against movement.

(7) A crane with or without a load shall not travel with the boom at a height that it may bounce back over the cab.

(8) A crane operating at a fixed radius shall have the boom-hoist pawl or other positive locking device engaged.

History: 1954 ACS 82, p. 101, Eff. Dec. 31, 1974.

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R 408.11936 Operating near a power line.

Rule 1936. (1) Any overhead wire shall be considered an energized line until a representative of the owner or utility has checked and indicated otherwise.

(2) Before any crane operation is started near a power line the owner or utility representative shall be notified.

(3) Except where electrical power lines and equipment have been deenergized and visibly grounded at the point of work or where an insulating barrier, not a part of the crane, has been erected, or the employee is insulated or isolated from the crane, a crane shall maintain clearances in accordance to the following:

	Clearance	
Voltage	Boom Raised	In Transit With Boom Lowered and No Load
To 50 KV	10 feet	4 feet
Over 50 KV	10 feet + .4 inch per KV	
50 to 345 KV		10 feet
346 to 750 KV		16 feet

(4) A cage-type boom guard, insulating link, or proximity warning device may be used, but their use shall not change the requirement of subrule (3).

History: 1954 ACS 82, p. 101, Eff. Dec. 31, 1974.

R 408.11941 Cabs and operating enclosures.

Rule 1941. Clothing, personal belongings, tools, and other articles within a cab or operating enclosure shall be stored in cabinets, boxes, or other means so as not to interfere with access or operations.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

R 408.11942 Fire extinguishers.

Rule 1942. A portable dry powder fire extinguisher with not less than 5 BC rating, or equivalent, shall be kept in the cab, or in the operating enclosure, or on the unit. The operator and maintenance employees shall be trained in its use.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974; 1954 ACS 89, p. 50, Eff. Nov. 13, 1976.

R 408.11943 Refueling.

Rule 1943. (1) A crawler, locomotive, or truck crane fuel tank shall not be refueled while the engine is running.

(2) Where refueling is done with portable containers, the container shall be an approved safety can with an automatic closing cap and flame arrester.

(3) Smoking or other sources of sparks and flame shall be not less than 25 feet from a refueling operation.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

INSPECTION

R 408.11951 Inspection records and inspector.

Rule 1951. (1) The inspection of a crawler, locomotive, or truck crane covered by R 408.11952 to R 408.11956 shall be made by an authorized and trained employee or outside service.

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(2) Records shall be maintained of inspection results of monthly inspections on brakes, hooks, and ropes, and semi-annual inspections of hydraulic relief pressure valves.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

R 408.11952 Initial inspections.

Rule 1952. A crawler, locomotive, or truck crane shall be inspected prior to initial use and after modification to insure compliance with this part.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

R 408.11953 Frequent inspections.

Rule 1953. (1) A crawler, locomotive, or truck crane shall be given the following daily to monthly visual inspections:

(a) Control mechanisms for wear and malfunction, each daily use.

(b) Deterioration or leakage of air or hydraulic systems, each daily use.

(c) Hydraulic system for oil level, each daily use.

(d) Hydraulic hoses and fittings for leaks and deterioration.

(e) All running ropes, each daily use.

(f) Lifting hooks for deformation or cracks. A hook having a crack, a throat opening of more than 15% of normal or more than 10 degree twist from the plane of an unbent hook shall be replaced.

(g) Rope reeving in conformance with the original installation.

(h) Electrical apparatus for malfunction, wear, dirt, and moisture accumulations.

(i) Tires for specified pressure.

(2) A crawler, locomotive, or truck crane shall be given a visual inspection not less than monthly for malfunction of safety devices.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

R 408.11954 Periodic inspections.

Rule 1954. A crawler, locomotive, or truck crane shall be given the following monthly to yearly inspections:

(a) Structural members and boom for cracks, deformation, and corrosion.

(b) Bolts and rivets for tightness.

(c) Sheaves, drums, pins, bearing, shafts, gears, rollers, locking, and clamping devices for wear, distortion, and cracks.

(d) Power sources for performance.

(e) Brake and clutch system parts, linings, pawls, and ratchets for excessive wear.

(f) Load, boom angle, and other indicators for inaccuracies over their full range.

(g) Travel, steering, braking, and locking devices for malfunction.

(h) Tires for wear or damage.

(i) Radiators and oil coolers for leakage, blockage of air passages and improper performance.

(j) Rust on piston rods and control valves.

(k) Oil strainers and filters for blockage.

History: 1954 ACS 82, p. 102, Eff. Dec. 31, 1974.

R 408.11955 Wire rope inspection.

Rule 1955. (1) Running ropes in continuous service shall have an inspection not less than once a month. The inspection shall include:

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(a) Measurement of diameter of rope.
(b) Count of broken wires in 1 lay when concentrated.
(c) End connections for broken wires.
(d) Corrosion, kinking, crushing, cutting, or other conditions affecting the capability of the rope.
(e) Cracked, bent, worn, corroded, or improperly applied end connectors.

(2) For rope in contact with equalizer sheaves or with saddles, or on sheaves where rope travel is limited, the inspection shall include moving the rope from its normal position on the sheave and examining the rope at the rope contact point.

(3) Inspection of a nonrotating type rope shall include the determination that the wires are not broken or worn within the rope.

(4) A rope which has been idle more than 1 month, shall be given a complete inspection prescribed in subrule (1) before being placed in service.

History: 1954 ACS 82, p. 103, Eff. Dec. 31, 1974.

R 408.11956 Occasional and out of service inspections.

Rule 1956. (1) A crawler, locomotive or truck crane which has been idle more than 1 month, but less than 6 months shall receive an inspection as prescribed in R 408.11953 and R 408.11955 before being placed in service.

(2) A crawler, locomotive or truck crane, which has been idle more than 6 months, shall receive an inspection as prescribed in R 408.11953 or R 408.11954 and R 408.11955 before being placed in service.

(3) A standby crawler, locomotive or truck crane shall be inspected at not less than 6 month intervals as prescribed in subrule (1).

History: 1954 ACS 82, p. 103, Eff. Dec. 31, 1974.

R 408.11957 Test for crawler, locomotive and truck cranes.

Rule 1957. (1) A crawler, locomotive, or truck crane, prior to initial use and after modification, shall be given an operational test to insure compliance with this part, including the following:
(a) Load hoisting and lowering mechanisms.
(b) Boom hoisting and lowering mechanisms.
(c) Travel mechanism.
(d) Safety devices.
(e) Boom extension mechanisms for a mobile hydraulic crane.

(2) A test load for a crawler, locomotive, or truck crane shall not exceed 110% of the rated load at any working radius.

(3) Results of operational tests and load tests shall be maintained at the job site.

(4) Where rerating is necessary, it shall be as prescribed in section 5-2.2 of chapter 5-2 of USAS B30.5-1968, "Crawler, Locomotive and Truck Crane" standard. Rerating shall not be in excess of the original load rating unless a letter of approval is obtained from the manufacturer and maintained at the job site.

History: 1954 ACS 82, p. 103, Eff. Dec. 31, 1974.

MAINTENANCE

R 408.11971 Maintenance generally.

Rule 1971. (1) An employer shall establish and maintain a preventative maintenance program under the supervision of an authorized and trained employee or outside service.

(2) Before adjustments and repairs to a crawler, locomotive, or truck crane are started, the following steps shall be taken:

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(a) The crawler, locomotive, or truck crane shall be placed where it does not interfere with other operations.

(b) A "warning" or "out of order" sign shall be placed at the controls, and the controls shall be in the "off" position. The sign need not be used if the energy source is locked out.

(c) The power plant shall be disconnected, locked out, or made safe by other means.

(d) The boom shall be lowered to the ground or otherwise secured against dropping.

(e) All hydraulic cylinders used for boom hoist and boom telescope on a mobile hydraulic crane shall be retracted.

(f) Hydraulic oil pressure from all hydraulic circuits shall be relieved before loosening or removing hydraulic components of a mobile hydraulic crane.

(g) The load block shall be lowered to the ground or otherwise secured against dropping, except when operation is necessary for the adjustment.

(3) After adjustments and repairs have been completed, the crawler, locomotive or truck crane shall not be returned to operations until all guards have been installed, safety devices activated, trapped air removed from the hydraulic system of a mobile hydraulic crane and maintenance equipment and warning signs or out of order signs removed.

(4) Hazardous conditions disclosed by the inspection requirements of R 408.11952 to R 408.11956 shall be corrected before operation of the crawler, locomotive, or truck crane is resumed.

(5) Adjustments shall be maintained to assure correct functioning of such components as operating mechanisms, safety devices, control systems, power plants, brakes and clutches.

(6) The original safety factor shall be maintained when repairs and replacements are made. Hooks showing defects indicated in R 408.11953 shall be replaced. Pitted or burned electrical contacts affecting their operations shall be replaced in sets.

(7) A crane or its wire rope shall not be used as a ground or to carry current. The ground shall be attached to the part being welded while welding.

History: 1954 ACS 82, p. 103, Eff. Dec. 31, 1974; 1954 ACS 89, p. 50, Eff. Nov. 13, 1976.

R 408.11972 Maintenance; wire rope.

Rule 1972. (1) Running wire ropes shall be replaced when they show 6 random broken wires in 1 rope lay or 3 broken wires in 1 strand of a rope lay; wear of 1/3 of the original diameter of outside individual wires; kinking, crushing or bird caging; heat damage; reduction in nominal diameter of 3/64 inch for ropes to 3/4 inch, 1/16 inch for ropes 7/8 inch to 1 1/8 inch, 3/32 inch for ropes 1 1/4 inch to 1 1/2 inch.

(2) A standing wire rope shall be replaced if it has more than 2 broken wires in 1 lay in a section beyond an end connection or 1 broken wire at an end connection.

(3) A wire rope having more than 1 broken wire at a socketed fitting shall be resocketed.

(4) Wire rope shall be stored in a manner to prevent damage or deterioration and handled in a manner to prevent kinking or twisting.

(5) Before cutting preformed rope, seizing shall be placed on each side of the cut to prevent unlaying of the strands. On nonpreformed rope 7/8 inch in diameter or smaller, 2 seizings shall be placed on each side of the cut, and for nonpreformed rope more than 7/8 inch in diameter, 3 seizings on each side shall be used.

(6) During installation, wire rope shall not be dragged in dirt or around sharp objects.

History: 1954 ACS 82, p. 104, Eff. Dec. 31, 1974.

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PART 21. POWERED INDUSTRIAL TRUCKS

R 408.12101 Scope.

Rule 2101. The purpose of this part is to provide, in or about places of employment, minimum safety rules for the care and use of powered industrial trucks and to provide for operator safety and specifications of equipment.

History: 1954 ACS 66, p. 24, Eff. Jan. 15, 1971; 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

R 408.12103 Definitions; A, B.

Rule 2103. (1) "American Society of Mechanical Engineers type-liquid petroleum gas cylinder" means a fuel container for liquefied petroleum gas made and inspected under the ASME boiler and pressure vessel code, section 8, division 1 of 1968, which is incorporated herein by reference, including addendas through summer, 1970 and which are available for inspection at the Lansing office of the Michigan department of labor. This code may be purchased from American Society of Mechanical Engineers Order Department, United Engineering Center, 345 E-47th Street, New York 10017, at a cost of $20.50 each, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

(2) "Attachment" means a device, other than conventional forks or load backrest extension, mounted permanently or removable on the elevating mechanism of a truck for handling the load. Popular attachments are fork extensions, clamps, rotating devices, side shifters, load stabilizers, rams, and booms.

History: 1954 ACS 66, p. 25, Eff. Jan. 15, 1971; 1954 ACS 73, p. 44, Eff. Nov. 10, 1972; 1954 ACS 81, p. 81, Eff. Nov. 19, 1974.

R 408.12104 Definitions; C.

Rule 2104. (1) "Cantilever truck" means a self-loading counterbalanced or noncounterbalanced truck equipped with cantilever load engaging means. (Appendix, figure 1).

(2) "Capacity," when referring to trucks, means:

(a) The capacity of a truck equipped with a load carriage and forks, or with attachments, is the maximum weight in pounds, at a specified load center which the truck, based on the strength of its various components and applicable stability, can lift to the maximum elevation of the load engaging means. Alternate capacities may be established at the same specified load center and at less than maximum elevation of the load engaging means.

(b) The capacity of a truck equipped with a platform is the maximum weight in pounds, at a specified load center which the truck, based on the strength of its various components, can lift to the maximum elevation of the load engaging means.

(3) "Carriage" means a support structure for forks or attachment, generally roller mounted, traveling vertically within the mast of a cantilever truck.

(4) "Center-control truck" means a truck in which the operator's control position is located near the longitudinal center of the truck.

(5) "Counterbalanced truck" means a truck equipped with load engaging means wherein all the load during normal transporting is external to the polygon formed by the wheel contacts. (Appendix, figure 1).

History: 1954 ACS 66, p. 25, Eff. Jan. 15, 1971; 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

R 408.12105 Definitions; D to F.

Rule 2105. (1) "Department of transportation type LP cylinder" means a fuel container for liquefied petroleum gas made and inspected under department of transportation regulations which are herein incorporated by reference and are

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available for inspection at the Lansing office of the Michigan department of labor. These regulations, department of transportation regulations on transporting dangerous articles—tariff #14, 1970, may be purchased from the American Trucking Association, H. J. Sonnenberg, Issuing Officer, 1616 P Street N.W., Washington, D.C. 20036, at a cost of $11.00 each, or from the Michigan Department of Labor, 300 East Michigan, Lansing, Michigan 48926.

(2) "Drift" means to move without control.

(3) "Electric truck" means a truck in which the principal energy is transmitted to motors in the form of electricity from a power source such as, but not limited to, a battery or motor generator.

(4) "End-control truck" means a truck in which the operator's position is located at the end opposite the load.

(5) "Fixed platform truck" means a truck equipped with a load platform which is nonelevating.

(6) "Forks" means horizontal tine-like projections, normally suspended from the carriage, for engaging and supporting loads.

(7) "Fork height" means the vertical distance from the floor to the load carrying surface adjacent to the heel of the forks with mast vertical, and in the case of a reach truck, with the forks extended.

(8) "Fork-lift truck" means a high-lift self-loading truck equipped with load carriage and forks for transporting and tiering loads.

(9) "Free play" means an uncontrolled movement.

History: 1954 ACS 66, p. 25, Eff. Jan. 15, 1971; 1954 ACS 73, p. 45, Eff. Nov. 10, 1972; 1954 ACS 81, p. 81, Eff. Nov. 19, 1974.

R 408.12106 Definitions; G to I.

Rule 2106. (1) "High-lift truck" means a self-loading truck equipped with an elevating mechanism designed to permit tiering. Popular types are high-lift fork trucks, high-lift ram trucks, high-lift boom trucks, high-lift clamp trucks and high-lift platform trucks. (Appendix, figure 1).

(2) "High-lift platform truck" means a self-loading truck equipped with a load platform, intended primarily for transporting and tiering loaded skid platforms. (Appendix, figure 2).

(3) "Industrial tractor" means a truck designed primarily to draw 1 or more nonpowered trucks, trailers, or other mobile loads. (Appendix, figure 5).

(4) "Internal combustion engine truck" means a truck in which the power source is a gas, LP gas, gasoline, or diesel type engine.

(5) "Issuing authority" means an employer or his designated representative who instructed and trained the operator.

History: 1954 ACS 66, p. 28, Eff. Jan. 15, 1971; 1954 ACS 73, p. 45, Eff. Nov. 10, 1972; 1954 ACS 81, p. 81, Eff. Nov. 19, 1974.

R 408.12107 Definitions; L.

Rule 2107. (1) "Liquefied petroleum gas (LP gas)" means a fuel which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or iso-butane) and butylenes.

(2) "Load-axle" means the truck axle nearest the load.

(3) "Load backrest extension" means a device extending vertically from the fork carriage frame.

(4) "Load center" means the horizontal longitudinal distance from the intersection of the horizontal load-carrying surfaces and vertical load-engaging faces of the forks, or equivalent load positioning structure, to the center of gravity of the load.

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(5) "Load engaging means" means a load handling device attached to a powered industrial truck for the purpose of handling a load.

(6) "Low-lift truck" means a self-loading truck equipped with an elevating mechanism designed to raise the load sufficiently to permit horizontal movement. Popular types are low-lift platform trucks and pallet trucks. (Appendix, figure 3).

(7) "Low-lift platform truck" means a self-loading truck equipped with a load platform intended primarily for transporting loaded skid platforms. (Appendix, figure 3).

History: 1954 ACS 66, p. 28, Eff. Jan. 15, 1971; 1954 ACS 73, p. 45, Eff. Nov. 10, 1972.

R 408.12108 Definitions; M, N.

Rule 2108. (1) "Mast" means a support member providing the guideways permitting vertical movement of the carriage. It is usually constructed in the form of channels or similar sections providing the supporting pathway for the carriage rollers.

(2) "Motorized hand truck" means a truck designed to be controlled by a walking operator and used to lift, tow, carry, stock and tier materials. (Appendix, figure 4).

(3) "Motorized hand or rider truck" means a dual purpose truck designed to be controlled by a walking operator or by a riding operator. (Appendix, figure 6).

(4) "Narrow aisle truck" means a self-loading truck primarily intended for right angle stacking in aisles narrower than those normally required by counterbalanced trucks of the same capacity. (Appendix, figure 10).

(5) "Non-elevating truck" means a non-counterbalanced truck designed primarily for burden-carrying and not capable of self-loading.

History: 1954 ACS 66, p. 28, Eff. Jan. 15, 1971; 1954 ACS 73, p. 45, Eff. Nov. 10, 1972.

R 408.12109 Definitions; O, P.

Rule 2109. (1) "Operator" means an employee who has been trained and tested and authorized by his employer to operate a powered industrial truck.

(2) "Order picker truck, high-lift" means a high-lift truck controlled by the operator stationed on a platform movable with the load engaging means and intended for manual stock selection. The truck may be capable of self-loading or tiering, or both. (Appendix, figure 9).

(3) "Overhead guard" means a framework fitted to a truck over the head of a riding operator.

(4) "Overall lowered mast height" means the maximum vertical dimension from the ground or floor to the extreme top point of the mast with the fork carriage in the fully lowered position and unloaded.

(5) "Pallet truck" means a self-loading low-lift truck equipped with wheeled forks of dimensions to go under a single faced pallet or between the top and bottom boards of a double faced pallet and having wheels capable of lowering into spaces between the bottom boards so as to raise the pallet off the floor for transporting. (Appendix, figure 4).

(6) "Parking brake" means a device to prevent the movement of a stationary truck.

(7) "Powered industrial truck" or "truck" means a mobile, power driven vehicle used to carry, push, pull, lift, stack or tier material.

History: 1954 ACS 66, p. 28, Eff. Jan. 15, 1971; 1954 ACS 73, p. 45, Eff. Nov. 10, 1972.

R 408.12110 Definitions; R, S.

Rule 2110. (1) "Reach truck" means a self-loading truck, generally high-lift, having load engaging means mounted so the means can be extended forwardly

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under control to permit a load to be picked up and deposited in the extended position and transported in the retracted position. (Appendix, figure 7).

(2) "Self-loading" means the capability of a truck to pick up, carry, set down and, in the case of high-lift types, to stack or tier its load without the aid of external means.

(3) "Service brake" means a device designed to bring a moving truck to a halt.

(4) "Side loader" means a self-loading truck, generally high-lift, having load engaging means mounted in such a manner that the means can be extended laterally under control to permit a load to be picked up and deposited in the extended position and transported in the retracted position. (Appendix, figure 8).

(5) "Straddle truck" means a general class of cantilever truck with horizontal structural wheel supported members extending forward from the main body of the truck, generally high-lift, for picking up and hauling loads between its outrigger arms. (Appendix, figure 10).

History: 1954 ACS 66, p. 27, Eff. Jan. 15, 1971; 1954 ACS 73, p. 46, Eff. Nov. 10, 1972.

R 408.12111 Definitions; T, U.

Rule 2111. (1) "Tire" means a tire which may be standard solid, cushion solid, pneumatic or solid pneumatic style.

(2) "Tiering" means a process of placing a load on or above another load.

(3) "Unattended truck" means one which is beyond the vision or more than 25 feet from the operator, whichever is less.

History: 1954 ACS 66, p. 27, Eff. Jan. 15, 1971; 1954 ACS 73, p. 46, Eff. Nov. 10, 1972.

NAMEPLATES AND MARKINGS

R 408.12121 Certification.

Rule 2121. A powered industrial truck manufactured after the effective date of this part shall be certified by the manufacturer that the truck covered by this part has been produced according to the mandatory requirements of sections 3 and 4, except subsection 421 of section 4, of the American national standards institute USAS B56.1-1969, "Safety Standard for Powered Industrial Trucks," which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, at a cost of $6.50 each, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 66, p. 27, Eff. Jan. 15, 1971; 1954 ACS 73, p. 46, Eff. Nov. 10, 1972; 1954 ACS 89, p. 51, Eff. Nov. 13, 1976.

R 408.12122 Approved labels.

Rule 2122. (1) A powered industrial truck which has been accepted by an approved testing laboratory shall bear a label or marking indicating such acceptance.

(2) A nameplate, label or tag provided on such a truck shall be maintained in place and in legible condition.

History: 1954 ACS 81, p. 82, Eff. Nov. 19, 1974.
Editor's note: Former R 408.12122, deriving from 1954 ACS 66, p. 27, was rescinded by 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

R 408.12123—R 408.12129 Rescinded.

History: 1954 ACS 66, pp. 27, 28, Eff. Jan. 15, 1971; rescinded 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

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R 408.12130 Effective date.

Rule 2130. A truck manufactured before the effective date of this part shall comply with R 408.12131(1) and (2), R 408.12134, R 408.12135, R 408.12136, and R 408.12143 of this part.

History: 1954 ACS 66, p. 28, Eff. Jan. 15, 1971; 1954 ACS 73, p. 46, Eff. Nov. 10, 1972.

EQUIPMENT

R 408.12131 Warning devices and lights.

Rule 2131. (1) A truck, except a motorized hand truck, shall be equipped with an audible device to warn of approach.

(2) A truck used in areas where general lighting is less than 2 footcandles shall be equipped with auxiliary lights that illuminate work in process.

History: 1954 ACS 66, p. 29, Eff. Jan. 15, 1971; 1954 ACS 73, p. 46, Eff. Nov. 10, 1972.

R 408.12132 Modifications.

Rule 2132. (1) An additional counterweight shall not be installed by the employer without written assurance from the manufacturer of the truck that the stability of the truck will not deviate from rule 406 of section 4 of the American national standards institute standard B56.1-1969.

(2) Other modifications affecting capacity or safety shall not be made without written approval of the manufacturer or an engineer knowledgeable on the subject. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

(3) If the truck is equipped with front end attachments, the name plate shall be marked to:

(a) Identify the attachments.

(b) Show the approximate weight of the truck and attachment.

(c) Show the load capacity of the truck and attachment combination at maximum elevation of the load engaging means with load laterally centered.

History: 1954 ACS 73, p. 46, Eff. Nov. 10, 1972; 1954 ACS 81, p. 82, Eff. Nov. 19, 1974; 1954 ACS 89, p. 51, Eff. Nov. 13, 1976.

R 408.12133 Rescinded.

History: 1954 ACS 66, p. 29, Eff. Jan. 15, 1971; rescinded 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

R 408.12134 Parking brakes.

Rule 2134. The parking brake on a sitdown rider truck shall be capable of holding the truck on the maximum grade which the truck can negotiate with rated load, or on a 15% grade, whichever is lesser. The parking brake shall be manually or automatically applied and shall remain applied until released by the operator.

History: 1954 ACS 66, p. 29, Eff. Jan. 15, 1971.

R 408.12135 Tires.

Rule 2135. Tires shall be used as recommended by the truck manufacturer.

History: 1954 ACS 66, p. 29, Eff. Jan. 15, 1971.

R 408.12136 Operator platforms.

Rule 2136. (1) An end control, reach, narrow aisle, order picker high-lift, order picking and stacking, and motorized hand rider truck shall be equipped with a platform extended beyond the operator's position, and shall withstand a compression load equal to the weight of the loaded vehicle applied along the longitudinal axis of the truck with the outermost projection of the platform against

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a flat vertical surface. The back protective guard where provided shall permit rapid and unobstructed ingress or egress from the platform.

(2) On a double end control baggage type truck or a truck which may be transported on short elevators, means should be provided to prevent accidental folding of the operator's folding platform.

(3) On an order picker truck, high-lift:

(a) A removable operator platform shall be provided with a device that attaches the platform to the lifting means.

(b) The operator platform shall be equipped with side guard rails.

(c) When the platform is elevated, the horizontal travel speed of the truck shall be automatically reduced to a degree necessary to maintain stability under maximum braking load and turning.

(d) Subdivisions (a) and (c) pertain only to a truck ordered after the effective date of this part.

History: 1954 ACS 66, p. 29, Eff. Jan. 15, 1971; 1954 ACS 73, p. 47, Eff. Nov. 10, 1972.

R 408.12137 Steering control.

Rule 2137. (1) Except on a motorized hand and motorized hand or rider truck, the steering control on a powered industrial truck shall be confined within the plan view outline of the truck, or guarded to prevent injury to the operator during movement of the controls when passing an obstacle such as a wall, post, equipment, box, or another truck.

(2) On a motorized hand and motorized hand or rider truck, the steering handle shall be provided with a guard or device to protect the operator's hands from injury when passing an obstacle such as a wall, post, equipment, box, or another truck.

History: 1954 ACS 73, p. 47, Eff. Nov. 10, 1972.

R 408.12138 Load handling controls; general.

Rule 2138. A load handling control on a truck shall be:

(a) Located for right hand operation.

(b) A single lever may be used to perform more than 1 function. Push button or pre-selected controls shall be properly identified.

(c) Clearly and durably identified to indicate function and direction of motion of load or equipment.

(d) Self-centering.

History: 1954 ACS 66, p. 30, Eff. Jan. 15, 1971; 1954 ACS 89, p. 51, Eff. Nov. 13, 1976.

R 408.12139 Load handling controls; direction of motion and guards.

Rule 2139. (1) A lever or handle type control, including a toggle switch, shall be in accordance with the following table:

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TABLE 1
Direction of Motion

Function	Of load or equipment	Of the operator's hand when actuating the control handle while facing the load
Hoist	up	rearward or up
	down	forward or down
Tilt	rearward	*rearward or up
	forward	forward or down
Reach	retract	*rearward
	extend	forward
Clamp	clamp	rearward or up
	release	forward or down
Side Shift	right	rearward or up
	left	forward or down
Rotate Laterally	clockwise	rearward or up
	counterclockwise	forward or down
Rotate Longitudinally	rearward	*rearward or up
	forward	forward or down

*The sense of rotation of the control handle is intended to be in the same direction as the desired motion of the mast or load.

(2) Moving parts that represent a hazard from the operator's position shall be protected by suitable guards.

History: 1954 ACS 66, p. 30, Eff. Jan. 15, 1971.

R 408.12141 Rescinded.

History: 1954 ACS 66, p. 30, Eff. Jan. 15, 1971; rescinded 1954 ACS 73, p. 44, Eff. Nov. 10, 1972.

R 408.12143 Overhead guard on high-lift truck.

Rule 2143. (1) Except as provided in subrule (2), a high-lift truck shall be fitted with an overhead guard. The overhead guard shall be capable of supporting a uniformly distributed static load in accordance with the following table. The overhead guard is not intended to withstand the impact of a falling capacity load.

TABLE 2
Overhead Guard Test

Truck Capacity Rating (in pounds)	Static Test Load as a % of Truck Capacity Rating
Through 5,000	200% of truck rating
Over 5,000 through 10,000	10,000 pounds plus 100% of increment rating over 5,000 pounds
Over 10,000 through 20,000	15,000 pounds plus 50% increment rating over 10,000 pounds

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(2) An overhead guard may be omitted from a high-lift truck if the truck is never used to lift or raise material or objects more than 72 inches measured from the floor to the forks, and if all of the following are complied with:

(a) The load is limited to a single rack or pallet.

(b) The truck is not operated in an area where material or objects are stacked above the operator's head.

(c) A sign with lettering not less than ½-inch high is securely attached in the area of the operator's controls stating, "This truck shall not be used to lift materials above the operator's head or in an area where materials are stacked above the operator's head."

(3) A low-lift rider truck which is used to lift material stacked higher than the head of the operator, and which would likely vibrate and fall back onto the operator, shall be provided with an overhead guard.

(4) The overhead guard shall be capable of withstanding the impact of a 100-pound solid hardwood cube, or equivalent, dropped a distance of 5 feet 10 times, without failure or without permanent deflection exceeding ¾ inch.

(5) The overhead guard shall be constructed in a manner that does not interfere with visibility. Openings in the top shall not exceed 6 inches in 1 of the 2 dimensions, width or length. The guard shall be large enough to extend over the operator under all normal circumstances of truck operation, including forward tilt.

(6) A fork truck equipped with a single-tilt cylinder shall be made to avoid injury to the operator by the overhead guard resulting from failure of this cylinder or associated parts.

(7) On a truck where the operator is seated, a vertical clearance of not less than 39 inches should be maintained from the point of maximum depression of the seat under the operator to the underside of the section of the overhead guard under which the operator's head moves during normal operation.

(8) On a truck where the operator stands, a vertical clearance of not less than 74 inches should be maintained from the platform where he stands to the underside of the section of the overhead guard under which the operator's head moves during normal operation.

(9) Where head room conditions limit the overall lowered height of the truck, a normal overhead guard height may be reduced.

(10) An overhead guard is intended to offer protection from the impact of small packages, boxes, and bagged material representative of the job application, but not to withstand the impact of a falling capacity load.

History: 1954 ACS 66, p. 30, Eff. Jan. 15, 1971; 1954 ACS 81, p. 82, Eff. Nov. 19, 1974; 1954 ACS 99, p. 109, Eff. Apr. 18, 1979.

EMPLOYER RESPONSIBILITIES

R 408.12151 Operator selection.

Rule 2151. (1) An employee assigned to operate a powered industrial truck shall meet the following minimum requirements except as noted in subrule (5):

(a) Corrected vision shall measure not less than 20/40 acuity. Corrected vision between 20/40 and 20/70 is limited to daylight only, unless artificial lighting of 20 footcandles is provided. Corrective lenses where needed to qualify vision are permissible but shall be worn 100% of the time when operating powered industrial trucks.

(b) Peripheral vision shall be a minimum of 140 degrees with a minimum of 65 degrees on 1 side.

(c) Depth perception shall be within the minimums as stated on an approved testing device.

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(2) Physical requirements shall include:

(a) Effective use of all 4 limbs.

(b) Height sufficient to operate the controls and to have an unobstructed view over the controls and dashboard.

(c) Coordination between eyes, hands and feet.

(d) Freedom from known convulsive disorders and episodes of unconsciousness.

(e) Hearing ability to hear and understand conversational levels of sound in an ordinary office environment.

(3) An employee assigned to operate a powered industrial truck shall have the ability to understand signs, labels and instructions.

(4) An employee assigned to operate a powered industrial truck shall meet the minimum requirements stated in this rule and be retested not less than every 3 years.

(5) Requirements listed in subdivisions (a) and (b) of subrule (2) and subrule (4) are optional for operators of a motorized hand low lift truck.

(6) An employee operating a powered industrial truck at the effective date of this part and not meeting the requirements of subrule (1), subdivisions (a), (b), (c), and (e) of subrule (2) and subrule (3) may be continued as an operator if his handicap or inability does not prove detrimental to his task. Where a deaf employee is permitted to operate a powered industrial truck all rider trucks within his area shall be equipped with a warning light as a warning device.

History: 1954 ACS 66, p. 31, Eff. Jan. 15, 1971; 1954 ACS 73, p. 47, Eff. Nov. 10, 1972; 1954 ACS 81, p. 82, Eff. Nov. 19, 1974.

R 408.12152 Training.

Rule 2152. An employer shall provide training to the employee prior to the employee's assignment as an operator of a powered industrial truck. Instruction shall include:

(a) Capabilities of the equipment and attachments.

(b) Purpose, use and limitations of controls.

(c) How to make daily checks.

(d) Practice and operating assigned vehicles through their functions necessary to perform the required job.

(e) State safety standard, R 408.12171 to R 408.12193 of Part 21. Powered Industrial Trucks, and company rules and regulations.

History: 1954 ACS 73, p. 47, Eff. Nov. 10, 1972; 1954 ACS 81, p. 83, Eff. Nov. 19, 1974.

R 408.12153 Testing.

Rule 2153. An employer shall test an employee before authorizing the employee to operate a powered industrial truck, except a motorized hand truck. The test shall check the employee's:

(a) Operating ability.

(b) Knowledge of the equipment.

(c) Knowledge of state safety standard, R 408.12171 to R 408.12193 of Part 21. Powered Industrial Trucks, and company rules covering powered industrial trucks.

(d) Knowledge of daily checks.

History: 1954 ACS 73, p. 48, Eff. Nov. 10, 1972; 1954 ACS 81, p. 83, Eff. Nov. 19, 1974.

R 408.12154 Permits.

Rule 2154. (1) An employer shall provide the employee a permit to operate a powered industrial truck only after meeting the requirements prescribed in R 408.12151, R 408.12152, and R 408.12153.

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(2) Ninety days after the effective date of this part, an employee shall not be allowed to operate a truck without a permit, except a permit is optional for operators of motorized hand low lift trucks. An employee being trained is excepted from the permit requirement for a period of not more than 30 days provided the employee is under the observation of an instructor.

(3) A permit shall be carried by the operator at all times during working hours, except where for health reasons a foreign object on or in clothing is not permitted.

(4) A permit shall indicate the type of truck an operator has been trained on and is qualified to operate.

(5) A permit to operate a powered industrial truck shall be valid only with the employer who issued the permit, and the permit shall be issued for a period of not more than 3 years and shall be consistent with R 408.12151(4). Those employees excepted under R 408.12151(6) may continue to operate a powered industrial truck if their handicaps or inabilities do not prove detrimental to their tasks.

(6) A permit shall contain the following information (see sample permit):

(a) Firm name.

(b) Operator's name.

(c) Operator I.D. number, if any.

(d) Name of issuing authority.

(e) Type of truck authorized to operate.

(f) Operator restrictions, if any.

(g) Date issued.

(h) Date expiring.

History: 1954 ACS 73, p. 48, Eff. Nov. 10, 1972.

R 408.12155 Restriction of use.

Rule 2155. (1) Except as provided in subrule (2), a powered industrial truck shall not be used in an environment containing:

(a) Gases or vapors, such as, but not limited to, acetylene, hydrogen, oxygen, ether, gasoline, naphtha, or acetone, which may be present in quantities sufficient to produce an explosive or ignitable mixture.

(b) Combustible mixtures of dusts such as, but not limited to, metal dust, coal dust, coke dust, grain dust, flour dust, or organic dust.

(c) Ignitable fibers such as, but not limited to, baled waste, cocoa fiber, cotton, excelsior, kapok, or oakum.

(2) A powered industrial truck used in a hazardous environment, as noted in subrule (1), shall be equipped as prescribed in the national fire protection association standard, 505-1969, type designations, areas of use, maintenance and operation of powered industrial trucks, incorporated herein by reference. It is available for inspection at the Lansing office of the department of labor. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $2.00 each, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 73, p. 48, Eff. Nov. 10, 1972; 1954 ACS 89, p. 51, Eff. Nov. 15, 1976.

R 408.12161 Mechanical condition and maintenance.

Rule 2161. (1) An employer shall not permit a powered industrial truck to be used if:

(a) The service and parking brakes do not perform their intended function.

(b) The fuel system leaks.

(c) A lift cylinder of a load engaging means allows a downward drift of the load engaging means loaded or unloaded in excess of 5 inches in 5 minutes.

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(d) A tilt cylinder of a mast allows a forward drift of the mast in excess of 2 degrees in 5 minutes with the mast in a vertical position and a capacity load on the fork or load engaging means.

(e) The steering mechanism allows free play of the steering wheel of more than ¼ turn on trucks capable of speeds up to 8 miles per hour and more than ⅛ turn on trucks capable of speeds over 8 miles per hour.

(f) A hydraulic system leaks and creates a hazard for an employee and equipment in the area.

(2) Repairs to a fuel and ignition system which involve a fire hazard shall be made only in a designated location. Repairs shall not be made in a location made hazardous by:

(a) Flammable gases or vapors.

(b) Combustible dusts.

(c) Ignitable fibers.

(3) Repairs to the truck electrical system shall be made only after the battery has been disconnected.

(4) A replacement part shall have not less than the equivalent safety of the original part.

(5) A water muffler shall have the water maintained at not less than 75% of capacity. A water muffler equipped with a screen shall have the screen maintained to accomplish its intended purpose. When an exhaust system of this type emits sparks or flames, the truck shall be removed from service and repaired.

(6) A truck running in excess of normal operating temperature which creates a hazardous condition shall be removed from service and repaired.

(7) A truck shall be maintained in a condition, reasonably free of lint, excess oil, and grease. Solvent with a flash point of less than 100 degrees Fahrenheit shall not be used to clean the truck. Precautions regarding ventilation, fire, and toxicity shall be observed when using a cleaning agent.

(8) Antifreeze used in a truck shall have a glycol base.

(9) A truck approved for use of 1 type of fuel may be converted to another type of fuel if the conversion qualifies the truck to its new designation, such as GS, LP, or LPS. Only approved parts shall be used. The conversion shall be as prescribed in R 408.12132(2).

(10) All repairs shall be made by authorized personnel.

History: 1954 ACS 73, p. 49, Eff. Nov. 10, 1972; 1954 ACS 81, p. 83, Eff. Nov. 19, 1974; 1954 ACS 89, p. 52, Eff. Nov. 13, 1976.

R 408.12162 Blocks and safety stands for maintenance.

Rule 2162. An employer shall provide:

(a) Chock blocks for the maintenance department use when repairing powered industrial trucks.

(b) Blocks or safety stands as a secondary support for powered industrial trucks elevated from the floor by a hoist or chain fall.

History: 1954 ACS 73, p. 49, Eff. Nov. 10, 1972.

R 408.12163 Fuel.

Rule 2163. (1) An employer shall provide safety fuel cans where trucks are refueled with gasoline at other than a gas pump area.

(2) An employer shall provide a special area for refueling that is not less than 25 feet from a source of open flame or spark and the area shall be posted to this effect.

(3) Use and storage of LP gas shall be as specified by the state fire marshal's liquefied petroleum gases regulations, being R 28.3801 to R 28.3819 of the Michigan Administrative Code.

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(4) Handling and storage of fuel, such as gasoline and diesel fuel, shall be as prescribed by the state fire marshal's flammable liquids regulations, being R 28.601 to R 28.740 of the Michigan Administrative Code.

(5) Smoking while refueling shall be prohibited.

(6) Fuel level shall not be checked by use of an open flame.

History: 1954 ACS 73, p. 49, Eff. Nov. 10, 1972; 1954 ACS 81, p. 84, Eff. Nov. 19, 1974.

R 408.12164 Electric trucks.

Rule 2164. (1) Where electric trucks are used, an employer shall provide a designated area for battery changing or charging, or both, which shall be performed by a trained and authorized employee.

(2) Provisions shall be made in a battery charging area where batteries are removed from the truck for flushing and neutralization of spillage, for fire protection, and for air movement sufficient to disperse fumes from gassing batteries.

(3) Smoking and other sources of ignition shall be prohibited in these areas.

(4) A truck shall be positioned and the brake applied before changing or charging a battery. A reinstalled battery shall be positioned and secured before releasing the truck for use.

(5) Material handling equipment, such as, but not limited to, a conveyor or overhead hoist, shall be used for removing and replacing a battery. A spreader bar or an equivalent device shall be used with any overhead battery hoist so that the lifting stresses are vertical. A chain type powered battery hoist shall have a container to accumulate the excess lifting chain. When a hand hoist is used, an uncovered battery shall be covered to prevent the hand chain from shorting on cell connectors or terminals. Tools and other metallic objects shall be kept away from the terminals.

(6) When mixing electrolyte for a battery, a carboy tilter or siphon shall be provided for handling electrolyte. Acid concentrate shall be poured into water; water shall not be poured into acid concentrate.

(7) When charging a battery:

(a) The vent cap shall be kept in place and functioning.

(b) The battery or compartment covers where provided shall be kept open to dissipate heat and gases.

(8) The electrolyte level shall not be checked with an open flame.

History: 1954 ACS 73, p. 49, Eff. Nov. 10, 1972; 1954 ACS 81, p. 84, Eff. Nov. 19, 1974.

R 408.12165 Dockboards and plates.

Rule 2165. (1) An employer shall provide dockboards and plates designed to carry the load imposed on them. The carrying capacity shall be marked on a dockboard or plate purchased after the effective date of this part.

(2) The dockboard or plate shall be secured in position, either by being anchored or equipped with a device which will prevent its slipping out of position.

(3) Hand holds, or other effective means, shall be provided to permit safe handling. Where a fork truck is used, fork loops, pockets, or lugs shall be provided for safe handling.

(4) A dockboard or plate shall have a slip-resistant surface, such as but not limited to a tread plate, designed to reduce the possibility of slipping by an employee or truck.

(5) A dockboard or plate shall be designed and maintained so the end edges will have a sufficient contact with the dock or loading platform and the carrier to prevent the dockboard or plate from rocking or sliding out of position.

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(6) A portable dockboard or plate used by a powered industrial truck to bridge an opening in excess of 18 inches shall have curbs. The height of the curb on a dockboard or plate used by a powered industrial truck with solid or cushion tires shall be not less than 15% of the diameter of the largest tire of the truck, however, the maximum curb height need not exceed 3 inches.

History: 1954 ACS 73, p. 50, Eff. Nov. 10, 1972.

R 408.12166 Order picker trucks; high-lift platforms.

Rule 2166. Whenever an order picker truck, high-lift is equipped with vertical only or vertical and horizontal controls traveling with the lifting carriage or forks for lifting an employee, an employer shall assure that the following is provided:

(a) A platform equipped with railing or other limiting device, including but not limited to a chain, strap or tether.

(b) A control device whereby the employee on the platform can shut off the power to the truck.

(c) Protection from falling objects as indicated necessary by the operating conditions.

History: 1954 ACS 73, p. 50, Eff. Nov. 10, 1972.

R 408.12167 Fork lift truck platforms.

Rule 2167. (1) An employee shall not be lifted or transported, except when a platform is attached to the forks by enclosed sleeves, a safety chain, or a mechanical device in such a manner that the platform cannot tip or slip.

(2) A platform shall be equipped with a railing not less than 36 inches or more than 42 inches high and a toeboard. The railing shall consist of 1 of the following materials:

(a) Wood posts of at least 2 x 4 inch nominal stock; the top rail shall be made of 2 right angle pieces of not less than 1 x 4 inch nominal stock and an intermediate rail of 1 x 4 inch nominal stock.

(b) Steel or aluminum pipe posts and rails of not less than 1 inch inside diameter and an intermediate rail of ¾ inch inside diameter pipe.

(c) Structural steel or aluminum posts, rails and intermediate rail of angle iron of not less than 1 x 1 x 3/16 inch size or other shapes of equal strength.

(3) The intermediate rail may be omitted from 1 side.

(4) A toeboard shall be made of not less than 1 x 4 inches nominal wood stock or a material of equal strength.

History: 1954 ACS 73, p. 50, Eff. Nov. 10, 1972.

R 408.12168 Load backrest extensions.

Rule 2168. A load backrest extension, manufactured in accordance with R 408.12121, shall be used whenever necessary to minimize the possibility of a load, or part of it, falling rearward.

History: 1954 ACS 73, p. 50, Eff. Nov. 10, 1972; 1954 ACS 89, p. 52, Eff. Nov. 13, 1976.

R 408.12169 Spinner knobs.

Rule 2169. A spinner knob shall not be attached to a steering handwheel of a truck unless originally equipped with such; the truck is equipped with power steering; or the truck is equipped with an anti-kickback device on the steering mechanism. The knob shall be installed within the periphery of the handwheel.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972; 1954 ACS 81, p. 84, Eff. Nov. 18, 1974.

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EMPLOYEE RESPONSIBILITIES

R 408.12171 Daily check and possession of permit.

Rule 2171. (1) An employee shall not operate a powered industrial truck without a permit from his current employer in his possession.

(2) At the start of his shift, the operator of a powered industrial truck shall perform those daily checks of his equipment required by his employer.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12172 General operating rules.

Rule 2172. (1) An operator shall safeguard other employees at all times.

(2) An operator shall not drive a truck up to anyone who is standing in front of a bench or other fixed object.

(3) An operator shall not allow anyone to stand or pass under the elevated portion of any powered industrial truck, whether loaded or empty.

(4) No employee, except the operator, shall ride on a powered industrial truck unless the truck is provided with a passenger seat. Passenger seats on a fork lift truck shall be under the overhead guard.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12173 Position of arms and legs.

Rule 2173. An operator shall not put his arms or legs between the uprights of the mast or outside the running lines of a moving truck.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12174 Parking.

Rule 2174. (1) When leaving a powered industrial truck unattended, an operator shall fully lower the forks flat to the floor, neutralize the controls, set the brakes, and shut the power off.

(2) Whenever it is necessary to leave a truck on an incline, the truck wheels shall be blocked and the steering wheels turned toward the curbing, wall or railing.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12175 Towing and pushing.

Rule 2175. A truck shall not be used to tow or push railroad cars, unless it is specifically designed for that purpose. Freight car doors shall not be opened or closed by using a powered industrial truck, unless it is equipped with attachments designed for that purpose.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12176 Loading trucks, trailers, and railcars.

Rule 2176. (1) When being boarded by a powered industrial truck, a highway truck and trailer shall have their brakes set and not less than 2 rear wheels blocked in a manner that will hold them from movement.

(2) Wheel stops, hand brakes, or other approved positive protection shall be provided to prevent railroad cars from moving during loading or unloading operations, and before and while dockboards or bridge plates are in position.

(3) Provisions shall be made to protect rail cars during switching operations.

(4) The landing gear of all semitrailers shall be visually inspected immediately before the trailer is uncoupled from the tractor to assure its ability to support the imposed load.

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(5) A semitrailer less than 30 feet in length, when not coupled to a tractor and being loaded or unloaded with a powered industrial truck, shall be provided a support capable of sustaining the load at the front.

(6) The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972; 1954 ACS 81, p. 84, Eff. Nov. 19, 1974; 1954 ACS 89, p. 52, Eff. Nov. 13, 1976.

R 408.12177 Surveying path of travel.

Rule 2177. Before moving or stacking, an operator shall survey his path of travel in order to avoid obstacles, such as, but not limited to, pipes, light fixtures, and sprinkler systems. A safe distance shall be maintained from the edge of ramps or platforms while on an elevated dock.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972; 1954 ACS 89, p. 53, Eff. Nov. 13, 1976.

R 408.12178 Operations in hazardous areas.

Rule 2178. When operating a powered industrial truck in a hazardous area, only a truck specifically equipped for such operation shall be used. See R 408.12155.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12179 Reporting accidents.

Rule 2179. A powered industrial truck operator shall report all accidents involving injury to an employee, or damage to buildings and equipment, to his supervisor or other designated person.

History: 1954 ACS 73, p. 51, Eff. Nov. 10, 1972.

R 408.12180 Clear access.

Rule 2180. An operator shall maintain clear access of fire aisles, to stairways and fire equipment when depositing loads.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12181 Making repairs.

Rule 2181. Operators shall not make any repairs or adjustments unless specifically authorized to do so.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12182 Flammables.

Rule 2182. A fuel tank shall not be filled while the engine is running. Spilled fuel shall be carefully washed away or completely evaporated, and the fuel tank cap replaced before restarting the engine.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

MOVING TRUCKS

R 408.12183 Operation.

Rule 2183. (1) An operator shall operate a powered industrial truck according to the rules of this part and in accordance with local traffic rules when on a public road.

(2) When following another truck, a safe distance shall be maintained approximately 3 truck lengths from the vehicle ahead and the vehicle shall be kept under control at all times.

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(3) An operator shall give the right-of-way to ambulances, fire trucks, or other emergency vehicles.

(4) An operator of a rider-type powered industrial truck shall not pass another truck traveling in the same direction at intersections, blind spots, or other dangerous locations.

(5) An operator shall cross railroad tracks diagonally wherever possible. He shall not park closer than 8½ feet from center of a railroad track.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12184 Slow down at crossings and obstructions.

Rule 2184. An operator shall slow down and sound the warning device at cross aisles and other locations where his vision is obstructed by fixed objects.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12185 Clear view.

Rule 2185. An operator shall look in the direction of and keep a clear view of the direction of travel. When moving loads blocking the forward visibility, for safe handling an operator shall drive the truck with the load trailing.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12186 Ascending and descending grades.

Rule 2186. (1) An operator shall ascend and descend grades of 10% or more at a speed of not more than 2 miles per hour.

(2) When ascending or descending a grade that exceeds the back-tilt of the mast, the load shall be facing upgrade.

(3) On all grades, unloaded trucks shall be driven with the load engaging means downgrade, tilted back, and raised only as far as necessary to clear the floor or road surface.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12187 Traveling.

Rule 2187. In level areas an operator shall travel with the load engaging means elevated only sufficiently to clear obstacles on floor or roadway.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12188 Starts, stops and turns.

Rule 2188. Starts, stops, and turns shall be made in a manner which will prevent a load from shifting or overturning the truck.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12189 Horseplay.

Rule 2189. Stunt driving and horseplay shall not be permitted.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

R 408.12190 Wet floors, dockboards and bridgeplates.

Rule 2190. (1) An operator shall drive at a slow speed over wet or slippery floors.

(2) Before driving over a dockboard or bridgeplate, an operator shall assure himself that it is secured and that he will not exceed its capacity.

History: 1954 ACS 73, p. 52, Eff. Nov. 10, 1972.

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R 408.12191 Entering elevators.

Rule 2191. (1) An operator shall drive onto elevators only when authorized to do so.

(2) An elevator shall be entered squarely after it is leveled to the floor. Once on the elevator an operator shall neutralize the controls, set the brakes and shut off the power.

(3) Motorized hand trucks shall enter an elevator and other confined areas with the load end forward.

(4) A truck shall not enter an elevator if the combined weight of the load and truck exceeds the capacity of the elevator.

History: 1954 ACS 73, p. 53, Eff. Nov. 10, 1972.

R 408.12192 Running over loose objects.

Rule 2192. An operator of a truck shall avoid running over loose objects.

History: 1954 ACS 73, p. 53, Eff. Nov. 10, 1972.

LOADING SAFETY

R 408.12193 Operators; loading.

Rule 2193. An operator shall:

(a) Operate a truck equipped with attachments as a partially loaded truck when not transporting a load.

(b) When loading a fork lift truck, place the load engaging means under the load as far as possible and tilt the mast backwards to cradle the load.

(c) Exercise caution when tilting loads especially when they are segmented.

(d) Lift or transport only a load that is within the rated capacity of the truck.

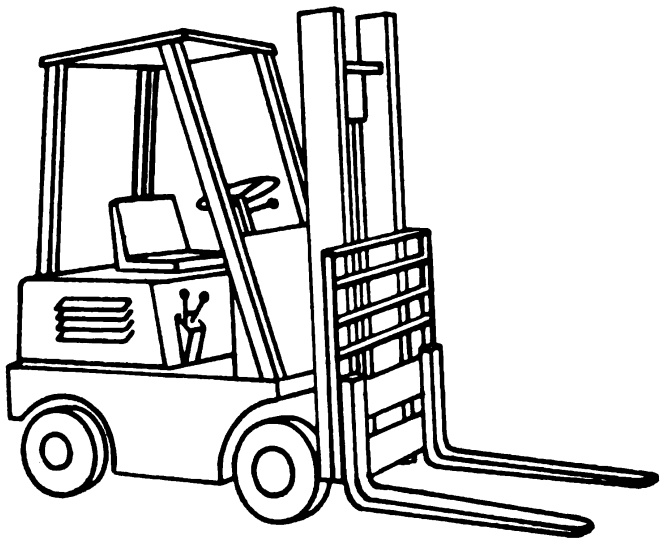
(e) Lift or transport only a load that cannot fall out of a basket or container, or off the load engaging means during the normal movements of the truck.

(f) Tilt an elevated load forward only when in a deposit position over a rack or stack.

History: 1954 ACS 73, p. 53, Eff. Nov. 10, 1972.

APPENDIX
TYPES OF TRUCKS

FIGURE 1
High-lift Truck
Counterbalanced Truck
Cantilever Truck
Rider Truck
Fork Lift Truck



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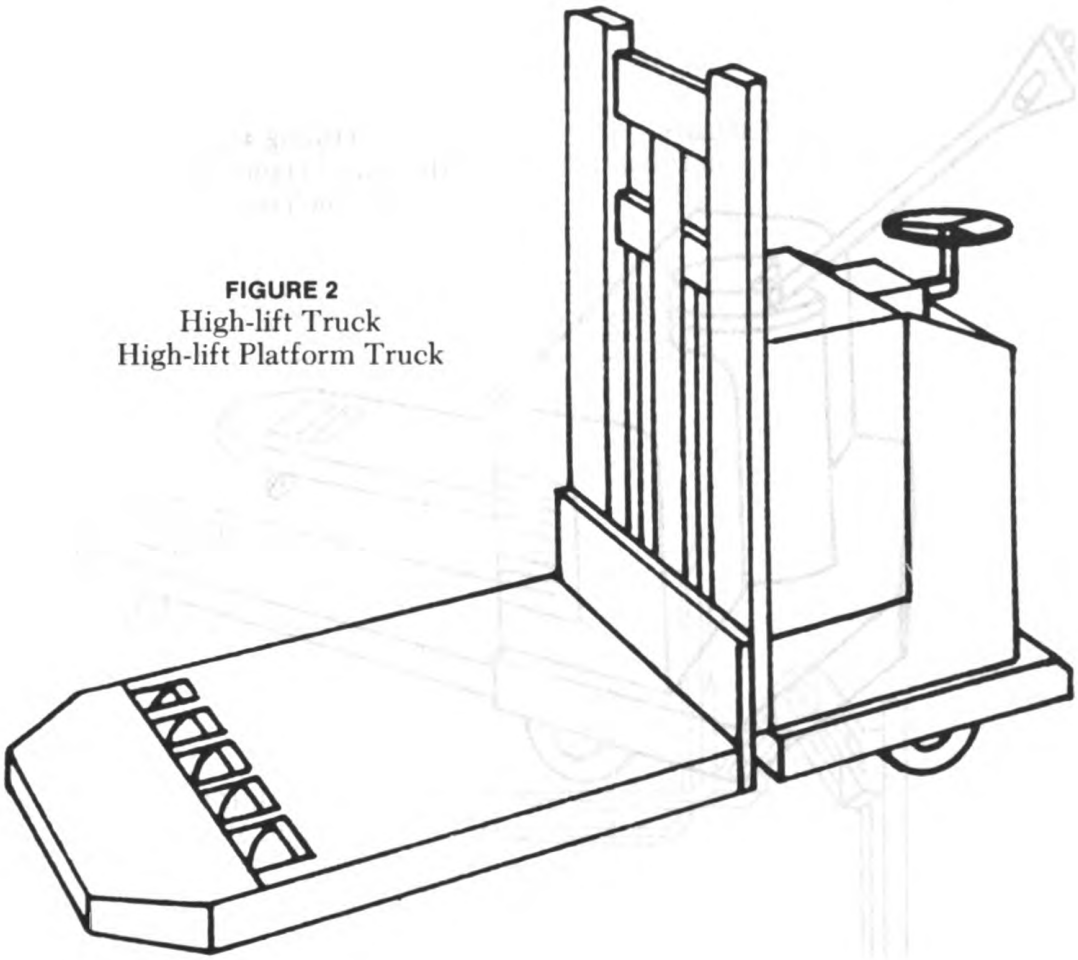


FIGURE 2
High-lift Truck
High-lift Platform Truck

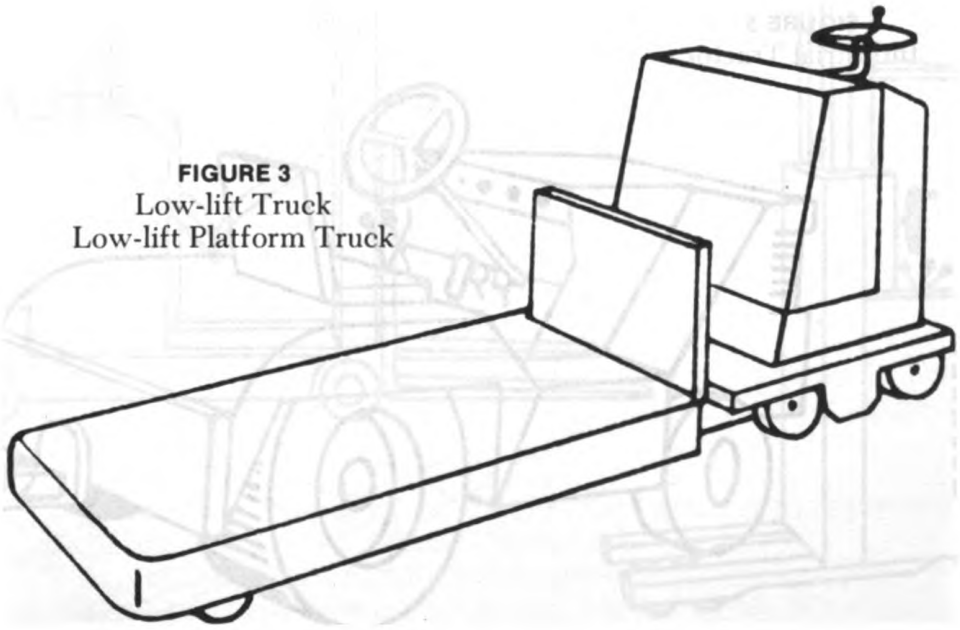


FIGURE 3
Low-lift Truck
Low-lift Platform Truck

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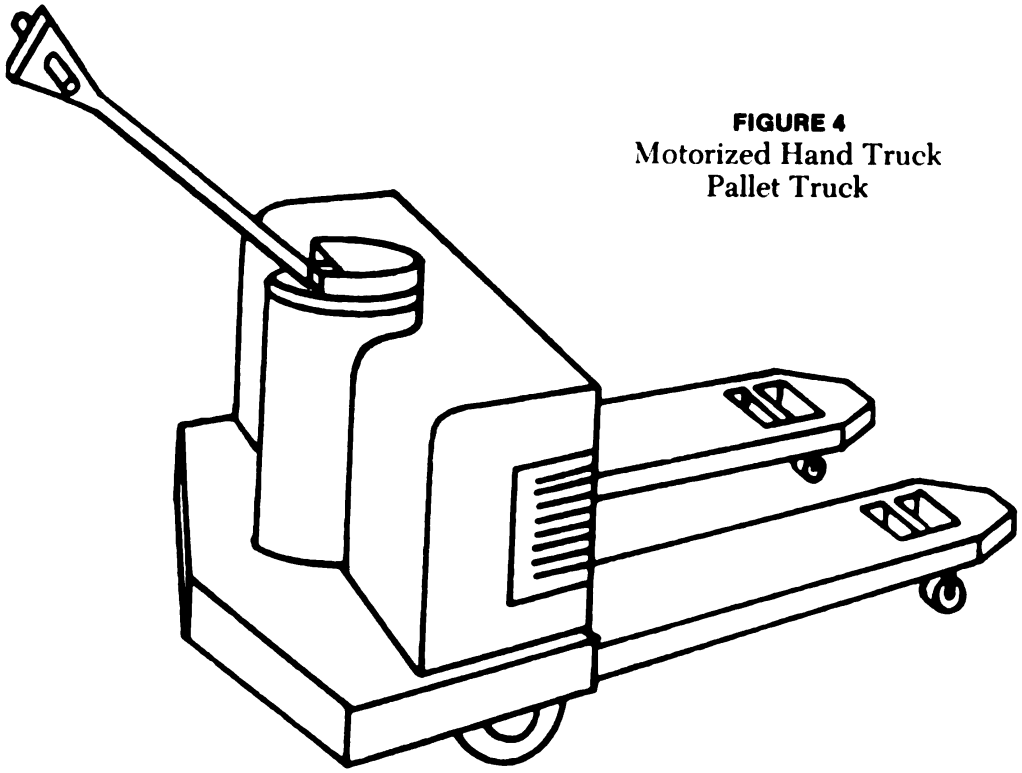
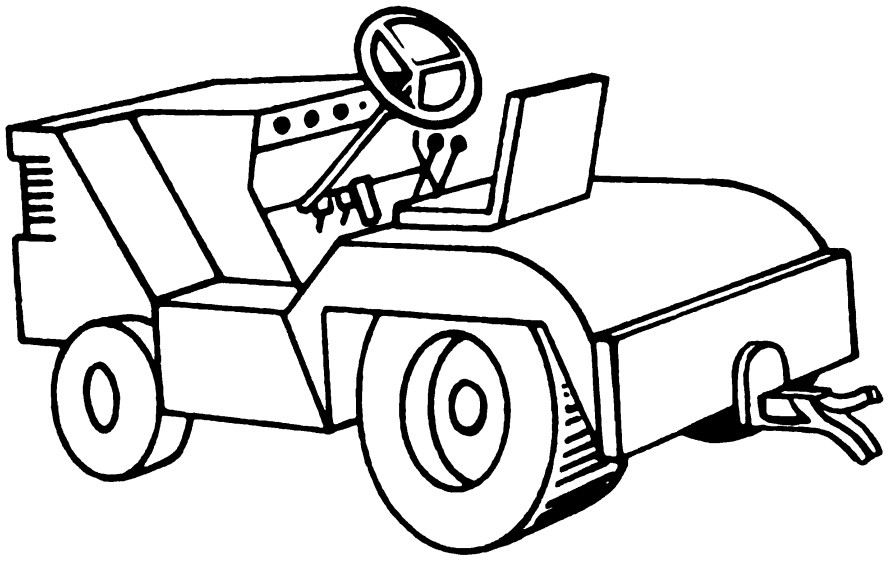


FIGURE 4
Motorized Hand Truck
Pallet Truck

FIGURE 5
Industrial Tractor



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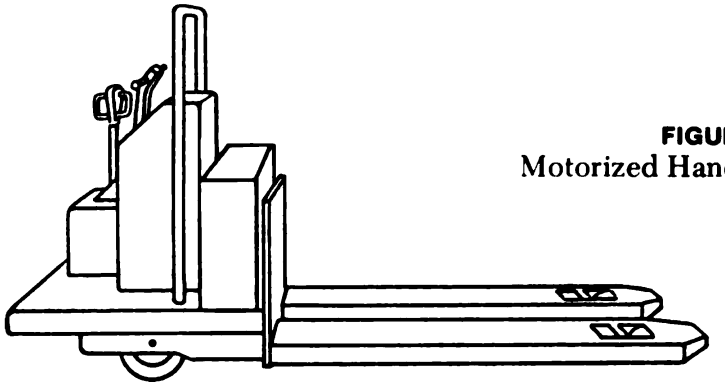


FIGURE 6
Motorized Hand/Rider Truck

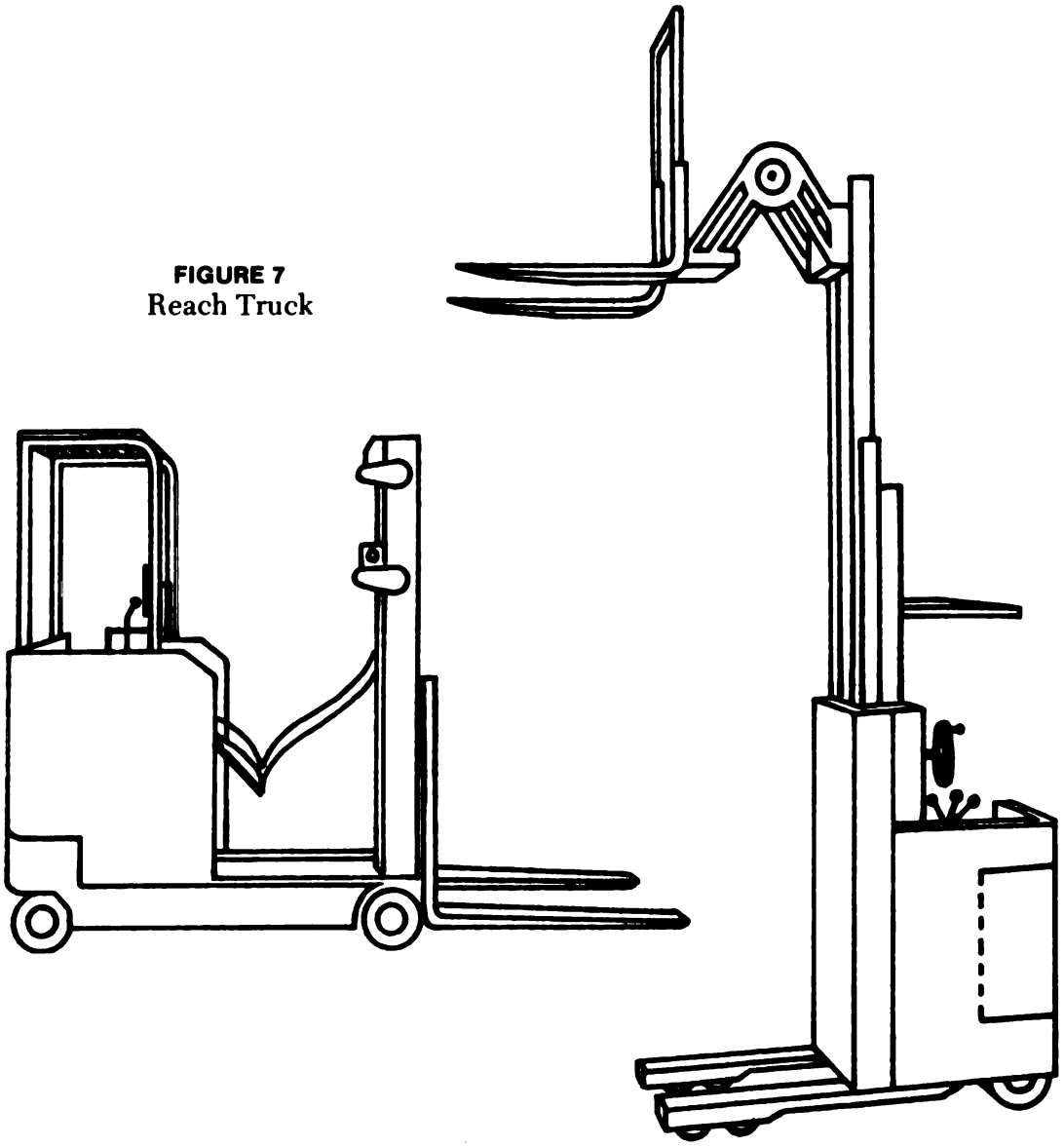


FIGURE 7
Reach Truck

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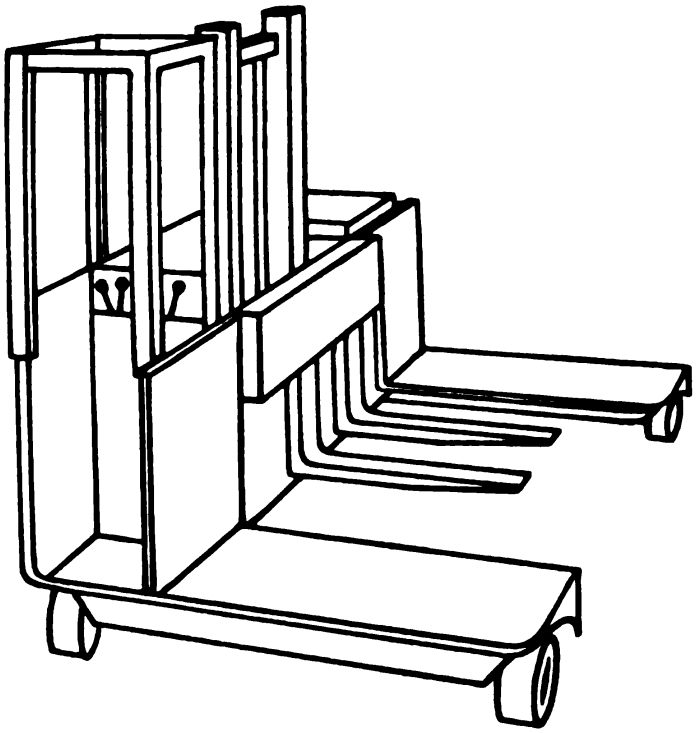


FIGURE 8
Side-loader Truck

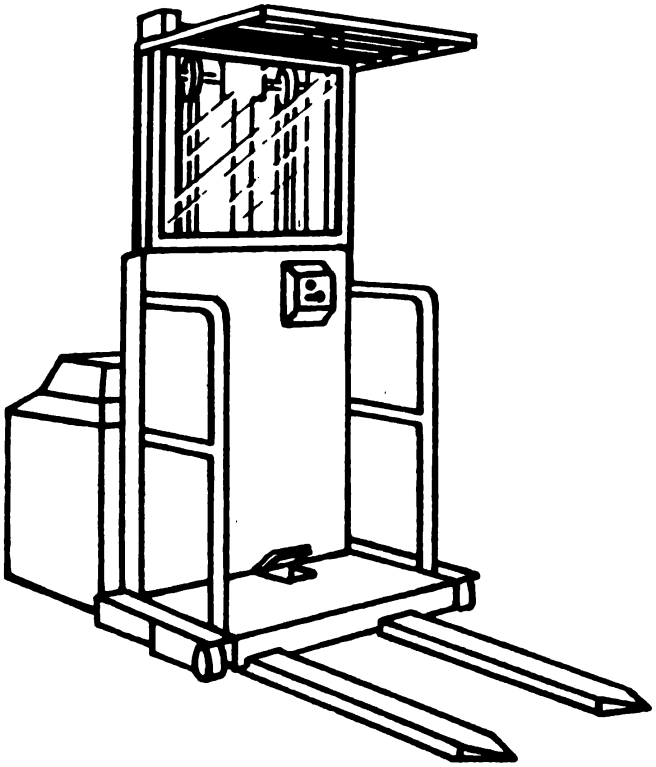


FIGURE 9
Order Picker Truck, High Lift

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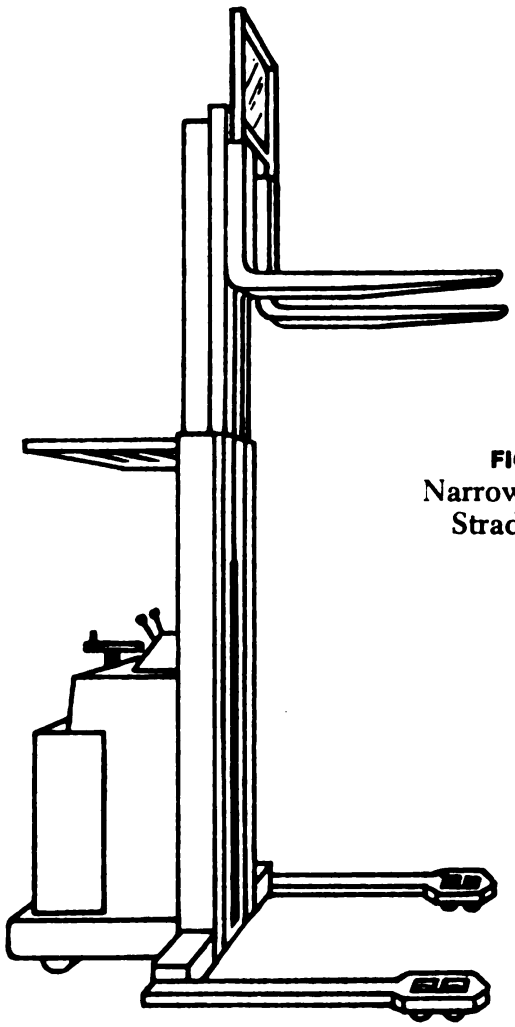


FIGURE 10
Narrow-aisle Truck
Straddle Truck

History: 1954 ACS 66, pp. 32-35, Eff. Jan. 15, 1971; 1954 ACS 73, pp. 53-58, Eff. Nov. 10, 1972.

PART 22. TRACTORS

R 408.12201 Scope.

Rule 2201. This part provides for the safe care and use of tractors as defined in this part and used in nonagricultural operations.

History: 1954 ACS 99, p. 111, Eff. June 16, 1979.

R 408.12203 Definitions; A to F.

Rule 2203. (1) "Attachment" means a removable or permanently mounted device on a tractor, such as, but not limited to, sweepers, mowers, blades, forks, front-end loaders, and post-hole diggers.

(2) "Drift" means to move without control.

(3) "Fork-lift tractor" means a high-lift, self-loading tractor equipped with load carriage and forks for transporting and tiering loads.

(4) "Free play" means an uncontrolled movement.

History: 1954 ACS 99, p. 111, Eff. June 16, 1979.

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R 408.12205 Definitions; L.

Rule 2205. (1) "Load-axle" means the tractor axle nearest the load.

(2) "Load backrest extension" means a device extending vertically from the fork carriage frame.

(3) "Load-engaging means" means a load-handling device attached to a tractor for the purpose of handling a load.

(4) "Low-profile tractor" means a wheeled tractor possessing all of the following characteristics:

(a) The front wheel spacing is generally equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(b) The clearance from the bottom of the tractor chassis to the ground is not more than 18 inches.

(c) The highest point of the hood is not more than 60 inches.

(d) The tractor is designed so that the operator, when seated, straddles the transmission.

History: 1954 ACS 99, p. 111, Eff. June 16, 1979.

R 408.12206 Definitions; M to P.

Rule 2206. (1) "Mast" means a support member providing the guideways permitting vertical movement of the carriage. It is usually constructed in the form of channels or similar sections and provides the supporting pathway for the carriage rollers.

(2) "Nonagricultural operations" means work activity other than that designated in major groups 01 and 02, that is, agricultural production of crops and livestock of the standard industrial classification manual, United States bureau of the budget, 1972 edition, and includes any practices other than those performed by a farmer, or on a farm, as an incident to, or in conjunction with, such farming operations. Examples of nonagricultural operations are landscaping, groundskeeping, roadway maintenance, construction services, loading, and digging.

(3) "Operator" means an employee who has been trained and authorized by the employer or his designated representative to operate a tractor.

(4) "Overhead guard" means a framework fitted to a tractor over the head of a riding operator to protect the operator from falling objects.

(5) "Parking brake" means a device to prevent the movement of a parked tractor.

History: 1954 ACS 99, p. 111, Eff. June 16, 1979.

R 408.12207 Definitions; R to T.

Rule 2207. (1) "ROPS" means a rollover protective structure. ROPS may be a protective frame or a protective enclosure mounted to a tractor.

(2) "Self-loading" means the capability of a tractor to pick up, carry, set down, and, in case of high-lift types, to stack or tier its load without the aid of external means.

(3) "Service brake" means a device designed to bring a moving tractor to a halt.

(4) "Tractor" means 1 of the following:

(a) "Agricultural-type tractor" means a 2- or 4-wheel-drive vehicle of more than 20 engine horsepower and designed to furnish the power to pull, carry, propel, or drive attachments primarily intended for use in agricultural operations.

(b) "Industrial tractor" means a 2- or 4-wheel-drive vehicle of more than 20 engine horsepower designated as an industrial tractor by the manufacturer, but

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having the appearance of an agricultural tractor, and designed to furnish the power to pull, carry, propel, or drive attachments primarily intended for industrial use.

(5) "Tiering" means a process of placing a load on or above another load.

(6) "Tractor weight" means the combined weight of the protective frame or enclosure, all fuels, and other components required for the normal use of the tractor.

History: 1954 ACS 99, p. 111, Eff. June 16, 1979.

R 408.12211 Labels.

Rule 2211. Painted or affixed information necessary for the safe operation of a tractor and an attachment, when in use, shall be in a legible condition.

History: 1954 ACS 99, p. 112, Eff. June 16, 1979.

R 408.12212 Modifications.

Rule 2212. (1) An additional counterweight, excluding wheelweights, or other counterweights supplied by the manufacturer and used as recommended, shall not be installed on a tractor by the employer without written assurance from the manufacturer of the tractor that the stability of the tractor is maintained.

(2) Other modifications affecting the tractor's capacity or safety shall not be made without written approval of the manufacturer, the special equipment manufacturer, or an engineer knowledgeable on the subject. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

History: 1954 ACS 99, p. 112, Eff. June 16, 1979.

R 408.12213 Parking brakes.

Rule 2213. A tractor shall be equipped with a parking brake or parking lock capable of holding the tractor on the maximum grade that the tractor can negotiate with rated load, or on a 15% grade, whichever is lesser. The parking brake or parking lock shall be manually or automatically applied and shall remain applied until released by the operator.

History: 1954 ACS 99, p. 112, Eff. June 16, 1979.

R 408.12214 Backhoe-equipped tractors.

Rule 2214. If a tractor is equipped with a backhoe, outriggers shall be provided and used, when necessary, to maintain stability.

History: 1954 ACS 99, p. 112, Eff. June 16, 1979.

R 408.12215 Load-handling controls; identification; single lever.

Rule 2215. (1) A load-handling control on a tractor shall be identified to indicate its function and the direction of the motion of the load or equipment.

(2) A single lever may be used to perform more than 1 function. Push-button or pre-selected controls shall be properly identified.

History: 1954 ACS 99, p. 112, Eff. June 16, 1979.

R 408.12216 Overhead guards.

Rule 2216. (1) When a load is lifted higher than the head of the operator, and the load creates a hazard to the operator, or when the operator is endangered by a hazard of falling objects other than the load, an overhead guard shall be provided. The overhead guard shall be as prescribed in SAE-J167A, overhead protection for agricultural tractors standard, which is incorporated herein by reference. This

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standard may be inspected at the Lansing office of the department of labor. The standard may be purchased at a cost of 50 cents from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) The overhead guard shall be constructed in a manner that minimizes interference with the driver's horizontal visibility. The overhead guard may be constructed of a solid material. If a grid or mesh is used, a 1.5-inch diameter circle shall be the maximum circle that can be inserted between the elements of the grid or mesh. The guard shall be large enough to extend over the operator under all normal circumstances of tractor operation, including forward or rearward tilt of the mast.

(3) On a tractor, a vertical clearance of not less than 39 inches should be maintained from the point of maximum depression of the operator's seat to the underside of the section of the overhead guard under which the operator's head moves during normal operation.

(4) Where headroom conditions limit the overall lowered height of the tractor, the normal clearance height may be reduced if the operator wears safety head protection as prescribed in Part 32. Head Protection, being R 408.13201 et seq. of the Michigan Administrative Code.

History: 1954 ACS 99, p. 112, Eff June 16, 1979.

R 408.12217 Operation of tractor on slope; ROPS requirements; remounting; labeling.

Rule 2217. (1) After January 1, 1980, an employer shall not permit a tractor to be operated on a slope that could cause the tractor to overturn, unless the tractor is equipped with a ROPS. A low-profile tractor that is used where the vertical clearance is insufficient to allow a ROPS-equipped, low-profile tractor to operate, and where it is used inside a building, is excepted from this requirement.

(2) A ROPS for a wheel-type tractor shall meet the test and performance requirements of the federal occupational safety and health administration, 29 C.F.R. 1928.52 and 1928.53 of the April 25, 1975, Federal Register; 29 C.F.R. 1926.1001 and 1926.1002 of the June 3, 1974, Federal Register, which are incorporated herein by reference, and are available for inspection at the Lansing office of the department of labor. The Federal Register for the above dates is available from the Superintendent of Documents, Washington, D.C. 20402, at a cost of 75 cents each, or the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909, at a cost of 20 cents each.

(3) If a ROPS is removed for any reason, it shall be remounted before the tractor is operated so as to meet the requirements of this rule.

(4) Each ROPS shall have permanently affixed to it a label that states:

(a) Manufacturer's or fabricator's name and address.

(b) ROPS model number, if any.

(c) Tractor make, model, or series number that the ROPS is designed to fit.

(d) That the ROPS model was tested in accordance with the requirements of 29 C.F.R. 1928.52, 29 C.F.R. 1928.53, or 29 C.F.R. 1926.1001 as incorporated herein by reference.

History: 1954 ACS 99, p. 113, Eff. June 16, 1979.

R 408.12218 Construction of seat belts.

Rule 2218. An employer shall equip each tractor having a ROPS with a seat belt which meets the requirements of the standard, SAE-J4C-1965, motor vehicle

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seat belt assemblies, except as noted in R 408.12252(2) and (3). This standard is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.20 from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, or the Michigan Department of Labor, 7150 Harris Drive, Box 40015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 113, Eff. June 16, 1979.

R 408.12219 Protection from spillage, pinch points, and power take-offs.

Rule 2219. (1) Covers, caps, and breathers for batteries, fuel tanks, oil reservoirs, and coolant systems shall be kept in place.

(2) Any pinch point or shear point created by the tractor or the attachments, or both, that creates a hazard, to which an operator in the normal operating position is exposed, shall be guarded.

(3) A tractor having a power take-off shaft shall be equipped with a master shield on the power take-off shaft, except as permitted in subrule (4). The shield shall have a strength capable of preventing permanent deformation when a 250-pound operator mounts or dismounts the tractor using the shield as a step.

(4) Power take-off-driven equipment shall be guarded to prevent employee contact with the positively driven, rotating member of the power-driven system. Where power take-off-driven equipment is of a design requiring the removal of the master shield, the attaching equipment shall include protection from that portion of the tractor power take-off shaft that protrudes from the tractor.

History: 1954 ACS 99, p. 113, Eff. June 16, 1979.

R 408.12220 Restriction of use.

Rule 2220. (1) Except as provided in subrule (2), a tractor shall not be used in an environment that is likely to contain an ignitable mixture of gases, vapors, dusts, or fibers.

(2) A tractor used in a hazardous environment, as noted in subrule (1), shall be equipped and labeled as prescribed in the national fire protection association standard, 505-1975, type designations, areas of use, maintenance, and operation of powered industrial trucks, incorporated herein by reference. This standard is available for inspection at the Lansing office of the department of labor. The standard may be purchased at a cost of $2.75 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(3) A tractor with an internal combustion engine shall not be operated in a building or enclosed area unless ventilation is provided which reduces the concentration of toxic gases below the maximum allowable limits as set by the Michigan department of public health.

History: 1954 ACS 99, p. 113, Eff. June 16, 1979.

R 408.12231 Operator selection.

Rule 2231. (1) An employee assigned to operate a tractor shall meet the following minimum requirements:

(a) Have corrected vision that meets the requirements for a valid Michigan driver's license. Evidence of meeting this requirement shall be a Michigan driver's license or a doctor's certificate.

(b) Have effective use of all 4 limbs.

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(c) Be of a height sufficient to operate the controls and to have an unobstructed view over the controls and dashboard.

(d) Have coordination between eyes, hands, and feet.

(e) Have freedom from known convulsive disorders or episodes of unconsciousness.

(f) Have the hearing ability to hear and understand conversational levels of sound in an ordinary office environment.

(g) Have the ability to understand signs, labels, and instructions.

(2) An employee who operates a tractor at the effective date of this part and who does not meet the requirements of subdivisions (a), (b), (c), (d), (f), and (g) of subrule (1) may be continued as an operator if the handicap or inability does not prove detrimental to the task.

History: 1954 ACS 99, p. 114, Eff. June 16, 1979.

R 408.12232 Training.

Rule 2232. An employer or his designated representative shall provide training to an employee prior to the employee's assignment as an operator of a tractor. Instruction shall include the following:

(a) Capabilities of the equipment and attachments.

(b) Purpose, use, and limitations of controls.

(c) How to make daily checks.

(d) Practice operating assigned tractors through the functions necessary to perform the required jobs.

(e) Use of seat belts.

History: 1954 ACS 99, p. 114, Eff. June 16, 1979.

R 408.12233 Testing.

Rule 2233. Before an employer or his designated representative authorizes an employee to operate a tractor, the employee shall demonstrate his ability to satisfactorily operate a tractor to the employer.

History: 1954 ACS 99, p. 114, Eff. June 16, 1979.

R 408.12234 Permits.

Rule 2234. An employer shall establish a procedure that assures that an employee is trained and qualified to operate a tractor prior to authorizing the employee to operate a tractor. A permit system may be used to comply with this rule.

History: 1954 ACS 99, p. 114, Eff. June 16, 1979.

R 408.12235 Mechanical condition and maintenance.

Rule 2235. (1) Repair or service work shall not be performed on tractors or attachments while the engine is running, except to make those adjustments that cannot otherwise be made.

(2) A ROPS structure shall not be welded, machined, or otherwise modified unless an engineer qualified in this field, a recognized testing laboratory, or the original manufacturer certifies that the welding, machining, or modification will not alter the original strength rating.

(3) An employer shall not permit a tractor to be used if any of the following conditions exist:

(a) The service or parking brakes do not perform their intended function.

(b) The fuel system leaks.

(c) A lift cylinder of a load-engaging means allows a downward drift of the load-engaging means, loaded or unloaded, in excess of 5 inches in 5 minutes.

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(d) A hydraulic system leaks and creates a hazard for an employee or equipment in the area.

(e) The tractor runs in excess of normal operating temperature thereby creating a hazardous condition.

(4) Repairs to a tractor shall not be made in a location made hazardous by the following conditions:

(a) Flammable gases or vapors.

(b) Combustible dusts.

(c) Ignitable fibers.

(5) A replacement part that affects the safety of the operation of the tractor shall provide not less than the equivalent safety of the original part.

(6) All repairs and modifications shall be made by authorized and qualified personnel.

(7) Before servicing or repairing a hydraulic system of a tractor the pressure of the system shall be relieved.

History: 1954 ACS 99, p. 114, Eff. June 16, 1979.

R 408.12236 Blocks and safety stands.

Rule 2236. An employer shall provide and require the use of blocks or safety stands as a secondary support for tractors or attachments elevated from the floor by a floor jack, hoist, or chain fall.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12237 Fuel.

Rule 2237. (1) An employer shall provide and require the use of approved safety fuel cans where tractors are refueled with gasoline at other than a gas pump area or tank wagon.

(2) A tractor shall not be refueled while the engine is running or while a source of ignition is within 25 feet of the tractor. Spilled fuel shall be carefully washed away or completely evaporated, and the fuel tank cap replaced before restarting the engine.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12239 Lift platforms.

Rule 2239. (1) An employee shall not be lifted by a fork-lift tractor, except when a platform is attached to the forks by enclosed sleeves and a safety chain, or other mechanical device, in such a manner that the platform cannot tip or slip.

(2) A platform shall be equipped with a top railing approximately 42 inches high, an intermediate rail, and a toeboard. The railing shall consist of 1 of the following materials:

(a) Wood posts of at least 2 x 4 inches nominal stock, the top rail shall be made of 2 right angle pieces of not less than 1 x 4 inch nominal stock and an intermediate rail of 1 x 4 inch nominal stock.

(b) Steel or aluminum pipe posts and rails with an inside diameter of not less than 1 inch and an intermediate rail of ¾-inch inside-diameter pipe.

(c) Structural steel or aluminum posts, rails, and intermediate rails of angle iron of not less than 1 x 1 x 3/16 inch size, or other shapes of equal strength.

(3) The toeboard shall be made of not less than 1 inch x 4 inch nominal wood stock or a material of equal strength.

(4) The intermediate rail may be omitted from 1 side if necessary to perform the work.

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(5) Any pinch point or shear point on the lifting mechanism to which an employee on the lift platform is exposed shall be guarded.

(6) An employee shall not be transported in a front-end loader bucket.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12240 Load backrest extensions.

Rule 2240. A load backrest extension shall be used on a fork-lift tractor whenever necessary to minimize the possibility of a load, or part of it, falling rearward.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12241 Spinner knobs.

Rule 2241. A spinner knob shall not be attached to a steering wheel on a tractor.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12242 Signs, lights, and warning devices.

Rule 2242. (1) A tractor that is operated on a public street or road shall display a slow moving vehicle sign, as prescribed in rule 3721 of Part 37. Accident Prevention Signs and Tags, being R 408.13721 of the Michigan Administrative Code. The tractor shall be equipped with an amber flashing or rotating light visible from 360 degrees.

(2) A tractor that is operated between dawn and dusk on a public street or road, or in an area where general lighting is less than 2 footcandles, shall be equipped with headlights and a taillight.

(3) Where an employee's safety may be affected, a tractor used in areas where general lighting is less than 2 footcandles shall be equipped with auxiliary lights that illuminate the work in progress.

History: 1954 ACS 99, p. 115, Eff. June 16, 1979.

R 408.12243 Tractor inspection; reporting defects.

Rule 2243. (1) A tractor shall be visually inspected prior to each shift to assure that there are no visible defects which would adversely affect the safe operation of the tractor and to assure that the prescribed safety devices are in place and functional.

(2) A tractor having any safety defects shall be reported to the supervisor for appropriate action.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12251 Operating rules generally.

Rule 2251. (1) At the start of his shift, the operator of a tractor shall perform those checks of his equipment required by R 408.12243.

(2) An operator shall not drive a tractor up to anyone who is standing in front of any fixed object.

(3) An operator shall not allow anyone to stand or pass under the elevated portion of any tractor or its attachment.

(4) An operator shall not put his arms or legs outside of the moving wheels of a tractor.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12252 Seat belt use.

Rule 2252. (1) An employee operating a tractor equipped with ROPS shall be required to wear a seat belt when the tractor is moving on a slope or under other

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conditions that affect its stability. The seat belt shall be adjusted so that it secures the operator to the seat.

(2) Where a suspended seat is used, the seat belt shall be fastened to the moveable portion of the seat to accommodate the ride-motion of the operator.

(3) Any seat belt hardware or webbing with defects that adversely affect the purpose of the seat belt shall be repaired or replaced.

(4) No one except the operator shall ride on a tractor unless a seat is provided. Where ROPS is required, the seat shall be within the ROPS and a seat belt shall be worn to secure the rider to the seat.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12253 Parking.

Rule 2253. (1) When the tractor is temporarily parked within the vision of or within 25 feet of the operator, the operator shall neutralize the controls and set the parking brake or park lock.

(2) When a tractor is parked overnight or is left unattended, the power shall be shut off and the controls and attachments set so as to preclude any motion.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12254 Path of travel; clear access.

Rule 2254. (1) Before moving or stacking materials, an operator shall observe his path of travel in order to avoid obstacles.

(2) When depositing a load, an operator shall maintain the clear access to fire aisles, to stairways, and to fire equipment.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12255 Reporting accidents.

Rule 2255. A tractor operator shall promptly report to his supervisor or other designated person all accidents involving injury to an employee or damage to buildings and equipment.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12259 Repairs; authorization; qualifications.

Rule 2259. An operator shall not make any repairs or adjustments unless specifically authorized and qualified to do so.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12260 Operation.

Rule 2260. (1) An operator shall do the following:

(a) Operate a tractor according to the rules of this part and in accordance with local traffic rules when on a public road.

(b) Look in the direction of and keep a clear view of the direction of travel.

(c) Travel with the load-engaging means elevated only sufficiently to clear obstacles on floor or roadway.

(d) Start, stop, and turn in a manner that will prevent a load from shifting or overturning the tractor.

(e) Drive at a slow speed over wet or slippery surfaces.

(2) Stunt driving and horseplay shall not be permitted.

(3) Before starting a tractor equipped with a power take-off shaft that is attached to equipment, the power take-off shall be disengaged when an unexpected start-up of the attachment could be hazardous.

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(4) The operator shall disengage power to any power take-off attachment when it is not in use.

(5) The operator of a tractor shall transport a load in a bucket or front-end loader with the attachment in the lowest possible position.

History: 1954 ACS 99, p. 116, Eff. June 16, 1979.

R 408.12261 Operating on slopes and grades.

Rule 2261. A tractor shall not be operated on a slope or grade unless consideration is given to the type of tractor and attachment, type and condition of the surface, speed and direction of movement, and other factors that may cause the tractor to overturn.

History: 1954 ACS 99, p. 117, Eff. June 16, 1979.

PART 23. HYDRAULIC POWER PRESSES

GENERAL PROVISIONS

R 408.12301 Scope.

Rule 2301. This part applies to power presses which shear, punch, form, or assemble metal or any other material by means of tools or dies attached to plungers or slides, commonly referred to as hydraulic power presses. This part does not apply to mechanical power presses, air-powered presses, press brakes, bulldozers, hot-metal presses, forging hammers, hot-bending presses, tube-bending machines, molding machines, welder presses, riveting or similar fastener machines, nut clinching machines, metal stitching machines, 4 slide machines, or a hydraulic press for nonproductive straightening or for the assembly or the removal of items such as cutting tools, bearings, or bushings from spindles, shafts, axles, or housings.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 87, p. 48, Eff. May 4, 1976.

R 408.12303 Definitions; A.

Rule 2303. (1) "Adjustable press-barrier device" means an enclosure that permits adjustment for each job or die setup.

(2) "Anti-creep device" means an attachment installed on the feet of a press, which prevents the press from moving across the floor.

(3) "Automatic feeding or ejection" means placing material or a part within, or removing it from, the point of operation by a method or device that does not require an action by an operator at each stroke of the slide.

(4) "Automatic press" means a press equipped with automatic feeding and ejection, and operated in a continuous mode.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 45, Eff. Sept. 15, 1971; 1954 ACS 87, p. 48, Eff. May 4, 1976.

R 408.12304 Definitions; C.

Rule 2304. (1) "Concurrent" means acting in conjunction, not necessarily simultaneously, and is used to describe a situation wherein 2 or more controls exist in an operated condition at the same time.

(2) "Counterbalance" means a mechanism used to balance or support the weight of the slide and upper dies.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 45, Eff. Sept. 15, 1971; 1954 ACS 87, p. 48, Eff. May 4, 1976.

R 408.12305 Definitions; D, E.

Rule 2305. (1) "Die-enclosure guard" means an enclosure attached to the die shoe, punch shoe or bolster, and fixed in position.

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(2) "Die set" means a unit consisting of a lower die shoe and an upper die shoe or punch holder. It is essentially a tool holder held in correct alignment by heel blocks, guide pins or posts, and bushings.

(3) "Die-setting" means the process of placing dies in, or removing dies from, a hydraulic press, and the process of adjusting dies, other tooling, and safeguarding means to cause them to function properly and safely.

(4) "Die shoe" means a plate or block on which die sections and details are mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or slide.

(5) "Ejector" means a device for removing work or material from between dies.

History: 1954 ACS 65, p. 26, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 48, Eff. May 4, 1976.

R 408.12306 Definitions; E.

Rule 2306. (1) "Ejector" means a device for removing work or material from between dies.

(2) "Electronic-control device" means a device so designed and controlled that when the operator's hand or any other part of his body is within the point of operation, the press cannot be tripped, and if the hand or any other part of the operator's body is inserted into the point of operation area while the slide is descending, the device shall automatically stop the slide. Such a device may employ active circuit elements such as vacuum tubes, gas tubes, or semiconductor amplifiers (but not magnetic amplifiers) in conjunction with passive circuit elements such as transformers, inductors, capacitors, resistors or magnetic device operating coils.

History: 1954 ACS 65, p. 27, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971.

R 408.12307 Definitions; F.

Rule 2307. (1) "Face of the slide" means the surface of the slide (ram) to which the punch or die is usually attached.

(2) "Fixed barrier guard" means a die enclosure attached to the press frame.

(3) "Foot control" means a foot-operated control mechanism which activates a press.

History: 1954 ACS 65, p. 27, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 48, Eff. May 4, 1976.

R 408.12308 Definitions; G, H.

Rule 2308. (1) "Gate or movable barrier device" means a movable barrier so arranged that it encloses the point of operation before the press cycle (stroke) can be started.

(2) "Guard" (point of operation) means an enclosure that prevents entry of the operator's hands or fingers into the point of operation. See also definitions of "die enclosure guard," "fixed barrier guard," and "interlocked press barrier guard."

(3) "Hand tool" means a hand-held tool designed for placing material in position between dies or for removal after the material has been processed.

(4) "Hand-tool feeding" means placing material within, or removing it from, the point of operation by use of a hand tool.

(5) "Holdout or restraint device" means a mechanism, including attachments for the operator's hands, that, when anchored and adjusted, prevents the operator's hands from entering the point of operation.

History: 1954 ACS 65, p. 27, Eff. Nov. 15, 1970; 1954 ACS 87, p. 49, Eff. May 4, 1976.

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R 408.12309 Definitions; I to M.

Rule 2309. (1) "Interlocked press-barrier guard" means an enclosure which is interlocked so that the press cycle cannot be started normally unless the guard or hinged or movable sections enclose the point of operation.

(2) "Knockout" means a mechanism for releasing material from either die. A stripper or liftout is a type of knockout.

(3) "Manual feeding" means handling by an operator at each stroke of the power press the material or part being processed.

History: 1954 ACS 65, p. 27, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971

R 408.12310 Definitions; P.

Rule 2310. (1) "Pinch point" means any point, other than the point of operation, at which it is possible for a part of the body to be injured by being caught between the moving parts of the press or auxiliary equipment, or between moving and stationary parts of the press or auxiliary equipment, or between the material and moving parts of the press or auxiliary equipment.

(2) "Point of operation" means the area of the press where material is actually positioned, and where work is being performed, during any process such as shearing, punching, or forming.

(3) "Point of operation device" means a press control or attachment that does any of the following:

(a) Restrains the operator from inadvertently reaching into the point of operation.

(b) Prevents normal press operation if the operator's hands are inadvertently within the point of operation.

(c) Automatically withdraws the operator's hands if they are inadvertently within the point of operation as the dies close.

(4) "Presence sensing device" means a device designed, constructed, and arranged to create a sensing field or area, and to deactivate the control of the press when an operator's hand or other part of his body is within such field or area.

(5) "Press," as referred to in this part, means a powered machine, having a liquid energy transfer media that actuates the slide motion toward and away from the bed surface (the slide being guided in a definite path by a frame or cylinder).

(6) "Primary operation" means a preliminary press operation applied to material to be subsequently processed. Examples of primary operation include blanking, piercing, and corner cutting.

(7) "Pull-out device" means a mechanism attached to the operator's hands or arms and connected to the slide or upper die, and designed to withdraw the operator's hands from the point of operation as the slide or upper die descends.

History: 1954 ACS 65, p. 27, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 49, Eff. May 4, 1976.

R 408.12311 Definitions; S.

Rule 2311. (1) "Safety block" means a prop that, when inserted between the upper and lower dies or, in absence of a die, between bolster plate and face of the slide, prevents the slide or upper die from falling of its own dead weight.

(2) "Secondary operation" means a press operation in which a preworked part is further processed. This operation includes forming, drawing, and coining.

(3) "Semiautomatic feeding" means placing or removing material or parts within the point of operation, by an auxiliary device, controlled by an operator at each stroke of the press slide.

(4) "Slide" means the main reciprocating press member (also called the ram, plunger, or platen).

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(5) "Slide lock device" means a positive mechanical lock or block capable of preventing the slide from closing of its own dead weight.

(6) "Stripper" means a device for removing the material or part from the punch.

(7) "Sweep device" means a single or double arm attached to the slide or upper die of the press, which moves the hands of an operator from within the point of operation as the slide or upper die descends.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 49, Eff. May 4, 1976.

R 408.12312 Definitions; T, U.

Rule 2312. (1) "Two-hand control" means an actuation device that requires the concurrent use of both hands of an operator to trip or control the press.

(2) "Unitized tooling" means a type of die in which the upper and lower members are incorporated in a self-contained unit so arranged as to hold the die members in alignment.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 50, Eff. May 4, 1976.

R 408.12316 Duties of employer.

Rule 2316. The employer shall:

(a) Use dies or operating methods, or both, designed to control or eliminate hazards to operating personnel.

(b) Furnish, and require the use of, a hand tool for freeing and removing stuck work or scrap pieces from the die, so that an employee need not reach into the point of operation for such purposes.

History: 1954 ACS 87, p. 50, Eff. May 4, 1976.

GUARDING

R 408.12321 Safeguarding in general at point of operation.

Rule 2321. (1) Where operator exposure exists, a press shall be equipped and operated with a point of operation guard or a point of operation protection device for every press operation performed, except where the point of operation is limited to an opening of ¼ inch or less.

(2) One or more means of safeguarding a press operator at the point of operation shall be provided and used on a press, depending upon the method of feeding and in accordance with table 1.

(3) During die tryout, R 408.12322 to R 408.12341 and R 408.12365 do not apply.

TABLE 1

Method of Feeding Press	Safeguarding Required
A. Automatic feed Automatic roll feed Automatic push, pull, transfer, or dial feed	Fixed barrier guard, or die enclosure guard, or gate or movable barrier device, or interlocked press barrier, or an operating device that assures press action will be stopped before the operator can reach into the point of operation.[1]
B. Semiautomatic feed Chute feed (both gravity and follow feed) Slide or push feed Sliding dies Dial feed Revolving dies	Fixed barrier guard, or die enclosure guard, or gate or movable barrier device, or 2-hand control.

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TABLE 1 (Cont.)

Method of Feeding Press	Safeguarding Required
C. Manual feed	Fixed barrier guard, or die enclosure guard, or gate or movable barrier device, or sweep device, or pull out device, or restraint device, or electronic control device, or 2-hand control.

[1]Where 2 or more presses are used in in-line operations with automatic loading and unloading equipment, either the safeguards required in "A" or an interlocked enclosure shall be used in conjunction with each press.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 46, Eff. Sept. 15, 1971; 1954 ACS 87, p. 50, Eff. May 4, 1976.

R 408.12322 Point of operation guards.

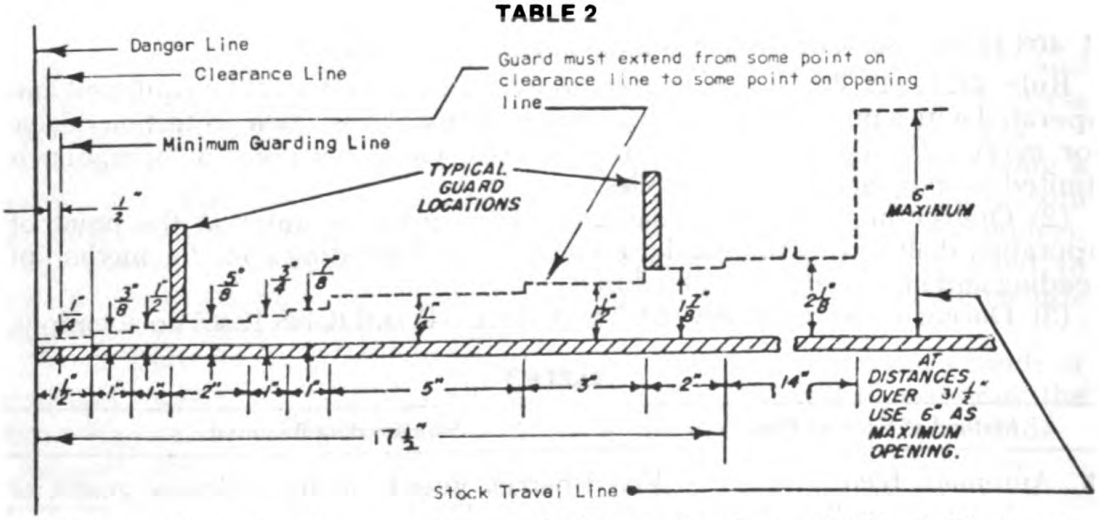
Rule 2322. (1) A point of operation guard shall be reliable in construction, application, and adjustment, and shall be attached to the press or to the die. The guard itself shall not offer any hazard and shall be so designed and constructed as to facilitate inspection and minimize the possibility of removing or misusing essential parts.

(2) The guard shall be designed and constructed in accordance with table 2, except as prescribed in subrule (3), to prevent entry of an operator's hand or fingers within the point of operation.

(3) A barrier guard may have feed holes for the stock which shall be of such size and distance from the die as to prevent entry of a hand or finger of each operator into the point of operation or other nip points.

(4) A guard shall be installed, maintained, and adjusted to provide safe operation.

TABLE 2



This diagram shows the safe openings between the bottom edge of a guard and feed table at various distances from the danger line.

The various openings are such that for average size hands they do not permit the operator's fingers to reach the nip zone even though the guard contact is on the back of the fingers, hand or forearm.

Any barrier extending from the dotted opening line to the clearance line will create a wedging of the fingers, hand or forearm between the barrier and the feed table preventing movement of the fingers to the danger line.

The clearance line marks the distance required to prevent contact between guard and moving parts.

The minimum guarding line is the distance between the infeed side of the guard and danger line. Recommended minimum distance is ½" from the danger line.

CAUTION: When installing guards with openings over ¼" careful tests should be made by operators who have small hands to make certain the guard is effective before the machine is operated. Check also for stability of mounting and rigidity of construction.

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TABLE 2A

Distance of Opening From Point of Operation Hazard	Maximum Width of Opening
½" to 1½"	¼"
1½" to 2½"	⅜"
2½" to 3½"	½"
3½" to 5½"	⅝"
5½" to 6½"	¾"
6½" to 7½"	⅞"
7½" to 12½"	1¼"
12½" to 15½"	1½"
15½" to 17½"	1⅞"
17½" to 31½"	2⅛"
31½" or greater	6"

This chart shows the distances that guards shall be positioned from the danger line in accordance with the required feed openings.

History: 1954 ACS 65, p. 28, Eff. Nov. 15, 1970; 1954 ACS 68, p. 47, Eff. Sept. 15, 1971; 1954 ACS 87, p. 50, Eff. May 4, 1976; 1954 ACS 101, p. 57, Eff. Sept. 21, 1979.

R 408.12323 Die-enclosure and fixed barrier guards.

Rule 2323. (1) A die-enclosure guard shall be attached to the die shoe or stripper or bolster in a fixed position and shall be so designed and constructed that the operator cannot reach over, under or around the guard and into the point of operation.

(2) At least a 1-inch clearance shall be provided between the top edge of the guard and the slide or any projection thereon, to prevent a shearing hazard caused by slide travel. The guard shall extend at least 1 inch above the bottom of the slide at the top of the stroke in order to prevent a shearing hazard.

(3) The guard shall afford at least 50% die visibility where visibility is necessary for proper placement of materials and permit easy feeding of the stock through openings in accordance with table 2. Where rods are used, they shall be vertical.

(4) A fixed barrier guard shall enclose the point of operation in accordance with table 2 and shall be secured to the press frame, die or bolster by fasteners that would discourage removal by unauthorized personnel.

(5) A die enclosure or fixed barrier guard that does not meet the requirements of R 408.12322 to R 408.12324 and table 2 shall be used only with point of operation devices prescribed in R 408.12325 to R 408.12341.

History: 1954 ACS 65, p. 30, Eff. Nov. 15, 1970; 1954 ACS 68, p. 47, Eff. Sept. 15, 1971.

R 408.12324 Interlocked press-barrier guards.

Rule 2324. An interlocked press-barrier guard, when required by table 1 shall enclose the die space or work area, and shall be so interlocked that the slide cannot be actuated unless the guard or hinged or moveable section is in position in accordance with table 2.

History: 1954 ACS 65, p. 30, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 87, p. 52, Eff. May 4, 1976.

R 408.12325 Point of operation devices.

Rule 2325. (1) A point of operation device differs from a guard inasmuch as it allows the operator access to the point of operation for loading and unloading the die. It either prevents actual operation until the hands are removed or removes the hands from the point of operation as the press slide descends. A point of operation

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device may be a barrier device, which does not meet the requirements outlined in R 408.12322 to R 408.12324.

(2) A point of operation device shall be so designed, constructed, and located as to prevent, during normal operations, employee's hands or fingers from remaining within the point of operation during downward movement of the slide.

History: 1954 ACS 65, p. 30, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 80, p. 56, Eff. Sept. 11, 1974; 1954 ACS 87, p. 52, Eff. May 4, 1976.

R 408.12326 Adjustable press-barrier devices.

Rule 2326. (1) An adjustable press-barrier device shall be attached to the frame of the press or die shoe and shall have front and side sections adjustable for dies or jobs of any size.

(2) Adjustments shall be verified by qualified and authorized personnel before the press is returned to production. Qualifications for such personnel shall include a knowledge of table 2. With the use of an adjustable press-barrier device, authorized personnel shall be instructed regarding proper adjustments of the device and that these adjustments are an important part of their jobs. An operator shall not be allowed to make any change in the adjustments without approval of supervisory personnel.

(3) Where the adjustable press-barrier device cannot be adjusted to give clearance within the limitations of table 2 (as, for example, for the insertion or removal of an irregularly shaped piece), mechanical feeds, ejectors, and/or other point of operation devices shall be used.

History: 1954 ACS 65, p. 31, Eff. Nov. 15, 1970; 1954 ACS 87, p. 52, Eff. May 4, 1976.

R 408.12327 Gate or movable barrier devices.

Rule 2327. (1) A gate or movable barrier device shall enclose the point of operation before power is transmitted to the slide.

(2) The device shall be interlocked with the press-control circuit so that the downward motion of the slide cannot begin until the device encloses the point of operation.

History: 1954 ACS 65, p. 31, Eff. Nov. 15, 1970; 1954 ACS 87, p. 52, Eff. May 4, 1976.

R 408.12331 Two-hand controls.

Rule 2331. (1) A 2-hand control shall require the application of both hands to operate the press, and shall require concurrent pressure on both controls until a point is reached in the downward stroke where the die opening is such that the operator cannot remove his hands and place them within the point of operation. Removal of 1 hand or both hands, before the closing portion of the cycle, shall either stop the slide or return the slide to its starting position.

(2) Two-hand controls for single-stroke operation, manufactured and installed on or after August 31, 1971, shall be designed to require release of all operator's hand controls before a second stroke can be initiated.

(3) Controls for more than 1 operating station shall be designed to be activated and deactivated in complete sets of 2-hand controls per operating station by means capable of being supervised by the employer.

(4) If foot control is provided, the selection method between hand and foot control shall be separated from the stroking selector, and shall be designed so that the selection may be supervised by the employer.

(5) A 2-hand control may be a mechanically, pneumatically, or electrically controlled system.

(6) A 2-hand control shall be installed to prevent "bridging" controls, and so that it can be operated by 2 hands only.

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(7) In a press operation requiring more than 1 operator, a set of 2-hand controls shall be provided for each operator. However, a foot control may be used with 2-hand controls if arranged to operate concurrently (otherwise, no cycle) and if the operator is not exposed to the point of operation.

(8) If each of the operating stations is provided with a lockout arrangement, provision shall be made to prevent an unintentional press cycle when all of the operating controls are locked out.

History: 1954 ACS 65, p. 31, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 87, p. 52, Eff. May 4, 1976.

R 408.12332 Two-hand devices; controls.

Rule 2332. (1) A 2-hand device may be a mechanically, pneumatically or electrically controlled system.

(2) A 2-hand device shall be installed to prevent "bridging" controls, and so that it can be operated by 2 hands only.

(3) In a power press operation requiring more than 1 operator, a set of 2-hand devices shall be provided for each operator. However a foot control may be used with 2-hand devices if arranged to operate concurrently (otherwise, no cycle) and if the operator is not exposed to the point-of-operation. If each of the operating stations is provided with a lockout arrangement, provision shall be made to prevent an unintentional press cycle when all of the operating controls are locked out.

History: 1954 ACS 65, p. 31, Eff. Nov. 15, 1970.

R 408.12334 Pull-out devices.

Rule 2334. (1) A pull-out device shall include attachments for the operator's hands or arms. The attachments shall be connected to the slide or upper die of the press so that the operator's hands or fingers are removed from the point of operation as the slide descends.

(2) Authorized personnel shall be trained and shall be responsible for proper adjustment of the device for each die setup and operator change. They shall make periodic inspections to determine condition of worn and broken parts which shall be replaced before permitting operation.

(3) If more than 1 operator is required on a press, a set of pull-out devices shall be provided for each operator.

(4) Each pull-out device in use shall be visually inspected and checked for proper adjustment at the start of each operator shift, following a new die set-up, and when operators are changed. Necessary maintenance or repair, or both, shall be performed and completed before the press is operated. Records of maintenance shall be kept pursuant to R 408.12373.

History: 1954 ACS 65, p. 31, Eff. Nov. 15, 1970; 1954 ACS 87, p. 53, Eff. May 4, 1976.

R 408.12336 Sweep devices.

Rule 2336. (1) A sweep device shall be activated by the slide or upper die. A sweep device shall be either double or single sweep arms and shall be designed to push the hands out of the point of operation area before, or as, the slide descends. A sweep device activated by any other means shall not be used. The press should be fed right-handedly when the device sweeps from right to left, and if fed left-handedly it should sweep from left to right. If reversed, the sweep device may bend the elbow without removing the hand from the point of operation. A single sweep device shall be provided with a barrier attached to the sweep arm to prevent reaching into the die as the slide descends. A sweep device shall be carefully installed and adjusted so that the sweep is timed with the slide stroke to remove hands before the point of operation is reached.

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(2) A sweep device shall be installed so that it will not create an impact hazard or a shear hazard between the sweep arm and the press tie rods, dies, or any other parts of the press or barrier. On fast-acting sweeps the area of contact shall be padded to prevent injury.

(3) A sweep device shall be used only on dies with a point of operation hazard that is not more than 9 inches in width. The die shoes shall not be counted in this measurement unless they or their attachment means create a pinch point when the dies close.

(4) A sweep device shall not be used as a point of operation safeguard after December 31, 1976.

(5) A partial enclosure, conforming to R 408.12326 as to the area of entry which it protects, shall be provided on both sides of the point of operation to prevent the operator from reaching around, or behind, the sweep device and into the point of operation after the dies start to close. The partial enclosure shall not create a pinch point or shear hazard.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 87, p. 53, Eff. May 4, 1976.

R 408.12338 Holdout and restraint devices.

Rule 2338. A holdout or restraint device shall be securely anchored and adjusted so that the operator is restrained from reaching into the point of operation. A set of restraints shall be provided for each operator if more than 1 operator is required on a press.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970; 1954 ACS 87, p. 54, Eff. May 4, 1976.

R 408.12341 Presence sensing devices.

Rule 2341. (1) A presence sensing device shall be so designed and installed that, when the operator's hands or any other part of his body disturbs the sensing field, the downward travel of the slide is prevented or stopped. This device shall not be used as a tripping means.

(2) Equipment shall be installed so that failure of light or photoelectric relay or other energy source makes the press inoperative.

(3) These devices shall not, in themselves, create a physical or organic hazard to the operator.

(4) The safety distance (Ds) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:

Ds = 63 inches/second X TS where:

Ds = minimum safety distance (inches); 63 inches/second = hand speed constant; and

Ts = stopping time of press measured when slide has completed approximately half of the downward stroke.

(5) To protect all areas of entry to the point of operation not protected by the presence sensing device, the partial enclosure shall be used and shall not create a pinch point or shear hazard.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 87, p. 54, Eff. May 4, 1976.

R 408.12343 Hand-feeding tools.

Rule 2343. Hand-feeding tools, such as but not limited to pushers, pliers, pinchers, tweezers, suction discs or magnets, are intended for placing and removing materials, in order to permit safe feeding of material by the operator. Such tools shall not be accepted in lieu of other guards or devices as required in R 408.12321 to R 408.12341.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970.

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R 408.12344 Slide lock device.

Rule 2344. (1) When a slide lock device or block is used, an additional point of operation guard or device shall be used to protect the operator before the slide lock device is in position and secures the slide from closing. Visual indication of the operation of the slide lock device shall be provided.

(2) The slide lock device and area of contact with die or slide shall be of such design and strength as not to create an additional hazard.

History: 1954 ACS 87, p. 54, Eff. May 4, 1976.

R 408.12351 Foot pedal.

Rule 2351. The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects, or by accidental stepping onto the pedal.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970; 1954 ACS 87, p. 54, Eff. May 4, 1976.

R 408.12353 Foot-operated pedals.

Rule 2353. (1) Mechanical pedal return springs shall be the compression type, operated on a rod or guided within a hole or tube. If operated on a rod, the inside diameter of the spring shall be no greater than the diameter of the rod, plus ⅛ inch. If guided within a hole or tube, the inside diameter of the hole or tube shall be no greater than the outside diameter of the spring coil, plus ⅛ inch. A spring, in its initial compressed position, shall be so wound that the space between coils is less than the diameter of the wire.

(2) A pedal counterweight, if provided, shall have the path of the travel of the weight enclosed or guarded.

(3) A mechanical foot pedal shall be securely mounted on a press leg where the pedal is an integral part of the press.

History: 1954 ACS 65, p. 32, Eff. Nov. 15, 1970; 1954 ACS 87, p. 54, Eff. May 4, 1976.

R 408.12355 Hand-operated levers.

Rule 2355. (1) A hand lever operated press shall be equipped with a spring latch on the operating lever to prevent premature, accidental tripping.

(2) The operating lever on a hand-tripped press having more than 1 operating station shall be so interlocked as to prevent operation of the press except by concurrent action of all levers.

(3) A guard or device shall be used in conjunction with the hand-operated lever to safeguard the point of operation, or the lever shall be located so that the operator cannot reach into the point of operation.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 87, p. 54, Eff. May 4, 1976.

HYDRAULICS—DIES—SCRAP

R 408.12356 Hydraulic systems.

Rule 2356. A hydraulic pump used as a source of power for a press shall have the capability to sustain the required capacity.

History: 1954 ACS 87, p. 55, Eff. May 4, 1976.

DESIGN, CONSTRUCTION, AND SETTING OF DIES

R 408.12361 Design and construction of dies.

Rule 2361. (1) A die shall be so designed and constructed as to permit the use of guards as required in R 408.12322 to R 408.12324, or to permit safeguarding with point-of-operation devices as required in R 408.12325 to R 408.12341.

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(2) Where hand-feeding tools are to be employed, a die shall be designed and constructed to allow easy access to the nest for loading and unloading.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970.

R 408.12363 Ejecting stock and scrap.

Rule 2363. (1) Spring pads or rubber strippers, or equivalent means, shall be provided where required on punching or piercing dies to assure that parts are stripped or knocked out.

(2) Automatic ejection of stock and scrap should be considered during die design.

(3) The employee shall provide means for safely handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded pursuant to table 2. Scrap recoil devices may be used instead of scrap cutters.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971; 1954 ACS 87, p. 55, Eff. May 4, 1976.

R 408.12365 Guide pins.

Rule 2365. Where there is exposure to guide pins, spring enclosures or guide-pin covers shall be used if the guide pins separate from the bushing more than ¼ inch. Where dies are guarded in accordance with R 408.12321 to R 408.12324, guide-pin protection is not necessary.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 68, p. 48, Eff. Sept. 15, 1971.

R 408.12366 Unitized tooling.

Rule 2366. When a unitized tooling is used, the opening between the top of the die and face of the slide or striking pad shall be guarded pursuant to the requirements of table 1.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 87, p. 55, Eff. May 4, 1976.

R 408.12367 Die fastening.

Rule 2367. (1) Provision shall be made in both the upper and lower shoes for securely mounting a die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

(2) A die should be handled with equipment of proper capacity and designed for that purpose.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 68, p. 49, Eff. Sept. 15, 1971.

R 408.12369 Die setting.

Rule 2369. (1) A die setting procedure shall be established that will:

(a) Insure that enclosure guards or protective devices are used and properly installed prior to production, and

(b) Require the diesetter or authorized personnel to ascertain that all point of operation safety devices are effective before releasing the press for operation.

(2) Stops shall be provided to prevent losing control of the die while setting or removing the die on an inclined press.

History: 1954 ACS 65, p. 33, Eff. Nov. 15, 1970; 1954 ACS 68, p. 49, Eff. Sept. 15, 1971; 1954 ACS 87, p. 55, Eff. May 4, 1976.

R 408.12370 Die and press repair.

Rule 2370. (1) Repair work to a die while in a press, or mechanical repair work to a press, shall not commence until power to the press pump motor is

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disconnected. Where multiple presses use a common power source, other means shall be taken to assure that no press motion can occur to cause an injury.

(2) Safety blocks shall be used when a die is being repaired while in a press.

(3) Means shall be provided to prevent cycling a press with the safety block in place between the upper and lower dies, or between the bolster plate and slide face, unless the safety block is of such design and material as to safely withstand the total press capacity.

History: 1954 ACS 68, p. 49, Eff. Sept. 15, 1971; 1954 ACS 87, p. 55, Eff. May 4, 1976.

TRAINING AND INSPECTION

R 408.12371 Instruction of operators.

Rule 2371. Before starting work on a press and before starting work on an operation with which the operator is not familiar, he shall be carefully instructed in the particular operation and in the safe method of work.

History: 1954 ACS 65, p. 34, Eff. Nov. 15, 1970; 1954 ACS 87, p. 55, Eff. May 4, 1976.

R 408.12372 Die and stock lubrication.

Rule 2372. Brushes, swabs, lubricating rolls, and automatic or manual pressure guns shall be provided so that an operator will not be required to reach between dies to lubricate stock, punches or dies.

History: 1954 ACS 68, p. 49, Eff. Sept. 15, 1971.

R 408.12373 Inspection and maintenance records.

Rule 2373. The employer shall establish and follow a program of periodic and regular inspections of his presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.

History: 1954 ACS 87, p. 55, Eff. May 4, 1976.

PART 24. MECHANICAL POWER PRESSES

GENERAL PROVISIONS

R 408.12401 Scope.

Rule 2401. This part applies to power presses which shear, punch, form or assemble metal or any other material by means of tools or dies attached to plungers or slides and which are commonly referred to as mechanical power presses. This part does not apply to hydraulic presses, iron workers, press brakes, bulldozers, hot-metal presses, forging hammers, hot-bending presses, molding or riveting machines, welder presses, nut clinching machines, metal stitching machines, or 4 slide machines.

History: 1954 ACS 87, p. 56, Eff. May 1, 1976.

R 408.12403 Definitions; A to C.

Rule 2403. (1) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(2) "Anti-repeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is hand operated. Anti-repeat requires release of all tripping mechanisms before another stroke can be initiated. "Anti-repeat" is also called single stroke reset or reset circuit.

(3) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

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(4) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

(5) "Brake" means the mechanism used on a mechanical press to stop, hold, or both, the crankshaft, either directly or through a gear train, when the clutch is disengaged.

(6) "Brake monitor" means a sensor designed, constructed, and arranged to monitor the effectiveness of the press braking system.

(7) "Clutch" means the coupling mechanism used on a mechanical press to couple the flywheel to the crankshaft, either directly or through a gear train. See R 408.12404(9), R 408.12405(7), and R 408.12407(4).

(8) "Concurrent" means acting in conjunction, not necessarily simultaneously, and is used to describe a situation wherein 2 or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Control system" means the combination of controls having effect on the cycling or stopping of the ram where the safety of the operator would be influenced.

(11) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

History: 1954 ACS 87, p. 56, Eff. May 1, 1976.

R 408.12404 Definitions; D.

Rule 2404. (1) "Device" means a press control or attachment that performs any 1 of the following functions:

(a) Restrains the operator from inadvertently reaching into the point of operation.

(b) Prevents normal press operation if the operator's hands are inadvertently within the point of operation.

(c) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close. See R 408.12406(1) and (5), R 408.12407(7) and (9), R 408.12408(10), and R 408.12409(3).

(2) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(3) "Die builder" means a person who builds dies for presses.

(4) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(5) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(6) "Die setter" means an individual who places dies in, or removes dies from, mechanical presses, and who, as a part of his duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(7) "Die setting" means the process of placing dies in, or removing dies from, a mechanical press, and the process of adjusting the dies, other tooling, and safeguarding means to cause them to function properly and safely.

(8) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(9) "Direct drive" means the type of driving arrangement wherein no clutch is used (coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor). Even though not employing a clutch,

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direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

History: 1954 ACS 87, p. 56, Eff. May 1, 1976.

R 408.12405 Definitions; E, F.

Rule 2405. (1) "Ejector" means a mechanism for removing work or material from between the dies.

(2) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(3) "Feeding" means the process of placing material within, or removing material from, the point of operation. See R 408.12403(3), R 408.12407(2), and R 408.12408(3).

(4) "Fixed barrier guard" means a die space barrier attached to the press frame.

(5) "Foot control" means the foot-operated control mechanism designed to be used with a clutch or clutch/brake control system.

(6) "Foot pedal" means the foot-operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(7) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft completes a full revolution and the press slide completes a full stroke.

History: 1954 ACS 87, p. 57, Eff. May 1, 1976.

R 408.12406 Definitions; G to K.

Rule 2406. (1) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(2) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation. See R 408.12403(1), R 408.12404(4), R 408.12405(4), and R 408.12406(7).

(3) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(4) "Hand feeding tool" means a hand-held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(5) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that, when anchored and adjusted, prevents the operator's hands from entering the point of operation.

(6) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "inch" operating means. Operation of the "inch" operating means engages the driving clutch so that a small portion of 1 stroke or indefinite stroking can occur, depending upon the length of time the "inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(7) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its hinged or movable sections, enclose the point of operation.

(8) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(9) "Knockout" means a mechanism for releasing material from either die.

History: 1954 ACS 87, p. 57, Eff. May 1, 1976.

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R 408.12407 Definitions; L to P.

Rule 2407. (1) "Liftout" means the mechanism also known as knockout.

(2) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(3) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(4) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(5) "Pinch point" means any point, other than the point of operation, at which it is possible for a part of the body to be injured by being caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment, or between the material and moving part or parts of the press or auxiliary equipment.

(6) "Point of operation" means the area of the press where material is actually positioned and work is being performed during any process such as shearing, punching, forming, or assembling.

(7) "Presence sensing device" means a device designed, constructed, and arranged to create a sensing field or area, and to deactivate the clutch control of the press when an operator's hand or other part of his body is within such field or area.

(8) "Press," as referred to in this part, means a mechanically powered machine that shears, punches, forms, or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides and commonly referred to as a mechanical power press. A press consists of a stationary bed or anvil, and a slide having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(9) "Pull-out device" means a mechanism, attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands, as the dies close, if the operator's hands are inadvertently within the point of operation.

History: 1954 ACS 87, p. 58, Eff. May 1, 1976.

R 408.12408 Definitions; R, S.

Rule 2408. (1) "Repeat" means an unintended or unexpected successive power stroke of the press resulting from a malfunction.

(2) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents the slide from falling of its own dead weight.

(3) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within, or removed from, the point of operation by an auxiliary means controlled by an operator on each stroke of the press.

(4) "Single stroke" means 1 complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing (or down), and then a return to the full open position.

(5) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to 1 complete stroke at each engagement of the clutch.

(6) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(7) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

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(8) "Stripper" means a mechanism or die part for removing the parts or material from the punch.

(9) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "off" (clutch control), "inch," "single stroke," and "continuous" (when continuous is furnished).

(10) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position, as the dies close, if the operator's hands are inadvertently within the point of operation.

History: 1954 ACS 87, p. 58, Eff. May 1, 1976.

R 408.12409 Definitions; T, U.

Rule 2409. (1) "Trip" or "tripping" means activation of the clutch to "run" the press.

(2) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(3) "Two-hand control device" means a 2-hand actuating device that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

(4) "Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(5) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a self-contained unit so arranged as to hold the die members in alignment.

History: 1954 ACS 87, p. 58, Eff. May 1, 1976.

R 408.12411 Employer responsibility.

Rule 2411. (1) The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this part. The employer shall insure, by adequate supervision, that correct operating procedures are being followed and that all required safeguards are installed, are functional, and are being used.

(2) The employer shall insure the original and continuing competence of maintenance personnel caring for, inspecting, and maintaining presses.

(3) The employer shall provide clearance between machines so that movement of 1 operator does not interfere with the work of another. Ample room for cleaning machines, and for handling material, work pieces, and scrap, shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil, and water.

(4) The employer shall operate his presses within the tonnage and attachment weight ratings specified by the manufacturer.

(5) The employer shall obtain, from any outside firm modifying a press, instructions needed to establish new or changed guidelines for the care and use of the press so modified.

History: 1954 ACS 87, p. 59, Eff. May 1, 1976.

R 408.12412 Inspection and maintenance records.

Rule 2412. The employer shall establish and follow a program of periodic and regular inspections of his presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.

History: 1954 ACS 87, p. 59, Eff. May 1, 1976.

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R 408.12413 Reports of injuries.

Rule 2413. The employer shall, within 30 days of the occurrence, report to the director of the bureau of safety and regulation of the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, all point of operation injuries or injuries, within the confines of the die, to operators or other employees. The following information shall be included in the report:

(a) Employer's name, address, and location of the workplace (establishment).

(b) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance, or other).

(c) Type of clutch used on the press (full revolution, part revolution, or direct drive).

(d) Type of safeguard being used (2-hand control, 2-hand trip, pull-outs, sweeps, or other). If the safeguard is not described herein, give a complete description.

(e) Cause of the accident (repeat of press, safeguard failure, removing stuck part or scrap, no safeguard provided, no safeguard in use, or other).

(f) Type of feeding (manual with hands in dies or with hands out of dies, semi-automatic, automatic, or other).

(g) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other).

(h) Number of operators required for the operation and the number of operators provided with controls and safeguards.

History: 1954 ACS 87, p. 59, Eff. May 1, 1976.

CONSTRUCTION—GENERAL

R 408.12421 Broken or falling machine components.

Rule 2421. Machine components shall be designed, secured, or covered to minimize hazards caused by breakage, loosening and falling, or release of mechanical energy.

History: 1954 ACS 87, p. 59, Eff. May 1, 1976.

R 408.12422 Brakes.

Rule 2422. (1) Friction brakes provided for stopping or holding the slide movement shall be set with compression springs. Brake capacity shall be sufficient to stop the motion of the slide quickly and shall be capable of holding the slide and its attachments at any point in its travel.

(2) When required by R 408.12461 of this part, the brake monitor shall meet the following requirements:

(a) Be so constructed as to automatically prevent the activation of a successive stroke if the stopping time or braking distance deteriorates to a point where the safety distance being utilized does not meet the requirements prescribed in R 408.12463(1) and (7). The brake monitor used with the type B gate or movable barrier device shall be installed in a manner to detect slide top-stop overrun beyond the normal limit reasonably established by the employer.

(b) Be installed on a press in such a way that it indicates when the performance of the braking system has deteriorated to the extent described in subdivision (a) of this subrule.

(c) Be constructed and installed in a manner to monitor brake system performance on each stroke or each time the brakes are applied.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

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R 408.12423 Electrical.

Rule 2423. All A.C. control circuits and solenoid valve coils shall be powered by not more than a nominal 120-volt A.C. supply obtained from a transformer with an isolated secondary. Higher voltages that may be necessary for operation of machine or control mechanisms shall be isolated from any control mechanism handled by the operator, but motor starters with integral start-stop buttons may utilize line voltage control. All D.C. control circuits shall be powered by not more than a nominal 240-volt D.C. supply isolated from any higher voltages.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

R 408.12424 Component failure.

Rule 2424. Electrical clutch/brake control circuits shall incorporate features to minimize the possibility of an unintended stroke in the event of the failure of a control component to function properly, including relays, limit switches, and static output circuits.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

R 408.12425 Slide counterbalance systems.

Rule 2425. (1) Spring counterbalance systems, when used, shall incorporate means to retain system parts in event of breakage.

(2) Spring counterbalances, when used, shall have the capability to hold the slide and its attachments at midstroke, without brake applied.

(3) An air counterbalance cylinder shall:

(a) Incorporate means to retain the piston and rod in case of breakage or loosening.

(b) Have adequate capability to hold the slide and its attachments at any point in stroke, without brake applied.

(c) Incorporate means to prevent failure of capability (sudden loss of pressure) in event of air supply failure.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

R 408.12426 Air controlling equipment.

Rule 2426. (1) Air controlling equipment shall be protected against foreign material and water entering the pneumatic system of the press.

(2) A means of air lubrication shall be provided when needed.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

R 408.12427 Hydraulic equipment.

Rule 2427. The maximum anticipated working pressures in any hydraulic system on a press shall not exceed the safe working pressure rating of any component used in that system.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

R 408.12428 Pressure vessels.

Rule 2428. A pressure vessel used in conjunction with a press shall be as prescribed in the ASME pressure vessel code, section VIII, unfired pressure vessels, 1974, which is adopted by reference and may be inspected at the Lansing office of the Michigan department of labor. This code may be purchased at a cost of $40.00 from the American Society of Mechanical Engineers, 345 E. 47th Street, New York, New York 10017 or the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 87, p. 60, Eff. May 1, 1976.

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R 408.12429 Control reliability.

Rule 2429. When required by R 408.12461 of this part, the control system shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent initiation of a successive stroke until the failure is corrected. The failure shall be detectable by a simple test, or indicated by the control system. This requirement does not apply to those elements of the control system which have no effect on the protection against point of operation injuries.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

R 408.12431 Single stroke.

Rule 2431. (1) Presses using full-revolution clutches shall incorporate a single-stroke mechanism, except that the single-stroke mechanism may be omitted if either of the following conditions is met:

(a) A press has barrier guards as prescribed in R 408.12462(1), (2), and (3) on all 4 sides and a second action is required to initiate the cycle after the machine has been energized by the start switch.

(b) A press is operated by 2 hand anti-repeat trips.

(2) If the single-stroke mechanism is dependent upon spring action, the spring shall be of the compression type, operating on a rod or guided within a hole or tube, and designed to prevent interleaving of the spring coils in event of breakage.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976; 1954 ACS 101, p. 58, Eff. Sept. 21, 1979.

R 408.12432 Foot pedals.

Rule 2432. (1) The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects, or by accidental stepping onto the pedal.

(2) A pad with a nonslip contact area shall be firmly attached to the pedal.

(3) The pedal return spring shall be of the compression type, operating on a rod or guided within a hole or tube, or designed to prevent interleaving of spring coils in event of breakage.

(4) If pedal counterweights are provided, the path of the travel of the weight shall be enclosed.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

R 408.12433 Hand-operated levers.

Rule 2433. (1) Handlever-operated presses shall be equipped with a spring latch on the operating lever to prevent premature or accidental tripping.

(2) The operating levers on handtripped presses having more than 1 operating station shall be interlocked to prevent the tripping of the press except by the concurrent use of all levers.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

R 408.12434 Two-hand trips.

Rule 2434. (1) A 2-hand trip shall have the individual operator's hand controls protected against unintentional operation, and shall have the individual operator's hand controls arranged by design and construction, separation, or both, to require the use of both hands to trip the press and use a control arrangement requiring concurrent operation of the individual operator's hand controls.

(2) Two-hand trip systems on full revolution clutch machines shall incorporate an anti-repeat feature.

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(3) If 2-hand trip systems are used on multiple operator presses, each operator shall have a separate set of controls.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

CONSTRUCTION—PART REVOLUTION CLUTCH PRESSES

R 408.12441 Removal of engaging force.

Rule 2441. The clutch shall release and the brake shall be applied when the external clutch engaging means is removed, deactivated, or deenergized.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

R 408.12442 Stop control.

Rule 2442. (1) A red color stop control shall be provided with the clutch/brake control system.

(2) Momentary operation of the stop control shall immediately initiate deactivation of the clutch and apply the brake.

(3) The stop control shall override any other control, and reactuation of the clutch shall require use of the operating (tripping) means which has been selected.

History: 1954 ACS 87, p. 61, Eff. May 1, 1976.

R 408.12443 Stroking selector.

Rule 2443. A means of selecting "off," "inch," and all other modes that the press operates under shall be supplied with the clutch/brake control to select the type of operation of the press. Fixing of selection shall be by a means capable of supervision by the employer.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976; 1954 ACS 101, p. 58, Eff. Sept. 21, 1979.

R 408.12444 Inch control.

Rule 2444. The "inch" operating means shall be designed to prevent exposure of the worker's hands within the point of operation by either of the following:

(a) Requiring the concurrent use of both hands to actuate the clutch.

(b) Being a single control protected against accidental actuation and so located that the worker cannot reach into the point of operation while operating the single control.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12445 Two-hand controls.

Rule 2445. Two-hand controls for single stroke shall conform to the following requirements:

(a) Each hand control shall be protected against unintended operation and arranged by design and construction, separation, or both, so that the concurrent use of both hands is required to trip the press.

(b) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during a substantial part of the die-closing portion of the stroke.

(c) The control system shall incorporate an anti-repeat feature.

(d) Two-hand controls for single stroke operation, manufactured, and installed on or after August 31, 1971, shall be designed to require release of all operator's hand controls before a second stroke can be initiated.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

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R 408.12446 Multiple operating stations.

Rule 2446. (1) Controls for more than 1 operating station shall be designed to be activated and deactivated in complete sets of 2 hand controls per operating station by means capable of being supervised by the employer.

(2) The clutch/brake control system shall be designed and constructed to prevent actuation of the clutch if all operating stations are bypassed.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12447 Continuous functions.

Rule 2447. Those clutch/brake control systems which contain both single and continuous functions shall be designed so that completion of continuous circuits may be supervised by the employer. The initiation of continuous run shall require a prior action or decision by the operator, in addition to the selection of continuous on the stroking selector, before actuation of the operating means results in continuous stroking.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12448 Foot controls.

Rule 2448. (1) If foot control is provided, the selection method between hand and foot control shall be separated from the stroking selector, and shall be designed so that the selection may be supervised by the employer.

(2) Foot-operated tripping controls, if used, shall be protected so as to prevent operation from falling or moving objects, or from unintended operation by accidental stepping onto the foot control.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12449 Clutch/brake air valve failure.

Rule 2449. Air-clutch controls shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur. This requirement shall apply only to those clutch/brake air-valve controls manufactured and installed on or after August 31, 1971, but shall not apply to presses intended only for continuous, automatic feeding applications.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12450 Drive motor interlock.

Rule 2450. The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the single stroke or continuous functions unless the press drive motor is energized and in the forward direction.

History: 1954 ACS 87, p. 62, Eff. May 1, 1976.

R 408.12451 Engaging means failure.

Rule 2451. The clutch/brake control shall automatically deactivate in event of failure of the electrical power or pressure supply for the clutch engaging means. Reactivation of the clutch shall require restoration of the electrical power or pressure supply and the use of the tripping mechanism.

History: 1954 ACS 87, p. 63, Eff. May 1, 1976.

R 408.12452 Counterbalance air supply failure.

Rule 2452. The clutch/brake control shall automatically deactivate in event of failure of the counterbalance air supply. Reactivation of the clutch shall require restoration of normal air supply and use of the tripping mechanism.

History: 1954 ACS 87, p. 63, Eff. May 1, 1976.

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R 408.12453 Turnover bar operation selection.

Rule 2453. Selection of turnover bar operation shall be by means capable of being supervised by the employer. A separate pushbutton shall be employed to activate the clutch, and the clutch shall be activated only if the driver motor is deenergized.

History: 1954 ACS 87, p. 63, Eff. May 1, 1976.

R 408.12454 Accidental grounding.

Rule 2454. All clutch/brake control electrical circuits shall be protected against the possibility of an accidental ground in the control circuit causing false operation of the press.

History: 1954 ACS 87, p. 63, Eff. May 1, 1976.

SAFEGUARDING THE POINT OF OPERATION

R 408.12461 General requirements.

Rule 2461. (1) The employer shall provide and insure the usage of "point of operation guards," or properly applied and adjusted point of operation devices, on every production operation performed on a press. Point of operation guards shall conform to table 1 and figure 1, except when the point of operation opening is less than ¼ inch.

(2) Where the operator feeds or removes parts by placing 1 or both hands in the point of operation, and a 2-hand control, presence sensing device, type B gate, or movable barrier (on a part revolution clutch) is used for safeguarding:

(a) The employer shall use a control system and a brake monitor which comply with R 408.12422(2) and R 408.12429 of this part. This requirement shall be complied with by November 1, 1975.

(b) Air clutch controls shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur, where a part revolution clutch is employed.

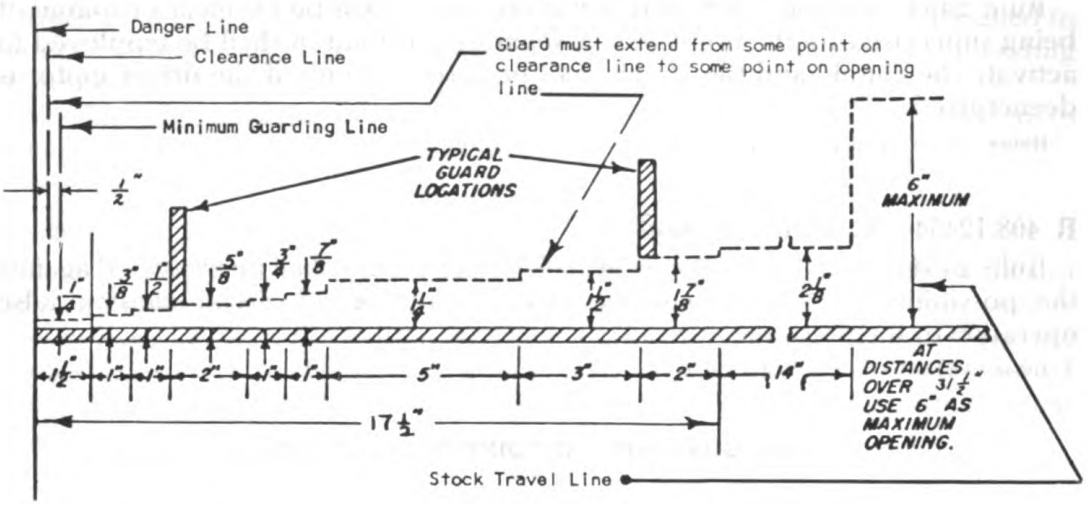
(3) The August 31, 1971, exceptions in R 408.12445 and R 408.12449 do not apply to the requirements of this rule.

TABLE 1

Distance of opening from point of operation hazard (inches)	Maximum width of opening (inches)
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2⅛

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FIGURE 1



Explanation of above diagram:

This diagram shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).

The clearance line marks the distance required to prevent contact between guard and moving parts.

The minimum guarding line is the distance between the infeed side of the guard and the danger line which is ½ inch from the clearance line.

The various openings are such that, for average size hands, an operator's fingers won't reach the point of operation.

After installation of point of operation guards, and before a job is released for operation, a check should be made to verify that the guard prevents the operator's hands from reaching the point of operation.

History: 1954 ACS 87, p. 63, Eff. May 1, 1976.

R 408.12462 Point of operation guards.

Rule 2462. (1) A point of operation guard shall meet the following design, construction, application, and adjustment requirements:

(a) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under, or around the guard.

(b) It shall conform to the maximum permissible openings of table 1 and figure 1, except that a barrier guard may have feed holes for the stock, which shall be of such size and distance from the die as to prevent entry of a hand or finger of each operator into the point of operation or nip point.

(c) It shall, in itself, create no pinch point between the guard and moving machine parts.

(d) It shall utilize fasteners not readily removable by the operator so as to minimize the possibility of misuse or removal of essential parts.

(e) It shall facilitate its inspection.

(f) It shall offer maximum visibility of the point of operation consistent with the other requirements.

(2) A die enclosure guard shall be attached to the die shoe or stripper in a fixed position.

(3) A fixed barrier guard shall be attached securely to the frame of the press or to the bolster plate.

(4) An interlocked press barrier guard shall be attached to the press frame or bolster, and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard, are in position to conform to the requirements of table 1 and figure 1.

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(5) The hinged or movable sections of an interlocked press barrier guard shall not be used for manual feeding. The guard shall prevent opening of the interlocked section and reaching into the point of operation prior to die closure or prior to the cessation of slide motion. See R 408.12463(2) regarding manual feeding through interlocked press barrier devices.

(6) The adjustable barrier guard shall be securely attached to the press bed, bolster plate, or die shoe, and shall be adjusted and operated in conformity with table 1 and figure 1 and the requirements of this rule. Adjustments shall be verified before the press is returned to production operations by authorized personnel whose qualifications include a knowledge of the provisions of table 1 and figure 1 and the requirements of this rule.

(7) A point of operation enclosure which does not meet the requirements of this rule and table 1 and figure 1 shall be used only in conjunction with point of operation devices.

History: 1954 ACS 87, p. 64, Eff. May 1, 1976; 1954 ACS 101, p. 58, Eff. Sept. 21, 1979.

R 408.12463 Point of operation devices.

Rule 2463. (1) Point of operation devices shall protect the operator by 1 of the following:

(a) Preventing or stopping, or both, the normal stroking of a press if the operator's hands are inadvertently placed in the point of operation.

(b) Withdrawing his hands if they are inadvertently located in the point of operation as the dies close, or preventing the operator from inadvertently reaching into the point of operation.

(c) Preventing the operator from inadvertently reaching into the point of operation at all times.

(d) Requiring application of both of the operator's hands to machine operating controls and locating the controls at a distance from the point of operation as will permit the slide to complete the downward travel or stop before the operator can reach into the point of operation with his hands.

(e) Enclosing the point of operation before a press stroke can be initiated, and maintaining this closed condition until the motion of the slide ceases.

(f) Enclosing the point of operation before a press stroke can be initiated, so as to prevent an operator from reaching into the point of operation prior to die closure or prior to cessation of slide motion during the downward stroke.

(2) A gate or movable barrier device shall protect the operator as follows:

(a) A type "A" gate or movable barrier device shall protect the operator as prescribed in subrule (1)(e) of this rule.

(b) A type "B" gate or movable barrier device shall protect the operator as prescribed in subrule (1)(f) of this rule.

(3) The presence sensing point of operation device shall protect the operator as provided in subrule (1)(a) of this rule, and shall be interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other part of his body is within the sensing field of the device during the downstroke of the press slide. The device shall conform to the following:

(a) The device may not be used on machines using full revolution clutches.

(b) The device may not be used as a tripping means to initiate slide motion.

(c) The device shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to the press when required, but does prevent the initiation of a successive stroke until the failure is corrected. The failure shall be indicated by the system.

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(d) Bypassing of the protection function of such device, during the upstroke of the press slide, is permitted for the purpose of parts ejection, circuit checking, and feeding.

(e) The safety distance (Ds) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:

Ds = 63 inches/second x Ts where:

Ds = minimum safety distance (inches); 63 inches/second = hand speed constant; and

Ts = stopping time of the press measured at approximately 90 degree position of crankshaft rotation (seconds).

(f) Guards shall be used to protect all areas of entry to the point of operation not protected by the presence sensing device.

(4) The pull-out device shall protect the operator as prescribed in subrule (1)(b) of this rule, and shall include attachments for each of the operator's hands. The device shall conform to the following:

(a) Attachments shall be connected to and operated only by the press slide or upper die.

(b) Attachments shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close.

(c) A separate pull-out device shall be provided for each operator if more than 1 operator is used on a press.

(d) Each pull-out device in use shall be visually inspected and checked for proper adjustment at the start of each operator shift, or following a new die set-up, or when operators are changed. Necessary maintenance or repair, or both, shall be performed and completed before the press is returned to production. The employer shall maintain records of these inspections and the maintenance work performed.

(5) The sweep device shall protect the operator, as prescribed in subrule (1)(b) of this rule, by removing his hands safely to a safe position if they are inadvertently located in the point of operation as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation, past the trailing edge of the sweep arm on the downward stroke of the press. This device shall not be used for point of operation safeguarding after December 31, 1976. The device shall conform to the following:

(a) The sweep device shall be activated by the slide.

(b) The sweep device shall be designed, installed, and operated so as to prevent the operator from reaching into the point of operation before the dies close.

(c) The sweep device shall be installed so that it does not, itself, create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.

(d) Partial enclosures conforming to this rule, as to the area of entry which they protect, shall be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Partial enclosures shall not themselves create a pinch point or shear hazard.

(6) A holdout or a restraint device shall protect the operator as prescribed in subrule (1)(c) of this rule, and shall include attachments for each of the operator's hands. These attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A

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separate set of restraints shall be provided for each operator if more than 1 operator is required on a press.

(7) The 2-hand control device shall protect the operator as prescribed in subrule (1)(d) of this rule. The device shall conform as follows:

(a) When used in press operations requiring more than 1 operator, separate 2-hand controls shall be provided for each operator and shall be designed to require concurrent application of all operator's controls to activate the slide. The removal of a hand from any control button shall cause the slide to stop.

(b) Each 2-hand control shall meet the construction requirements of R 408.12445.

(c) When hand-in-die loading or unloading is used, the safety distance (Ds) between each 2-hand control device and the point of operation shall be greater than the distance determined by the formula prescribed in subrule (3)(e) of this rule.

(d) The position of the 2-hand controls shall be established and fixed, or physically indicated, in accordance with subrule (1)(d) of this rule or subrule (7)(c) of this rule, whichever shall apply. Only the supervisor or safety engineer may authorize relocating the controls consistent with the above.

(8) The 2-hand trip device shall protect the operator as prescribed in subrule (1)(d) of this rule. The device shall conform as follows:

(a) When used in press operations requiring more than 1 operator, separate 2-hand trips shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide.

(b) Each 2-hand trip shall meet the construction requirements of R 408.12434.

(c) The safety distance (Dm) between the 2-hand trip and the point of operation shall be greater than the distance determined by the following formula:

Dm = 63 inches/second x Tm; where:

Dm = minimum safety distance (inches); 63 inches/second = hand speed constant; and

Tm = the maximum time the press takes for the die closure after it has been tripped (seconds). For full revolution clutch presses with only 1 engaging point Tm is equal to the time necessary for 1½ revolutions of the crankshaft. For full revolution clutch presses with more than 1 engaging point, Tm shall be calculated as follows:

$$Tm = \left\{ \frac{1}{2} + \frac{1}{\text{Number of engaging points per revolution}} \right\} \times \text{time necessary to complete 1 revolution of the crankshaft (seconds)}$$

(d) Two hand trips shall be established and fixed or physically indicated, and only a supervisor or safety engineer may authorize their relocation.

History: 1954 ACS 87, p. 65, Eff. May 1, 1976.

R 408.12464 Hand feeding tools.

Rule 2464. Hand feeding tools are intended for placing materials in, and removing materials from, the press. Hand feeding tools are not a point of operation guard or protection device, and shall not be used in lieu of the "guards" or devices required in this part.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

DIE DESIGN, CONSTRUCTION, SETTING, AND FEEDING

R 408.12471 Dies; general rules.

Rule 2471. The employer shall:

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(a) Use dies and operating methods designed to control or eliminate hazards to operating personnel.

(b) Furnish and enforce the use of a handtool for freeing and removing stuck work or scrap pieces from the die, so that an employee need not reach into the point of operation for such purposes.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12472 Scrap handling.

Rule 2472. The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded as prescribed in R 408.12421 to R 408.12464 and in Part 7. Guards for Power Transmission, being R 408.10701 to R 408.10763 of the Michigan Administrative Code.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12473 Guide post hazards.

Rule 2473. The hazard created by a guide post located in the immediate vicinity of the operator, when separated from its bushing by more than ¼ inch, shall be considered as a point of operation hazard and be protected as prescribed in R 408.12461 to R 408.12464.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12474 Unitized tooling.

Rule 2474. If unitized tooling is used, the opening between the top of the punch holder and the face of the slide or striking pad shall be safeguarded as prescribed in R 408.12421 to R 408.12464.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12475 Tonnage, stroke, and weight requirements.

Rule 2475. All dies shall be:

(a) Stamped with the tonnage and stroke requirements, or the requirements may be recorded if the records are readily available to the die setter.

(b) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment.

(c) Stamped to indicate complete die weight when handling equipment may become overloaded.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12476 Die fastening.

Rule 2476. Provisions shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

R 408.12477 Die-setting.

Rule 2477. (1) The employer shall establish a die-setting procedure that will insure compliance with R 408.12421 to R 408.12464.

(2) The employer shall provide spring-loaded turnover bars for presses designed to accept such turnover bars.

(3) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing die in presses which are inclined.

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(4) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press. Means shall be provided to prevent cycling a press with the safety block in place between the upper and lower dies, or between the bolster plate and slide face.

(5) The employer shall provide brushes, swabs, lubricating rolls, and automatic or manual pressure guns, so that operators and die setters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches, or dies.

(6) Handling equipment attach points shall be provided on all dies requiring mechanical handling.

History: 1954 ACS 87, p. 67, Eff. May 1, 1976.

PART 26. METALWORKING MACHINERY

R 408.12601 Scope.

Rule 2601. This part sets forth rules, not covered in other standards, for the safety of employees in all places of employment where a hazard may exist in the use of metalworking machinery. Press brakes and handheld portable powered tools are not included in this part.

History: 1954 ACS 79, p. 67, Eff. Apr. 16, 1974.

R 408.12602 Applicability.

Rule 2602. (1) A metalworking machine with the point of operation inaccessible or remote from the operator and other assigned employees shall not be required to have guarding for the point of operation.

(2) The general rules of this part shall apply to all metalworking machinery.

(3) The specific rules shall apply only to those metalworking machines specified.

History: 1954 ACS 79, p. 67, Eff. Apr. 16, 1974.

R 408.12603 Definitions; A to C.

Rule 2603. (1) "Aisle" means a designated path of travel for vehicles and employees.

(2) "Alligator shear" means a machine having a powered blade and a fixed blade which creates a shearing action when the moving blade meets the fixed blade.

(3) "Awareness device" means a device that will warn the operator that he is approaching the point of operation.

(4) "Barrier" means protection for an operator from a hazard point on machinery and equipment.

(5) "Boring machine" means a machine with a boring tool which, when brought into contact with metal by force, increases the size of a hole.

(6) "Circular metal saw" means a machine with a support for the material and with a circular blade which is used for cutting metal.

(7) "Cold header" means a machine consisting of a set of dies that, when closed by a ram with a hammer action, forms headed parts such as bolts or rivets from rod stock.

History: 1954 ACS 79, p. 67, Eff. Apr. 16, 1974.

R 408.12604 Definitions; F to L.

Rule 2604. (1) "Fixed barrier" means a type of guard, attached by fasteners that cannot be readily removed, that keeps the operator from the point of operation.

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(2) "Interlocked barrier" means a type of guard with a control interlocked with a machine circuit that will stop the machine if the barrier is removed or opened.

(3) "Lockout" means to secure by use of a lock.

History: 1954 ACS 79, p. 68, Eff. Apr. 16, 1974.

R 408.12605 Definitions; M to O.

Rule 2605. (1) "Metal band saw" means a machine equipped with 2 wheels on which a continuous blade rides against which the metal is pushed and cut.

(2) "Metal embossing machine" means a machine that imparts a design to a piece of metal by pressure.

(3) "Metalworking machinery" means a machine which removes, forms, works or shapes metal, or is used to assemble parts.

(4) "Milling machine" means a machine with a multi-edged revolving cutter which, when brought into contact with metal, makes a desired cut.

(5) "Multiple slide" means a machine with dies attached to ends of multiple slides which, when actuated, brings the dies together to pierce, form or bend coil stock into a desired shape.

(6) "Operator's position" means that location where an operator controls a machine or operation.

History: 1954 ACS 79, p. 68, Eff. Apr. 16, 1974.

R 408.12606 Definitions; P.

Rule 2606. (1) "Pay off," sometimes called a top hat, means an uncoiling device upon which the undrawn coil of wire rests.

(2) "Pinch point" means a point where it is possible to be caught between the moving parts of a machine and the material in process or between moving and stationary parts of a machine.

(3) "Planer" means a machine with a cutting tool held stationary while the work is moved back and forth underneath it to reduce 1 of its dimensions.

(4) "Point of operation" means that point at which cutting, shaping, working, assembly or forming is accomplished upon the stock.

(5) "Point of operation device" means a control or attachment which:

(a) Restrains the operator from inadvertently reaching into the point of operation.

(b) Prevents normal machine operation if the operator's hands are inadvertently within the point of operation.

(c) Automatically withdraws the operator's hands if they are within the point of operation as the machine cycles.

(6) "Powered bender" means a machine consisting of dies or fixtures located between a moving and a fixed machine part. When metal is placed between the parts, the moving part is pressed against the fixed part, bending the metal to a desired shape.

(7) "Powered feed rolls" means parallel rolls that run inward to move material into the point of operation of a machine.

(8) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area and to deactivate the point of operation when an operator's hand or other body part is within such field or area.

History: 1954 ACS 79, p. 68, Eff. Apr. 16, 1974.

R 408.12607 Definitions; R, S.

Rule 2607. (1) "Remote" means that the operator would not be required or expected to place any part of his body within the point of operation during any phase of the operation.

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(2) "Riveter" means a machine consisting of a ram with a tool attached so that when pressed against a fixed part with a rivet or other fastener in between, it will cause pieces of material to be joined together.

(3) "Roll form machine" means a machine with in-running rolls so arranged to form a desired shape of metal when the metal is fed through the rolls.

(4) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(5) "Slitter" means a machine with circular knives mounted on powered shafts with the cutting faces adjacent to each other in a manner that shears metal when it is fed through the knives.

(6) "Squaring shear" means a machine having a table and utilizing a driven ram with a blade for shearing action. The ram moves a nonrotary blade, at a constant rate, past the edge of a fixed blade at the table and cuts metal.

History: 1954 ACS 79, p. 68, Eff. Apr. 16, 1974.

R 408.12608 Definitions; T to W.

Rule 2608. (1) "Tumbling mill" means a machine with a powered revolving container which is used to dry, smooth or polish metal parts.

(2) "Wire drawing machine" means a machine that draws or pulls metal wire or rod through a predetermined size of die to reduce its diameter.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

R 408.12611 Employer responsibility.

Rule 2611. An employer shall:

(a) Provide training to each employee as to the potential hazards and safe operation of the assigned job.

(b) Maintain metalworking machinery, in conformance with this part.

(c) Establish and maintain a lockout procedure as prescribed in subrule (1) of R 408.12618.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

R 408.12612 Employee responsibility.

Rule 2612. An employee shall:

(a) Not use machinery and equipment unless authorized and trained in its use.

(b) Report defective machinery and equipment and hazardous conditions, when detected, to his supervisor.

(c) Not remove guards from machinery and equipment except when necessary for servicing. The guard shall be replaced before returning the machinery or equipment to normal operation.

(d) Not wear loose clothing and neckwear encircling the neck or exposed jewelry, such as rings and necklaces, near a machine having reciprocating or rotating shafts or spindles.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

R 408.12613 Personal protective equipment.

Rule 2613. (1) Eye protection shall be worn by all employees in an area where metalworking is performed as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(2) An employee shall wear personal protective equipment when required by the hazard of the job.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

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R 408.12614 Illumination.

Rule 2614. Machinery and equipment shall be provided with natural light, artificial light or both so that not less than 20 footcandles intensity falls on the operator's position.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

R 408.12615 Aisles, floors, and platforms.

Rule 2615. (1) The outline of a designated aisle shall be marked or otherwise indicated.

(2) A designated aisle shall be not less than 4 feet wide and access shall be maintained from a work station to an aisle.

(3) A designated aisle, floor work area or platform shall be maintained free of protruding objects, holes and accumulations of grease, oil or water which would constitute a hazard for an employee.

History: 1954 ACS 79, p. 69, Eff. Apr. 16, 1974.

R 408.12616 Machine and equipment installation.

Rule 2616. (1) A metalworking machine or equipment shall be installed so that the normal operator's position is not in an aisle, or the employee shall be protected by a standard barrier as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 of the Michigan Administrative Code.

(2) Metalworking machines and equipment, except portable types, shall be fastened to a floor, platform or bench to prevent tipping or inadvertent movement, or be equipped with nonslip pads.

(3) Electrically powered metalworking machines and equipment shall be grounded.

(4) Provision shall be made to prevent metalworking machines and equipment from automatically restarting upon restoration of power after a power interruption, if such restart would be hazardous.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974.

R 408.12617 Controls.

Rule 2617. (1) When a presence sensing device is used as a safety device, the control shall incorporate a fail safe feature.

(2) Machine start controls shall be designed and installed or guarded to prevent unintentional activation by contact with objects or a part of the body.

(3) A machine shall be provided with a stop device within reach of the operator's designated position.

(4) A foot control shall be provided with a cover or guard to prevent accidental activation. The construction of the cover or guard shall be as prescribed in rule 2351 of the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12351 of the Michigan Administrative Code.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974.

R 408.12618 Maintenance and lubrication.

Rule 2618. (1) A power source of any metalworking machine or equipment to be repaired or serviced shall be locked out and, where required, residual pressure relieved by each employee doing such work if unexpected motion would cause injury, except where power is essential for testing and set up.

(2) Lubrication shall be accomplished by 1 of the following:

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(a) Manually, when the machine can be shut off and locked out.

(b) Automatic pressure or gravity feed system.

(c) Extension pipe leading to an area outside of guards or away from any hazard.

(d) A means which would provide equal or greater protection to the employee than (a), (b) or (c).

(3) In any case, rule 732 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be followed.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974.

R 408.12619 Hydraulic and pneumatic systems.

Rule 2619. (1) A hydraulic or pneumatic system shall be designed and constructed to have a safety factor of not less than 4.

(2) Hydraulic or pneumatic flexible lines shall be protected from chaffing.

(3) When hydraulic, air or steam lines are bled, equipment supported by these systems shall be physically blocked or otherwise secured by means other than components in the circuit, to provide for the safety of employees working on or about the equipment.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974.

R 408.12620 Chip and splash guards.

Rule 2620. (1) Chips which create a hazard shall be controlled by a chip guard located between the point of operation and any employee within range.

(2) Where a machine uses a coolant, an employee shall be protected from coolant splash.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974.

R 408.12622 Electric magnets and vacuum chucks.

Rule 2622. (1) A grinding machine with a rotating table and equipped with a magnetic or vacuum chuck to hold the stock shall be interlocked to prevent contact between the stock and tool, unless the stock is secured to the table or chuck and the employee is protected by a guard capable of retaining flying stock within the machine.

(2) A grinding machine with a reciprocating table and equipped with a magnetic or vacuum chuck to hold the stock shall have an end guard to protect an employee from flying stock or tools, or the machine shall meet the following conditions:

(a) The machine shall be located so that, in case of chuck or magnet failure, any flying material or object will carry into a solid wall.

(b) The wall shall be covered with an energy absorptive material capable of absorbing the shock and preventing the ricocheting of flying materials. Plasterboard shall not be used where coolant is used in the operation.

(c) The machine shall be positioned so as not to allow room for an employee to pass between the machine and the wall.

History: 1954 ACS 79, p. 70, Eff. Apr. 16, 1974; 1954 ACS 99, p. 117, Eff. Apr. 18, 1979.

SPECIFIC EQUIPMENT

R 408.12631 Squaring shear.

Rule 2631. (1) A squaring shear, mechanical or manual, shall have 1 of the following:

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(a) The blade and hold-down clamp guarded by a fixed barrier set in accordance with figure 1.

(b) Automatic clamps set within ¼ inch of the table or stock with the cutouts filled in so that the fingers of the operator cannot enter the pinch point.

(c) A self-adjusting barrier with a limit of not more than ¼ inch above the table or material.

(2) Where small stock is being sheared, a pusher stick shall be provided and used.

(3) An employee tending the backside of a squaring shear shall be separated from the moving parts by a table, rack or chute, such as the back gauge, shear blade or work piece on which the sheared stock shall fall before being handled, or the point of operation shall be guarded as prescribed in subdivision (a) of subrule (1). The table, rack or chute shall maintain the employee's position not less than 3 feet from the point of operation or a hazardous moving part.

(4) An automatically fed squaring shear shall be guarded by a barrier so located to prevent access to the point of operation. The guard may be swung aside for hand feeding, providing the control is on inch setting.

FIGURE 1
Positioning of Guards

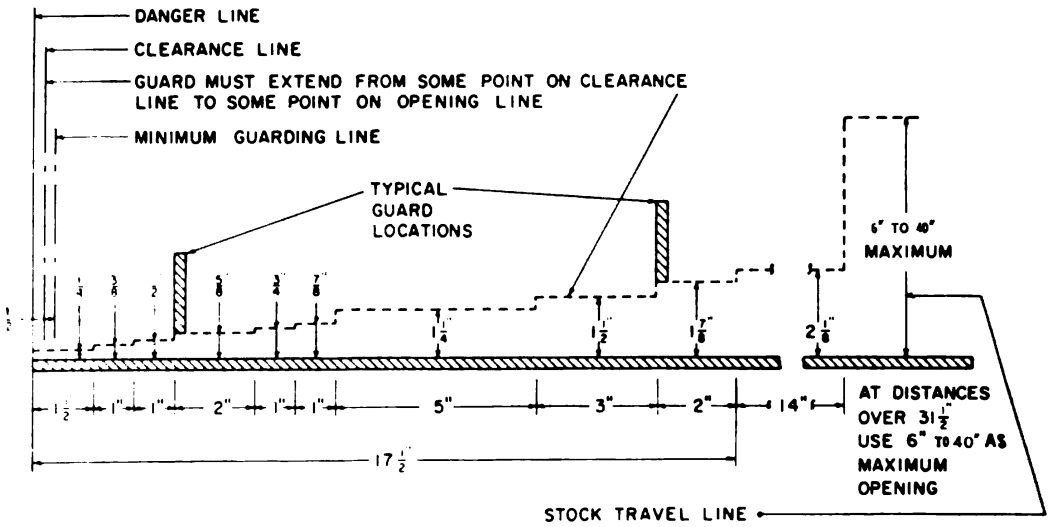


Figure 1 shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).

The clearance line marks the distance required to prevent contact between guard and moving parts.

The minimum guarding line is the distance between the infeed side of the guard and the danger line which is ½ inch from the danger line.

The various openings are such that for average size hands, an operator's fingers will not reach the point of operation.

After installation of point of operation guards, and before a job is released for operation, a check shall be made to vertify that the guard will prevent the operator's hands from reaching the point of operation.

History: 1954 ACS 79, p. 71, Eff. Apr. 16, 1974.

R 408.12632 Circular metal saws.

Rule 2632. (1) A circular metal saw shall meet all of the following:

(a) Have a guard made of material not less than ⅛ inch thick and capable of protecting the operator from broken teeth of the blade and chips. The guard shall enclose not less than the upper half of the blade, including the arbor and nut, and be positioned to stop sparks and chips from striking the operator.

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(b) Have a water tank below the table or an enclosure to trap sparks and chips.

(c) Have a braking means capable of stopping the saw within 20 seconds, or the operator shall stand by until the blade stops.

(2) A circular metal saw wheel or blade shall be operated at not more than its rated speed.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12633 Bar stock and rod machines, screw machines, and thread machines.

Rule 2633. A bar stock and rod machine, screw machine or thread machine shall have the bar stock extending beyond the machine guarded by a trough or tube, or shall be guarded by a standard barrier as prescribed in Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10201 to R 408.10241 of the Michigan Administrative Code.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12634 Planers.

Rule 2634. (1) A planer shall have the openings in the bed under the table covered, and have a barrier protecting an employee if the table or material travels within 18 inches of a fixed object, such as a wall or post.

(2) An employee shall not ride the table of a planer unless he is protected against falling off the table.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12635 Metal band saws.

Rule 2635. (1) A vertical metal band saw shall meet both of the following:

(a) Have all portions of the blade enclosed, except for the working portion of the blade.

(b) Have the band wheels fully enclosed by solid material around the periphery and solid mesh or perforated metal on front and back. The mesh or perforated metal shall be not less than .037 inch (gauge #20) and the openings not greater than ⅜ inch.

(2) The guard for the portion of the blade of a vertical metal band saw between the sliding guide and the upper saw wheel guard shall protect an employee from the blade at front and sides. This portion of the guard shall be adjustable and raised and lowered with the guide.

(3) A horizontal band saw shall be as prescribed in subrule (1).

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12636 Metal embossing machines.

Rule 2636. (1) A press type metal embossing machine shall be guarded at the point of operation as prescribed in the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12301 to R 408.12391 of the Michigan Administrative Code.

(2) A powered roll-type metal embossing machine shall be guarded as prescribed in R 408.12637.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12637 Powered feed rolls.

Rule 2637. Powered feed rolls shall have 1 of the following:

(a) The in-running side of the feed rolls guarded by a barrier, fixed or adjustable, so designed that the material can be fed without permitting the fingers to be caught between the feed rolls or feed rolls and guard.

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(b) An emergency stop device which can be activated by the body to stop the feed rolls. When an emergency stop device has been actuated, it shall be required that the machine be restarted manually.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12638 Wire drawing machines.

Rule 2638. (1) A wire drawing machine shall have 1 of the following:

(a) An emergency stop device adjacent to the block available to shut down the machine.

(b) An emergency stop device, such as a bar, rope or cable, along the operating side of a continuous drawing frame or unit so designed that the device will stop the machine at any point along the unit. When an emergency stop device has been actuated, the machine shall be restarted manually.

(2) The live block, capstan and straightening rolls of a wire drawing machine shall be enclosed with a barrier guard.

(3) A wire drawing machine shall be equipped with a stopping device so arranged to stop the block automatically if the operator can be caught in the wire or the reel drawn to the machine, or the area from and including the payoff to the machine shall be enclosed with a standard barrier as prescribed in R 408.1231 of Part 2. Floor and Wall Openings, Stairways and Skylights. The stop device shall be as prescribed in subdivision (b) of subrule (1).

(4) Where straightening rolls are not used, a snarl switch interlocked with the live block or capstan shall be provided.

(5) A pinch point less than 8 feet from a floor or platform, created by the moving wire or rod passing over or through the equipment, shall be guarded by a barrier if exposed to contact.

(6) All barrier guards or enclosures which can be removed or opened without tools shall be interlocked with the live block or capstan.

(7) A pinch pointer used to prepare wire or rod for insertion into a die shall be guarded if the opening is more than ¼ larger than the material being fed into it.

History: 1954 ACS 79, p. 72, Eff. Apr. 16, 1974.

R 408.12639 Boring, honing, reaming, and drilling.

Rule 2639. (1) When boring, honing, reaming or drilling:

(a) Chips, dust or sludge shall be removed by brush, tools or mechanical means. Where air pressure is used, the discharge of a hand held nozzle shall be less than 30 pounds per square inch under a static flow condition.

(b) Except for hand held honing, the work piece shall be secured by a device to prevent turning by the tool.

(c) Manual measuring at the point of operation shall be done only when the tool or rotating work piece has stopped.

(d) A vertical metal cutting machine with a rotary table shall have a rim guard either fixed or portable around the table of a height to cover any pinch point or rotating hazard at the lower side and to a point not less than 2 inches above the work piece or fixture, whichever is higher. Where the rotating table is at floor level, a removable standard barrier shall be installed as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 of the Michigan Administrative Code.

(e) Multiple-spindle heads, except when used for tapping and those with cam operated slides, shall have an emergency return control at each station.

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(2) A chuck key used on a drill press should be as prescribed in subrule (2) of R 408.12648.

History: 1954 ACS 79, p. 73, Eff. Apr. 16, 1974.

R 408.12640 Milling.

Rule 2640. When milling:

(a) Chips, dust or sludge shall be removed by a brush, tool or mechanical means. Where air pressure is used, the discharge of a hand-held nozzle shall be less than 30 pounds per square inch under a static flow condition.

(b) Manual adjustments or measurements at the point of operation shall be made only after the tool or work piece has stopped.

(c) Machine torque shall not be used to remove nuts.

(d) Except in a tool room type operation, the cutter shall be guarded with a self-closing enclosure or a barrier guard installed between the operator and the point of operation.

(e) The work piece shall be securely clamped before the table moves in the direction of the cutter, or the cutter moves to the work piece.

History: 1954 ACS 79, p. 73, Eff. Apr. 16, 1974.

R 408.12641 Roll-form machines.

Rule 2641. (1) Ninety days after the effective date of this part, an automatically fed roll-form machine shall have a shield running the entire length of the point of operation which will prevent horizontal access to the rolls or a continuous stop cable shall be provided along the length of the machine. The shield shall be secured to the machine.

(2) A manually fed roll forming machine shall be guarded as prescribed in R 408.12637.

History: 1954 ACS 79, p. 73, Eff. Apr. 16, 1974.

R 408.12642 Powered benders.

Rule 2642. (1) A powered bender shall have 1 of the following:

(a) A barrier or enclosure guard designed to protect the operator from the clamping point of operation.

(b) Be activated by a single stroke hand control device with 1 hand holding the work piece, remote from the point of operation or a single stroke foot control device where both hands hold the work piece, remote from the point of operation.

(c) A 2-hand single stroke control device.

(2) Where the sweep of the stock intrudes into the aisle or work area of another employee, or endangers the operator or other employees, a standard barrier, as specified in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 of the Michigan Administrative Code, shall be provided.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12643 Tumbling mills, barrels and revolving cylinders.

Rule 2643. (1) A tumbling mill, barrel or revolving cylinder shall have an enclosure to a height of 42 inches to protect an employee if there are any moving projections.

(2) The enclosure shall have an interlocked gate or barrier at the machine opening which shall cut the power off when the gate or barrier is removed. An inch control may be used for positioning or emptying when the gate or barrier is removed.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

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R 408.12644 Alligator shears.

Rule 2644. An alligator shear shall have the jaws enclosed with a guard which adjusts to the size and shape of the material.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12645 Riveters, braders and stakers.

Rule 2645. (1) A vertical or horizontal ram on a riveter, brader or staker shall be guarded by a barrier, device or enclosure to protect the operator from the point of operation or an awareness device shall be used to warn the operator he is approaching the point of operation. The guard shall extend to within ⅜ inch of the material.

(2) Lodged rivets shall be removed only by a tool.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12646 Powered clamping device.

Rule 2646. An operator of a powered clamping device, except a pivoted pillar buck used for holding a work piece, unless remote from the point of operation, shall be protected by 1 of the following:

(a) Guarded or adjusted so that the opening between the clamp and work piece insertion is not more than ¼ inch.

(b) Two-hand controls furnished to and used by each operator.

(c) A single control for each operator if the operator is remote from the point of operation.

(d) A means which would prevent the clamping device from closing while the employee is in the point of operation.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12647 Slitter.

Rule 2647. A slitter shall have:

(a) The in-running side guarded as specified in R 408.12637.

(b) A device to cut the scrap into short lengths or a rewinder to rewind the scrap for safe handling.

(c) A method to secure the loose end to the coil before removing it from the rewinder.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12648 Lathes.

Rule 2648. (1) A lathe face plate or chuck with projections on the periphery shall not be used unless guarded.

(2) A chuck key for a lathe chuck shall be 1 of the following:

(a) Counterweighted to return it to storage position.

(b) Interlocked to prevent the chuck from being power driven when the key is in the chuck.

(c) Spring loaded to eject it from the chuck.

History: 1954 ACS 79, p. 74, Eff. Apr. 16, 1974.

R 408.12649 Cold header.

Rule 2649. (1) The sliding head and the dies of a cold header shall be blocked before starting any service work on the dies.

(2) All points of operation from the straightening rolls to, and including the dies, shall be enclosed.

History: 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

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R 408.12650 Multiple slide machine.

Rule 2650. A multiple slide machine shall have all moving parts guarded by barriers or an enclosure.

History: 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

PART 27. WOODWORKING MACHINERY

R 408.12701 Scope.

Rule 2701. This part establishes standards for the safe installation, operation and maintenance of woodworking machinery and equipment, including the making of veneer. It deals primarily with point of operation hazards on woodworking machinery.

History: 1954 ACS 69, p. 74, Eff. Nov. 15, 1971.

R 408.12705 Definitions; A to C.

Rule 2705. (1) "Aisle" means a path of travel for vehicles and employees.

(2) "Band saw" means a machine equipped with a lower and an upper wheel on which a continuous blade rides and past which the material is pushed.

(3) "Block" means a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end and used for pushing stock over revolving cutters.

(4) "Circular saw" means a machine with a table to support the material and with a circular blade and used for ripping, cross-cutting dadoing and rabbeting.

(5) "Combination or universal machine" means a machine combining several operations, including but not limited to sawing, jointing and drilling.

(6) "Cutter head" means a powered holder for a cutting blade.

History: 1954 ACS 69, p. 74, Eff. Nov. 15, 1971.

R 408.12706 Definitions; D to J.

Rule 2706. (1) "Drag saw" means a chain saw on which an end of the chain arm is held at a fixed point with the opposite end moving in an arc downward through a log.

(2) "Guillotine veneer cutter" means a machine with a blade which cuts veneer by moving downward through the material, similar to a metal shear.

(3) "Interlocked barrier" means a guard attached to a machine and interlocked so that if the guard is not in place the machine will not start or, if running, the power will be cut off.

(4) "Inverted cut-off, jump saw" or "underslung saw" means a machine similar to a circular saw except the blade moves through stationary material.

(5) "Jointer" means a machine with a revolving cutter head set into an adjustable table over which the material is moved over the cutter head.

History: 1954 ACS 69, p. 75, Eff. Nov. 15, 1971.

R 408.12707 Definitions; M to P.

Rule 2707. (1) "Molding or sticker machine" means a machine equipped with revolving cutter heads and used to cut irregular contours on straight strips of wood.

(2) "Mortiser" means a boring machine used to cut square or rectangular holes.

(3) "Planer" means a machine with a revolving cutter head set above an adjustable table on which material is passed under the cutter head by powered rollers.

(4) "Point of operation" means the area of a machine where material is actually worked.

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(5) "Profile or swing head lathe" means a machine with multiple fixed knives suspended from a carriage over revolving stock which shapes the stock to a predetermined design.

(6) "Push stick" means a narrow strip of wood or other soft material with a notch or sharp point on 1 end which is used to push material through a point of operation.

History: 1954 ACS 69, p. 75, Eff. Nov. 15, 1971.

R 408.12708 Definitions; R to T.

Rule 2708. (1) "Radial saw" means a machine with a circular blade suspended from a horizontal arm which is pulled through the material.

(2) "Revolving tool lathe" means a lathe where revolving multiple cutters shape cut revolving stock held between 2 points.

(3) "Router" means a machine with a revolving vertical cutter and a motor suspended over a table and used to cut to a predetermined design.

(4) "Run" means the distance from pulley to pulley.

(5) "Swing saw" means a machine suspended above a table and equipped with a circular blade which swings forward from an overhead pivot point.

(6) "Tenoner" means a machine equipped with horizontal and vertical circular blades to cut tenons and perform trimming operations.

History: 1954 ACS 69, p. 75, Eff. Nov. 15, 1971.

R 408.12709 Definitions; V, W.

Rule 2709. (1) "Veneer clipper" means a machine which cuts multiple layers of veneer to predetermined sizes.

(2) "Veneer jointer" means a machine which machines the edges of veneer.

(3) "Veneer rotary lathe" means a machine which peels thin pieces of veneer from a log as it revolves past a blade.

(4) "Veneer slicer" means a machine which cuts thin pieces of veneer from a log by moving a vertical blade against the log.

(5) "Veneer splicer" means a machine which glues veneer along the edges to make a larger piece.

(6) "Walkway" means a path of travel for foot traffic only.

History: 1954 ACS 69, p. 75, Eff. Nov. 15, 1971.

R 408.12711 Plant layout; machinery.

Rule 2711. (1) A machine shall be located to allow space in which to handle material without interference from or to employees or machines. A machine shall not be so placed to require the operator to stand in an aisle unless protection is provided.

(2) A machine shall be secured to a floor, foundation, bench, table or stand of sufficient strength and design to prevent overturning or unintentional movement. This subrule does not apply to portable hand tools.

(3) A machine shall be located so that light of 50 footcandle power minimum intensity from both natural and artificial light falls on the work. Supplementary illumination at the point of operation shall be provided where necessary.

History: 1954 ACS 69, p. 76, Eff. Nov. 15, 1971.

R 408.12712 Plant layout; floors and aisles.

Rule 2712. (1) A floor shall be kept in good repair and free from protruding nails, holes, unevenness and loose boards.

(2) A floor at the operator's station of a machine shall be maintained free of any slip or trip hazard.

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(3) An aisle for powered traffic moving in 1 direction at a time shall be not less than the width of the widest vehicle or load plus 3 feet. An aisle for powered traffic moving in 2 directions at a time shall be not less than twice the width of the widest vehicle or load plus 3 feet. Lines shall be painted on the floor, or a similar method used to mark an aisle. This subrule applies to an aisle in a new layout after the effective date of this part. An existing aisle shall comply with this subrule by January 1, 1973.

(4) A walkway shall be kept clear of material and other obstructions.

History: 1954 ACS 69, p. 76, Eff. Nov. 15, 1971.

R 408.12714 Machines and equipment; construction.

Rule 2714. (1) The height of the table or working surface of a machine, auxiliary table and supports shall be designed to provide for safety of the operator. An auxiliary table or supports shall be provided so that large or unwieldy pieces can be handled safely.

(2) The vibration of a machine shall not create a hazard to the operator.

(3) An arbor and mandrel shall have a firm and secure bearing.

(4) The frames and all exposed metal parts of electric woodworking machinery shall be grounded. A portable motor driving an electric tool shall be grounded unless it has approved double insulation.

History: 1954 ACS 69, p. 76, Eff. Nov. 15, 1971.

R 408.12715 Machines and equipment; lock out procedure.

Rule 2715. A woodworking machine shall have a disconnect switch that can be locked in the off position. This rule does not apply to hand-held tools. An employer shall establish and maintain a lock out procedure. A machine connected to an electrical source by a plug-in cord shall be considered in compliance if the plug is disconnected and tagged.

History: 1954 ACS 69, p. 76, Eff. Nov. 15, 1971; 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.12716 Machines and equipment; controls.

Rule 2716. (1) A machine shall have a mechanical or electrical power control to permit the operator to cut off the power from the machine without leaving his position at the work station.

(2) A woodworking machine shall not automatically restart upon restoration of power after a power failure. A machine wired to a 110-volt line before the effective date of this part is excepted from this rule.

(3) Operating controls shall be located within reach of the operator while he is at his regular work station, making it unnecessary to reach over the cutters. The controls shall be installed to eliminate the danger of accidental activation. This subrule does not apply to a constant pressure control used only for setup purposes.

(4) An operating treadle shall be protected with a cover guard to prevent unexpected or accidental tripping.

(5) The control on hand-held, power driven tools shall be located so it cannot be accidentally activated.

(6) A hand-held, power driven saw shall have a "dead man" control, such as a spring-actuated switch, valve or equivalent device, so the power will be automatically shut off when the operator releases the control. This subrule applies to a control switch which can be locked in the "On" position.

History: 1954 ACS 69, p. 76, Eff. Nov. 15, 1971; 1954 ACS 80, p. 58, Eff. July 23, 1974.

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R 408.12717 Machines and equipment; self feed.

Rule 2717. Automatic feeding devices on a machine should be installed where the nature of the work will permit. The feed rolls or other moving parts on a feeder attachment shall be covered or guarded to protect the operator from in-running nip points.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971.

R 408.12718 Saws; general.

Rule 2718. (1) A wooden band-saw wheel not of commercial manufacture shall not be used.

(2) A cut-off saw that strokes automatically without the operator's control of each stroke shall have a guard to keep the operator's hands from getting in contact with a blade.

(3) An automatic cut-off saw that strokes continuously without the operator being able to control each stroke shall not be used.

(4) Lugs shall be cast on saw frame or tables or another means shall be provided to limit the saw blade size that can be mounted, to avoid overspeed caused by mounting a saw larger than intended.

(5) A circular saw fence shall be firmly secured to the table or table assembly without changing its alignment with the saw. For a saw with a tilting table or tilting arbor the fence shall remain in alignment with the saw, regardless of the angle of the saw with the table.

(6) A circular saw gauge shall slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the gauge.

(7) A hinged saw table in use shall be firmly secured in position and in true alignment with the saw.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971; 1954 ACS 90, p. 56, Eff. July 23, 1974.

R 408.12719 Saws; speeds.

Rule 2719. (1) The operating speed as designated by the manufacturer shall be etched or otherwise permanently marked on a circular saw blade more than 20 inches in diameter. A saw blade shall not be operated at a higher speed than shown on the blade.

(2) When a marked saw blade is retensioned for a different speed, the marking shall be corrected to show the new speed.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971.

R 408.12720 Cracked blades.

Rule 2720. A cracked circular saw blade shall not be repaired or used.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971.

R 408.12721 Saws; circular.

Rule 2721. The exposed part of a saw blade either beneath or behind a table shall be covered with an exhaust hood. If an exhaust system is not required, the exposed part shall be covered with a guard arranged to prevent accidental contact with the saw.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971.

R 408.12722 Circular saw guards.

Rule 2722. (1) A circular saw shall have a hood-type guard covering the blade at all times when not in use.

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(2) When in use, the hood type guard shall enclose that part of the blade above the table and that part of the blade above the material by adjusting automatically to the thickness of the material being cut, or it may be a fixed or manually adjusted hood type guard if the hood remains in contact with the material.

(3) A hood type guard shall be made of 14 gauge metal or thicker. Plastic may be used if it can resist blows and strains incidental to reasonable operation, adjusting and handling and is designed to protect the operator from flying splinters and broken saw teeth.

(4) The guard shall be made of material soft enough so that it will be unlikely to cause tooth breakage.

(5) The hood shall be mounted so that its operation will be positive, reliable and in true alignment with the saw. The mounting shall be of sufficient strength to resist any reasonable side thrust or other force tending to throw it out of line.

(6) Where a hood type guard cannot be used because of unusual shapes or cuts, a jig or fixture providing equal safety of the operator shall be used. On the completion of these operations, the guard shall be replaced immediately.

(7) A push stick shall be used in cutting short or narrow stock.

History: 1954 ACS 69, p. 77, Eff. Nov. 15, 1971; 1954 ACS 80, p. 57, Eff. July 23, 1974.

R 408.12723 Circular saw spreaders.

Rule 2723. A hand fed circular rip saw shall have a spreader to prevent material from squeezing the saw or being thrown back at the operator. The spreader shall be made of steel, or its equivalent, and shall be thinner than the saw kerf and slightly thicker than the saw disk. It shall be at least 1 inch wide at the table to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so it will remain in true alignment with the saw even when either the saw or table is tilted. It should be placed so there is not more than ½ inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. If a blade smaller than maximum permissible size is used, the spreader shall be moved to within ½ inch of the blade. A spreader need not be used in connection with grooving, dadoing or rabbeting. On the completion of such operations, the spreader shall be replaced immediately.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971.

R 408.12724 Nonkickback fingers or dogs.

Rule 2724. A hand fed circular rip saw shall have nonkickback fingers or dogs located to oppose the thrust or tendency of the saw to pick up the material or to throw it back at the operator. They shall be designed to provide holding power for all the thicknesses of material being cut.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971.

R 408.12725 Multiple arbor saw guards.

Rule 2725. Revolving multiple arbor saws shall be fully guarded in accordance with R 408.12722.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971.

R 408.12726 Circular resaw guards.

Rule 2726. (1) A circular resaw shall be guarded by a hood type guard or shield of metal above the saw. This guard or shield shall comply with R 408.12722.

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(2) Each circular resaw, except self-feed saws with a roller or wheel at back of the saw, shall have a spreader fastened securely behind the saw. The spreader shall be thinner than the saw kerf and slightly thicker than the saw disk.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971

R 408.12727 Self-fed circular saw hoods.

Rule 2727. (1) In addition to guards over blades, as specified in R 408.12722, feed rolls on a self-feed circular saw shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of not less than 14-gauge sheet metal or the equivalent, and the bottom of the guard shall come down to within ⅜ inch of the plane formed by the bottom of working surfaces of the feed rolls. This distance may be increased to ¾ inch if the lead edge of the hood is extended to not less than 5½ inches in front of the nip point between the front roll and the work.

(2) A self-feed circular rip saw shall have sectional nonkickback fingers along the full width of the feed rolls. They shall be located in front of the saw and arranged to be in continual contact with the wood being fed.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971; 1954 ACS 88, p. 94, Eff. Sept. 16, 1976.

R 408.12728 Swing and sliding cut-off saws.

Rule 2728. (1) Swing and sliding cut-off saws or any other saw mounted above the table, except radial saws, shall have a hood-type guard designed so the upper half of the blade, arbor, and nut will be covered at all times. A hood-type guard or a device shall cover the lower half of the blade. It shall automatically adjust to the thickness of the stock. It shall remain in contact with the stock or table as it moves forward to cut or returns to the back of the table. It shall be constructed of not less than 14 gauge sheet metal or equivalent material and designed to protect the operator from flying splinters and broken saw teeth.

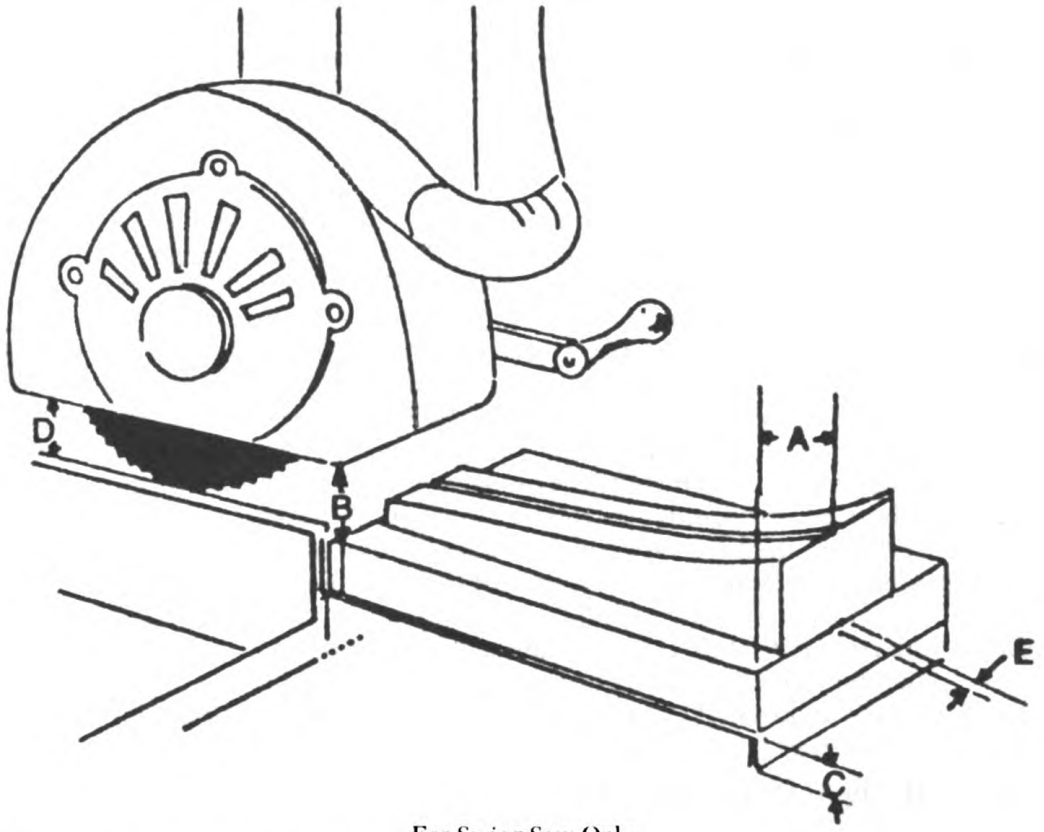
(2) A box-type guard, as prescribed in figure 1, or other fixed or adjustable barrier guard that prevents employee exposure to the saw blade, may be used to protect the operator from the bottom portion of the blade in lieu of the self-adjusting lower blade guard if the upper portion of the blade, including the saw arbor, is completely enclosed.

(3) A swing cut-off saw shall have an effective device to return the saw automatically to the back of the table when released at any point in its travel. The device shall not depend upon any rope, cord, or spring for its proper functioning. A device shall be installed that prevents a rebound of the saw blade. If there is a counterweight, bolts supporting the bar and counterweight shall have cotter pins, and the counterweight shall be prevented from dropping by a bolt passing through both the bar and counterweight or by a bolt put through the extreme end of the bar or, where the counterweight does not encircle the bar, by a safety chain attached to it. If the counterweight is exposed to contact, it shall be enclosed by a guard to the floor area guard that will hold twice the weight of the counterweight.

(4) A swing cut-off saw shall have limit chains or other equally effective devices to prevent the saw from swinging beyond the front or back edges of the table or beyond a forward position where the gullets of the lowest saw teeth will rise above the table top.

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FIGURE 1



For Swing Saw Only

A = Must be twice the "C" dimension, minimum 6 inches
B = ⅜ inch maximum
C = Open, depends on stock thickness
D = ⅜ maximum
E = ¼ inch maximum on each side of blade.

History: 1954 ACS 69, p. 78, Eff. Nov. 15, 1971; 1954 ACS 99, p. 117, Eff. Apr. 18, 1979.

R 408.12729 Inverted swing cut-off; jump saws; underslung saws.

Rule 2729. A hood type guard shall be securely fastened to the table that will cover the blade when running idle. The hood or guard shall extend not less than 2 inches in front of the saw teeth when the blade is in back position. A traveling guard shall move with the blade over the material and cover the exposed part of the blade above the material. The width of the hood shall be limited to provide not more than ¼ inch clearance on each side of the blade.

History: 1954 ACS 69, p. 79, Eff. Nov. 15, 1971.

R 408.12730 Radial saws.

Rule 2730. (1) The upper hood shall completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be constructed of not less than 14 gauge minimum sheet metal or equivalent material in a manner that protects the operator from flying splinters and broken saw teeth and deflects sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that automatically adjusts itself to the thickness of the stock and remains in contact with the stock being cut to give maximum protection possible for the operation being performed.

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(2) A box-type guard, as prescribed in figure 2, or other fixed or adjustable barrier guard that prevents employee exposure to the saw blade, may be used to protect the operator from the bottom portion of the blade in lieu of the self-adjusting lower blade guard if the upper portion of the blade, including the saw arbor, is completely enclosed.

(3) When radial saws are used for ripping, a spreader should be provided, in compliance with R 408.12733.

(4) Nonkickback fingers or dogs shall be located on both sides of each radial saw used for ripping to oppose the thrust or tendency of the saw to pick up the material or throw it back toward the operator. They shall be designed to provide adequate holding power for the total thickness of the material being cut.

(5) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. A limit chain or other equally effective device shall be provided to prevent the saw blade from sliding beyond the edge of the table or the table, at that place, shall be extended to eliminate overrun. The front end of the unit shall be slightly higher than the rear, or shall meet the requirements of R 408.12728(3), to cause the cutting head to return gently to the starting position when released by the operator. The slope shall not be enough to cause rebound.

(6) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label, colored standard danger red not less than 1½ inches by ¾ inch shall be affixed to the rear of the guard at approximately the level of the arbor, reading as follows: "DANGER: Do Not Rip or Plough From This End."

History: 1954 ACS 69, p. 79, Eff. Nov. 15, 1971; 1954 ACS 99, p. 119, Eff. Apr. 18, 1979.

R 408.12731 Portable circular saws.

Rule 2731. A portable, power driven saw shall have guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

History: 1954 ACS 69, p. 79, Eff. Nov. 15, 1971.

R 408.12732 Band saws.

Rule 2732. (1) All portions of the band saw blade shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide and the table.

(2) A band saw wheel shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be enclosed by either solid material, wire mesh, or perforated metal. Mesh or perforated metal shall be not less than 0.037 inch (U.S. gauge no. 20) and the openings shall be not more than ⅜ inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The upper wheel guard shall be made to conform to the travel of the saw on the wheel. The top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material.

(3) A guard for the portion of the blade between the sliding guide and the upper saw wheel guard shall protect the saw blade at the front and outer side. The guard shall be self-adjusting to raise and lower with the guide.

(4) The sliding blade guide shall be kept to within ¼ inch of the work piece.

History: 1954 ACS 69, p. 79, Eff. Nov. 15, 1971; 1954 ACS 88, p. 94, Eff. Sept. 16, 1976.

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R 408.12733 Band resaws; feed rolls.

Rule 2733. Feed rolls of band resaws shall be protected with a suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of 11 gauge sheet metal or stronger material, preferably metal. The edge of the guard shall come to within ⅜ inch of the plane formed by the inside face of the feed roll in contact with the stock being cut or the work table.

History: 1954 ACS 69, p. 80, Eff. Nov. 15, 1971.

R 408.12736 Jointers and planers; general.

Rule 2736. (1) Each hand fed planer and jointer with a horizontal or vertical head shall have a cylindrical cutting head, the knife projection of which shall not extend more than ⅛ inch beyond the cylindrical body of the head.

(2) Square cutting heads shall not be used on jointers and planers.

(3) The opening in the jointer table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than ⅛ inch. The table throat opening shall be not more than 2½ inches when tables are set or aligned for zero cut.

(4) A proper push block shall be used when jointing short or narrow stock.

History: 1954 ACS 69, p. 80, Eff. Nov. 15, 1971.

R 408.12737 Jointers; guards.

Rule 2737. (1) A hand fed jointer with a horizontal or vertical cutting head shall have an automatic guard covering all the sections of the cutting head on the working side of the fence or gauge. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall adjust itself automatically to cover the unused portion of the head, and shall remain in contact with the material at all times.

(2) A hand fed jointer with a horizontal cutting head shall have a guard covering the section of the head back of the gauge or fence.

(3) Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.

History: 1954 ACS 69, p. 80, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12739 Tenoning machines and automatic edge banders.

Rule 2739. (1) A tenoning machine and an automatic edge bander shall have all cutting heads and saws covered by guards. The guards shall cover at least the unused part of the periphery of the cutting head. If a guard is constructed of sheet metal, the material used shall be not less than 14 gauge in thickness. If cast iron is used, it shall be not less than 3/16 inch in thickness. Other materials of equivalent strength may be used. If interlocked barriers are used at load and unload ends the enclosure guards specified in this subrule need not be used. It is not required that the above hoods retain a thrown or broken knife.

(2) If an exhaust system is used on a tenoner or edge bander, the guard shall form part or all of the exhaust hood. It shall be constructed of material of a thickness not less than that specified in subrule (1).

History: 1954 ACS 69, p. 80, Eff. Nov. 15, 1971.

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R 408.12740 Double end tenoner drives.

Rule 2740. (1) Feed chains and sprockets of double end tenoning machines shall be completely enclosed, as prescribed in occupational safety standards commission standard, Part 7. Power Transmission Guarding, being R 408.10701 to R 408.10763 of the Michigan Administrative Code, except for that portion of chain used for conveying the stock.

(2) At the rear ends of frames over which feed conveyors run, sprockets and chains shall be guarded at the sides by plates projecting beyond the periphery of sprockets and the ends of lugs.

(3) The unloading end of the frame over which the feed conveyors run shall be extended so the material, as it leaves the machine, will be guided to a point where the operator cannot reach the point of operation.

History: 1954 ACS 69, p. 80, Eff. Nov. 15, 1971.

R 408.12741 Hold downs.

Rule 2741. Hold downs shall be guarded with an enclosure to within ¼ inch of the work piece or in accordance with table 1.

TABLE 1

Distance of Opening From Point of Operation Hazard	Maximum Width of Opening
½" to 1½"	¼"
1½" to 2½"	⅜"
2½" to 3½"	½"
3½" to 5½"	⅝"
5½" to 6½"	¾"
6½" to 7½"	⅞"
7½" to 12½"	1¼"
12½" to 15½"	1½"
15½" to 17½"	1⅞"
17½" to 31½"	2⅛"

This table shows the distances that guards shall be positioned from the danger line in accordance with the required feed openings.

History: 1954 ACS 69, p. 81, Eff. Nov. 15, 1971.

R 408.12742 Hand fed tenoners.

Rule 2742. Hand fed tenoning machines shall have a clamping or hold down device on the fixture to help the operator hold the material being cut.

History: 1954 ACS 69, p. 81, Eff. Nov. 15, 1971.

R 408.12744 Boring and mortising machines.

Rule 2744. (1) A safety bit chuck without projecting set screws shall be used on a boring or mortising machine.

(2) Boring bits should have a guard enclosing all portions of the bit and chuck above the material being worked.

(3) The top of the cutting chain and driving mechanism on a chain mortiser shall be enclosed.

(4) If there is a counterweight, it shall be guarded as prescribed in R 408.12728(2).

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(5) Universal joints and spindles of boring machines shall be guarded to prevent accidental contact by the operator.

History: 1954 ACS 69, p. 81, Eff. Nov. 15, 1971.

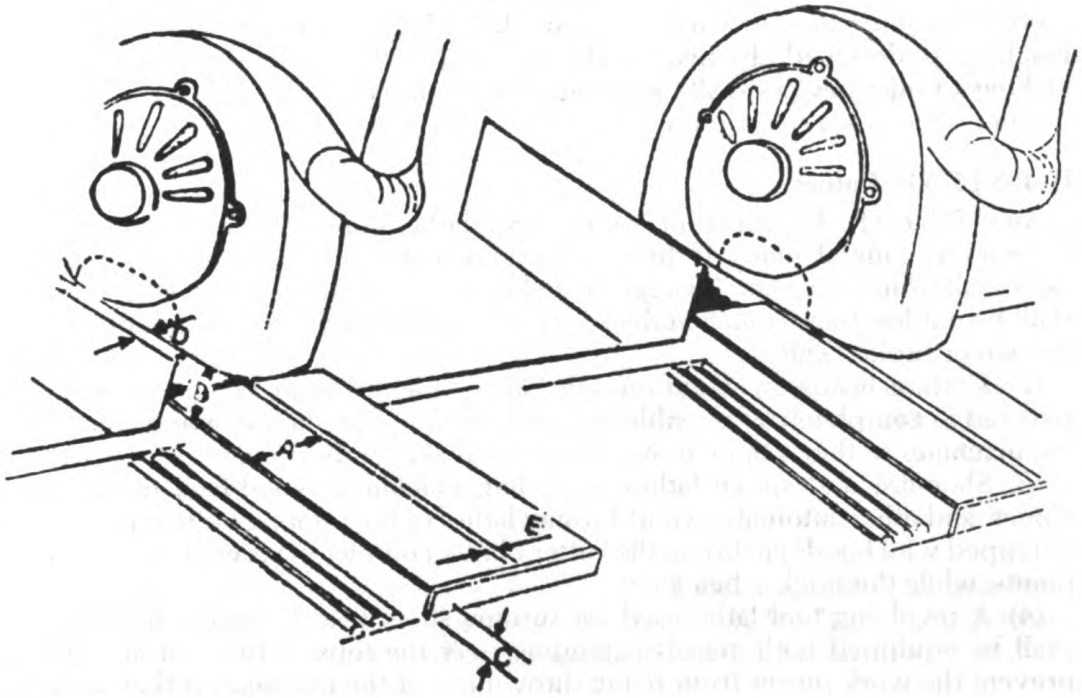
R 408.12751 Wood shapers.

Rule 2751. (1) The cutting heads of a wood shaper, hand fed panel raiser, or a similar machine that is not automatically fed shall be enclosed with a cage or adjustable guard designed to prevent contact with cutter blades by the operator's hands. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter. A warning device of leather or other material shall not be attached to the spindle. Prototype operations, involving a single item, where an unusual configuration precludes the use of a guard, is exempt from this rule.

(2) Cylindrical heads should be used whenever the nature of the work permits their use. Single cutter knives in shaper heads shall not be used unless they are properly balanced.

(3) Templates, jigs, and fixtures that remove the operator's hands from the point of operation shall be used whenever the nature of the work permits their use.

FIGURE 2



"A" dimension must be 6 inches minimum or twice "C" dimension.
"B" dimension is ⅜ inch maximum.
"D" dimension is ⅜ inch maximum.
"E" dimension is ¼ inch maximum on each side of blade.
Top of side barriers must be within ⅜ inch of bottom of guard when saw is retracted. Dotted line in bottom of guard shows possible relief if teeth are not exposed.

History: 1954 ACS 69, p. 81, Eff. Nov. 15, 1971; 1954 ACS 99, p. 119, Eff. Apr. 18, 1979.

R 408.12752 Double spindle shapers.

Rule 2752. Double spindle shapers shall be provided with a spindle starting and stopping device for each spindle.

History: 1954 ACS 69, p. 81, Eff. Nov. 15, 1971.

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R 408.12755 Planing, molding, sticking, and matching machines.

Rule 2755. (1) Each planing, molding, sticking, and matching machine shall have all cutting heads and saws covered by a metal guard. If the guard is constructed of sheet metal, the material used shall be not less than 14 gauge in thickness or the equivalent. If cast iron is used, it shall be not less than 3/16 inch in thickness. It is not required that the hoods retain a thrown or broken knife.

(2) If an exhaust system is used, the guards shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subrule (1).

History: 1954 ACS 69, p. 82, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12756 Feed rolls.

Rule 2756. (1) A feed roll on a planing, molding, sticking or matching machine shall be guarded by a hood or suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be fastened to the frame carrying the rolls so as to remain in adjustment for any thickness of stock.

(2) Surfacers or planers used in thicknessing multiple pieces of material simultaneously shall have sectional infeed rolls with sufficient yield in the construction of the sections to provide feeding contact pressure on the stock over the permissible range of variation in stock thickness specified or for which the machine is designed. In lieu of the yielding sectional rolls, suitable section kickback finger devices shall be provided at the infeed end.

History: 1954 ACS 69, p. 82, Eff. Nov. 15, 1971.

R 408.12759 Lathes.

Rule 2759. (1) A profile or swing-head lathe shall have all cutting heads covered by a metal guard. If the guard is constructed of sheet metal, the material used shall be not less than 14 gauge in thickness or equivalent. If cast iron is used, it shall be not less than 3/16 inch in thickness. It is not required that the hoods retain a thrown or broken knife.

(2) Cutting heads on wood-turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so they can be moved back for making adjustments.

(3) Shoe-last and spoke lathes, doweling machines, wood-heel turning machines, and other automatic wood-turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely, except at the contact points, while the stock is being cut.

(4) A revolving tool lathe used for turning stock held between the 2 centers shall be equipped with guards extending over the tops of the tool in order to prevent the work pieces from being thrown out of the machines if they become loose.

(5) A revolving tool lathe shall be equipped with a suction hood properly connected to an exhaust system. The hood shall be formed over the revolving tools to serve as a guard. They shall be constructed of metal of a thickness not less than that specified in subrule (1).

History: 1954 ACS 69, p. 82, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12761 Sanding machines.

Rule 2761. Feed rolls of self-feed sanding machines shall be protected with a semi-cylindrical guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of

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not less than 18 gauge sheet metal or stronger material, preferably metal, and shall be firmly secured to the frame carrying the rolls to remain in adjustment for any thickness of stock. The bottom of the guard should come down to within ⅜ inch of a plane formed by the bottom or contact face of the feed roll where it touches the stock.

History: 1954 ACS 69, p. 82, Eff. Nov. 15, 1971.

R 408.12762 Drum sanding machines.

Rule 2762. A drum sanding machine shall have an exhaust hood, or other guard if an exhaust system is not required, arranged to enclose the revolving drum, except for that portion of the drum above the table.

History: 1954 ACS 69, p. 82, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12763 Disk sanding machines.

Rule 2763. A disk sanding machine shall have the exhaust hood, or other guard if an exhaust system is not required, arranged to enclose the revolving disk, except for that portion of the disk above the table. The distance between the disk and the table edge shall be not more than ¼ inch.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12764 Belt sanding machines.

Rule 2764. (1) Belt sanders shall have all pulleys enclosed including sides and periphery except the working end of an edge sander. An exhaust hood may be part of the guard.

(2) The edges of the unused run of the belt shall be guarded.

(3) These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971; 1954 ACS 88, p. 95, Eff. Sept. 16, 1976.

R 408.12767 Combination or universal woodworking machines.

Rule 2767. On combination or universal woodworking machines, each point of operation shall be guarded as specified in the rules of this part for each separate machine. The machines shall have a separate stopping and starting device for each point of operation.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

R 408.12768 Routers.

Rule 2768. The pulleys, spindles and cutting tools on routers shall be guarded. Turn plates, jigs and fixtures requiring the operator's hands to be removed from the point of operation may be used as a point of operation guard.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

R 408.12769 Roll type glue spreaders.

Rule 2769. (1) The feed rolls on a roll type glue spreader shall be guarded at all nip points. The bottom of the guard at the feed side shall come to within ⅜ inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.

(2) A reversing bar or switch, or a kick plate may be used in addition to the nip guard.

(3) The rolls shall be fully opened when they are being cleaned.

(4) A long-handled brush or swab shall be used to clean them.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

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R 408.12770 Other machines not excluded.

Rule 2770. The mention of specific machines in R 408.12721 to R 408.12769 does not exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of these machines.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

R 408.12773 Veneer steaming and soaking vats.

Rule 2773. (1) The sides of veneer steam and soaking vats shall extend to a height of not less than 36 inches above the floor, working platform or ground or all sides shall be enclosed with a standard barrier as prescribed in occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.

(2) Large veneer steam and soaking vats divided into sections shall have a walkway between sections. A walkway shall have a standard barrier, as prescribed in occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, on each exposed side. The handrails may be removed if necessary but shall be immediately replaced. If the size of the stock handled permits, it is advisable to keep the size of the vat sections to 9 feet or less.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

R 408.12774 Vat loading and unloading.

Rule 2774. One or more of the following means shall be used in loading and unloading veneer steam and soaking vats:

(a) The employee shall be provided with a safety belt attached to a lifeline of ¾ inch manila rope or ½ inch nylon rope. The lifeline shall be attached to a traveling trolley on a monorail or to a fixed anchorage or similar arrangement. The lifeline shall be permanently adjusted so that if the employee slips, falls or trips he cannot fall into the vat.

(b) Mechanical handling or conveying equipment shall be provided and designed so the logs are removed without the assistance of an employee at the edge of the veneer steam and soaking vat.

(c) The floor surface at the sides of the vats being used shall be anti-slip.

History: 1954 ACS 69, p. 83, Eff. Nov. 15, 1971.

R 408.12776 Ventilation.

Rule 2776. (1) Veneer steam and soaking vats should be located in buildings or in special sheds heated in cold weather to keep the amount of steam at a minimum.

(2) Means shall be provided to ventilate buildings in which steam and soaking vats are located. High ceilings with roof ventilators or louvers are desirable. Where ceilings or roofs are under 15 feet, exhaust fans shall be provided.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

R 408.12779 Log handling equipment.

Rule 2779. All gears, sprockets and other dangerous parts on cranes and log trolleys shall be enclosed with guards as prescribed in occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10701 to R 408.10763 of the Michigan Administrative Code. The use of log trolleys or cranes is urgently recommended except where the stock handled is very small.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

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R 408.12781 Drag saws.

Rule 2781. A drag saw shall be located to allow at least a 4-foot clearance for passage when the saw is at the extreme end of the stroke. If such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard barrier as prescribed in occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

R 408.12784 Veneer cutters.

Rule 2784. (1) Slicer knives shall be guarded at both front and rear to prevent accidental contact with the knife edge.

(2) Veneer slicers and rotary veneer cutting lathes shall be shut off when logs are inserted or adjustments are made.

(3) Operators shall not ride the carriage of a veneer slicer.

(4) Power driven guillotine veneer cutters shall have 1 or both of the following:

(a) Starting devices which require the simultaneous action of both hands to start the cutting motion and of at least 1 hand on a control during the complete stroke of the knife.

(b) An automatic guard which will remove the hands of the operator from the danger zone at every descent of the blade, used in conjunction with 1 hand starting devices which require 2 distinct movements of the device to start the cutting motion and designed to return positively to the nonstarting position after each complete cycle of the knife.

(5) Where 2 or more employees are engaged at the same time on the same power driven guillotine veneer cutter, it shall have 2 hand controls for each employee and the device shall be arranged so each employee is required to use both hands simultaneously on the controls to start the cutting motion and at least 1 hand of each employee on a control to complete the cut.

(6) Power driven guillotine veneer cutters, other than continuous trimmers, shall be provided with an emergency device to prevent the machine from operating in the event of failure of the brake when the starting mechanism is in the nonstarting position, in addition to the brake or other stopping mechanism.

(7) Where practicable, hand and foot-power guillotine veneer cutters shall be provided with rods or plates, or other satisfactory means, so arranged on the feeding side that the hands cannot reach the cutting edge of the knife while feeding or holding the stock in place.

(8) Whenever veneer slicers or rotary veneer-cutting machines have been shut down for the purpose of inserting logs or making adjustments, operators shall make sure that the machine is clear and other workmen are not in a hazardous position before starting the machine.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971; 1954 ACS 88, p. 98, Eff. Sept. 16, 1976.

R 408.12785 Veneer clippers.

Rule 2785. (1) A veneer clipper shall have a guard to keep the fingers from the point of operation while feeding or removing the stock.

(2) The sprockets on a chain or slat belt conveyor of a veneer clipper shall be enclosed. It is recommended that conveyors or traveling tables be installed to remove material from clippers.

(3) Where 2 or more operators work on a veneer clipper, each shall have a control button which shall be pressed simultaneously to activate the machine.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

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R 408.12786 Veneer splicer.

Rule 2786. A veneer splicer shall have a barrier at the feed end to keep fingers from the in-running pinch point.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

R 408.12787 Veneer jointers.

Rule 2787. Saw blades and vertical heads on a veneer jointer shall be enclosed and 2-hand controls shall be provided for each operator and shall be held down until the cut is complete. Pinch points formed by a moveable bed shall be guarded.

History: 1954 ACS 69, p. 84, Eff. Nov. 15, 1971.

R 408.12791 Operating rules; inspection and maintenance.

Rule 2791. (1) A supervisor or employee shall not remove or make inoperable any safety device or guard specified in this standard.

(2) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at a normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(3) Knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. If 2 or more knives are used in 1 head, they shall be properly balanced.

(4) Bearings shall be kept free of lost motion and shall be well lubricated.

(5) Arbors of circular saws shall be free from play.

(6) The sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill.

(7) Shavings and dust shall be removed to prevent a hazardous accumulation.

(8) A saw blade, cutter head, or tool collar shall not be placed or mounted on a machine arbor unless the tool has been machined as to size and shape to fit the arbor.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971; 1954 ACS 80, p. 57, Eff. July 23, 1974; 1954 ACS 88, p. 98, Eff. Sept. 16, 1976.

R 408.12792 Operating rules; selection of machines.

Rule 2792. Machines shall not be used for operations of such variety as to necessitate the removal of safeguards suitable for the usual service. The specific operations involving special hazards shall be assigned to machines suitable for such work.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

R 408.12793 Operating rules; saws.

Rule 2793. (1) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a wobble saw is prohibited.

(2) Tension on a band saw and resaw should be released from the blade when it is not in use.

(3) The back thrust shall be adjusted carefully to the normal position of the band saw blade.

(4) A band saw shall not be stopped quickly by thrusting a piece of wood against the cutting edge of teeth when the power is off.

(5) Twists or kinks in a band saw blade shall be promptly removed.

(6) To avoid vibration, brazed or butt joints shall be the same thickness as the band saw blade.

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(7) To detect cracks or other defects, each band saw blade shall be carefully examined as it is put on and taken off the band wheel. Cracked saws or saws which indicate probability of breakage shall be removed promptly to avoid injury both to the saw and to the operator.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

R 408.12795 Operating rules; jointers.

Rule 2795. The minimum length of the piece jointed shall be not less than 4 times the distance between the 2 tables. Neither half of the jointer table should be adjusted horizontally so that the clearance between the edge of the table and the revolving knives is more than ¼ inch.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

R 408.12796 Operating rules; lathes.

Rule 2796. Material in a lathe shall be fastened securely to faceplates or between centers.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

R 408.12797 Guard substitutes.

Rule 2797. Combs, featherboards, or suitable jigs shall be provided at the work place for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding, and rabbeting, as prescribed in R 408.12722(6).

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971; 1954 ACS 88, p. 98, Eff. Sept. 16, 1978.

R 408.12798 Clothing.

Rule 2798. Anti-kickback aprons shall be provided and worn where material can be kicked back. Loose flowing garments, sleeves and neckties shall not be worn by operators of machines. Gloves should not be worn while operating machines.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

R 408.12799 Selection and training of operators.

Rule 2799. Before an inexperienced workman is permitted to operate a woodworking machine, he shall be given careful instructions in the hazards of the machine and the safe method of operation.

History: 1954 ACS 69, p. 85, Eff. Nov. 15, 1971.

PART 31. PERSONAL PROTECTIVE EQUIPMENT GENERAL PROVISIONS

R 408.13101 Scope.

Rule 3101. This part provides specifications, methods and frequency of testing and the requirements for use of personal protective equipment for employees in, around or about a place of employment.

History: 1954 ACS 82, p. 104, Eff. Dec. 31, 1974.

R 408.13102 Applicability.

Rule 3102. (1) Rules covering foot protection, safety nets, safety belts and harnesses, lifelines, lanyards, gloves and body protection shall apply to all places of employment except construction and mining.

(2) Rules covering electrical protective equipment shall apply to those employees working on energized conductors and apparatus, except construction employees.

History: 1954 ACS 82, p. 104, Eff. Dec. 31, 1974.

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R 408.13104 Definitions; A to F.

Rule 3104. (1) "Apparatus" means electrical equipment.

(2) "Bare handed technique" means a method of working on energized conductors by isolating the employee from any ground potential and by placing the employee in continuous firm contact with the energized electric field.

(3) "Conductor" means a material such as a bus bar, wire or cable suitable for carrying an electric current.

(4) "Electrical worker" means an operational or maintenance employee working on electrical conductors or equipment, except mining and construction operations.

(5) "Energized," sometimes known as live, means to be electrically charged, or that to which voltage is being applied.

(6) "Foot or toe protection" means a device or equipment such as, but not limited to, safety toe footwear, toe protectors or foot guards that protect an employee's foot or toes against injury.

History: 1954 ACS 82, p. 105, Eff. Dec. 31, 1974.

R 408.13105 Definitions; I to L.

Rule 3105. (1) "Inservice load" means an imposed physical load on a safety belt or harness from a free fall of more than 3 feet.

(2) "Insulated barrier" means a separation from another conducting surface by a dielectric substance or air space.

(3) "Isolated" means that all energized conductors or the exposed energized parts of equipment are isolated from the work area by an insulated barrier. Conductors may be isolated by moving them out of reaching distance by use of hot line tools.

(4) "Lanyard" means a tether attached to a safety belt or harness at 1 end and to a life line or fixed object at the other.

(5) "Lifeline" means a rope line, except where used in tree trimming, attached at 1 end to a fixed object or attended by a person and to which a safety belt or lanyard is secured.

History: 1954 ACS 82, p. 105, Eff. Dec. 31, 1974.

R 408.13106 Definitions; R, S.

Rule 3106. (1) "Reaching distance" means the employee's reach as extended by a conductive material or equipment.

(2) "Safety belt" means a belt worn around the waist and capable of restraining a pull or fall of an employee.

(3) "Safety harness" means a belt with a shoulder strap worn around the waist and shoulder, and capable of restraining a pull or fall of an employee.

(4) "Safety strap" means a restraining line secured at both ends to a safety belt or harness to hold an employee to a fixed object.

(5) "Safety toe footwear" means footwear containing a safety toe box of steel or equivalent material capable of meeting the requirements of this part.

(6) "Supplier" means a manufacturer or an authorized dealer representative.

History: 1954 ACS 82, p. 105, Eff. Dec. 31, 1974.

FOOT PROTECTION

R 408.13111 Certification.

Rule 3111. Safety toe footwear for men purchased from a supplier 90 days after the effective date of this part shall bear a permanent mark to show the

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manufacturer's name or trademark and certification of compliance with U.S.A. standard, Z41.1-1967, men's safety toe footwear, which is incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018 or the Michigan Department of Labor, 300 E. Michigan Avenue, Lansing, Michigan 48926 at a cost of $2.75 each.

History: 1954 ACS 82, p. 105, Eff. Dec. 31, 1974.

R 408.13112 Toe protection.

Rule 3112. Where toe protection other than safety toe footwear is worn, the toe protection shall have an impact value of not less than that required for the safety toe footwear.

History: 1954 ACS 82, p. 105, Eff. Dec. 31, 1974.

R 408.13113 Foot protection, requirements.

Rule 3113. (1) An employee shall wear foot protection, toe protection or both when the conditions of regularly assigned jobs would be likely to cause a foot injury.

(2) Safety shoes and boots, which are not worn over shoes, worn by more than 1 employee shall be maintained, cleaned and sanitized inside and out before being issued to another employee.

(3) Where a hazard is created from a process, environment, chemical or mechanical irritant, which would cause an injury or impairment to the feet by absorption or physical contact, other than from impact, footwear such as boots, overshoes, rubbers, wooden-soled shoes or their equivalent shall be provided and worn.

History: 1954 ACS 82, p. 106, Eff. Dec. 31, 1974.

ELECTRICAL PROTECTIVE EQUIPMENT

R 408.13121 Certification.

Rule 3121. (1) Rubber insulating gloves, rubber matting for use around electrical apparatus, rubber insulating blankets, rubber insulating hoods, rubber insulating line hose and rubber insulating sleeves for an electrical worker purchased 90 days after the effective date of this part shall bear a permanent mark to show the manufacturer's name or trademark and certification of compliance with the appropriate ANSI standard, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor:

(a) J6.6-1971, rubber insulating gloves.
(b) J6.7-1935 (1971), rubber matting for use around electric apparatus.
(c) J6.4-1971, rubber insulating blankets.
(d) J6.2-1950 (1971), rubber insulating hoods.
(e) J6.1-1950 (1971), rubber insulating line hose.
(f) J6.5-1971, rubber insulating sleeves.

(2) These standards may be purchased as a unit from the American National Standards Institute, 1430 Broadway, New York, New York 10018 or the Michigan Department of Labor, 300 E. Michigan Avenue, Lansing, Michigan 48926 at a cost of $1.75 each unit.

(3) Materials other than rubber that offer equivalent or greater protection may be used for items (a) to (f) if they are certified by the manufacturer to meet the appropriate ANSI standard tests.

History: 1954 ACS 82, p. 106, Eff. Dec. 31, 1974.

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R 408.13122 Inspection.

Rule 3122. (1) Personal protective equipment for an electrical worker, except matting, hoods and hoses, shall be given a visual inspection and an electrical test by a trained employee or outside service within 12 months after purchase and at intervals of at least 12 months thereafter. The equipment shall be dated or coded with the date of purchase or issuance and date of periodic test. The electrical test shall be performed in accordance with the applicable American national standards institute standard listed in R 408.13121.

(2) Equipment listed in R 408.13121 shall be visually inspected by the using employee before each use. Where insulating gloves are required and used, they shall be manually air tested daily before starting work.

(3) Equipment not meeting the electrical test requirements, visual inspection or manual air test due to flaws, scuffs, snags and punctures shall not be used.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

R 408.13123 Requirements for use.

Rule 3123. (1) An insulated barrier, blanket, hood or line hose shall be capable of withstanding the voltage to which it may be subjected.

(2) Exposed conductors, equipment or both, except that being directly worked on and energized from 750 volts to 28,000 volts phase to ground, into which an employee may reach or touch, shall be isolated or covered with not less than 1 of the following:

(a) Insulating blanket.

(b) Insulating hoods.

(c) Insulating line hose.

(d) Insulating barrier.

(3) An employee shall wear insulating gloves and sleeves capable of withstanding the imposed voltage when performing the following:

(a) When working directly on or within reaching distance of a conductor or equipment at a nominal 750 volts or more phase to ground, except when using bare hand techniques or a hot stick. Sleeves shall not be required for an employee performing routine switching operations in a substation or powerhouse. An employee using gloves and sleeves and working directly on or within reaching distance of a conductor or equipment energized at more than 5,000 volts phase to ground shall do so from an insulated platform or board or an aerial device with an insulated basket.

(b) Connecting or disconnecting primary neutrals, pole ground wires or other conductors normally connected to static wires or energized equipment except the gloves and sleeves need not be worn while connecting and disconnecting a service neutral or secondary neutral.

(c) Working on a deenergized conductor which extends into an area in which contact may be made with an energized conductor or exposed parts of energized equipment, unless it is grounded or isolated. Insulating sleeves are optional at voltages less than 750 volts phase to ground.

(4) An employee shall wear insulating gloves capable of withstanding the imposed voltage when performing the following:

(a) When working with a powered or manual hole digger while using booms or using winch lines to install or remove poles or equipment where it may contact conductors or equipment energized at a voltage of 300 volts or more phase to ground. An employee need not wear the gloves while in the enclosed cab of the equipment.

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(b) When working directly on a conductor or equipment energized at a voltage of more than 240 volts phase to ground. This does not include the use of test equipment.

History: 1954 ACS 82, p. 106, Eff. Dec. 31, 1974.

OTHER PROTECTIVE EQUIPMENT

R 408.13133 Safety belts, safety harnesses, lifelines, and lanyards.

Rule 3133. (1) Unless a safety net is used as prescribed in R 408.40603 of the construction safety commission standard, Part 6. Personal Protective Equipment, or an employee is protected by a perimeter guard rail or is working on a portable ladder, the employee shall be safeguarded by a safety belt or safety harness secured to a lifeline or structure capable of sustaining the imposed load, whenever the employee's work station is more than 25 feet above the ground, floor, water or other surface. The safety belt and harness and any lifeline and lanyard shall be used only for safeguarding the employee. A safety belt, safety harness, lifeline or lanyard subjected to inservice loading, rather than static loading, shall be removed from service and shall not be used again for employee safeguarding.

(2) Safety belt, safety harness and lanyard hardware shall be made of cadmium plated drop forged or pressed steel or metal of equivalent strength with edges free of sharp edges. The safety belt and lanyard hardware shall withstand a tensile load of 4,000 pounds without cracking, breaking or permanent deformation. A lineman's body belt "D" ring and snaps shall withstand 5,000 pounds tensile test and the buckle 2,000 pounds tensile test.

(3) A lifeline shall be secured above the employee's workplace to an anchorage of structural member capable of supporting a dead weight of not less than 5,400 pounds.

(4) A lifeline shall be not less than ¾-inch manila or a material of equivalent strength, having a breaking strength of not less than 5,400 foot pounds except where the lifeline is used on rock-scaling operation or in areas where the lifeline may be subject to cutting or abrasion, the line shall be not less than ⅞-inch manila rope with a wire core.

(5) A lanyard or safety strap shall be not less than ½-inch nylon or its equivalent with a maximum length to provide a free fall of not more than 6 feet. The breaking strength of the lanyard shall be not less than 5,400 pounds.

(6) A safety belt, safety strap, safety harness, lanyard or lifeline, including the hardware, shall be inspected before each daily use.

(7) A safety belt, safety harness, lifeline or lanyard shall be stored in a clean dry area away from excessive heat or other deteriorating condition.

(8) A lifeline or lanyard made of synthetic fibers shall not be kinked, run over sharp corners, used when frozen, left in freezing temperatures when wet or exposed to sources of ignition or flame.

History: 1954 ACS 82, p. 107, Eff. Dec. 31, 1974.

R 408.13134 Gloves; general.

Rule 3134. (1) Unless an entanglement hazard exists, an employee required to handle work pieces wet with a liquid which irritates the skin or creates a health hazard by absorption shall be provided and shall wear gloves unaffected by such a liquid and of a length to prevent entrance of the liquid into the tops of the gloves.

(2) The interiors shall be kept free of corrosive or irritating contaminants. Where more than 1 employee wears a pair of gloves, the gloves shall be sanitized before reissuance.

History: 1954 ACS 82, p. 107, Eff. Dec. 31, 1974.

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R 408.13135 Body protection.

Rule 3135. An employee required to work in a manner that his clothing becomes wet by a condition other than the weather and perspiration, shall be provided and shall wear such aprons, coats, jackets, sleeves or other garments as required to keep his clothing dry. The material shall be unaffected by the wetting agent. Provision of dry, clean, acid resistant clothing along with rubber shoes or short boots and an apron shall be considered a satisfactory substitute where small parts are cleaned, plated or acid dipped in an open tank.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

PART 32. HEAD PROTECTION EQUIPMENT

R 408.13201 Scope.

Rule 3201. This part includes requirements for provision by an employer and use by the employees of head protection equipment where workers are required to be present in areas where a hazard exists from falling or flying objects or from other harmful contacts or exposures or where there is a risk of injury from electric shock, hair entanglement, chemicals or temperature extremes.

History: 1954 ACS 62, p. 43, Eff. May 18, 1970.

R 408.13203 Definitions.

Rule 3203. (1) "Bump hat or cap" means a device worn on the head to protect the wearer from bumps or blows but which does not meet the requirements of class A, B, C, and D protective helmets.

(2) "Hair enclosure" means a hat, cap or hair net specifically designed to protect the wearer from hair entanglement in moving machinery.

(3) "Hood" means a device that is worn to provide protection against acids, chemicals, abrasives and temperature extremes and entirely encloses the whole head including face and neck. Air line hoods and hoods used to protect wearers from inhalation of harmful atmospheres are not included in this part.

(4) "Protective helmet," "protective hat or cap," or "safety hat or cap" means a rigid device, often referred to as a safety cap or hat, that is worn to provide protection for the head or portions thereof against impact, flying particles or electric shock or any combination thereof, and which is held in place by a suitable suspension.

History: 1954 ACS 62, p. 43, Eff. May 18, 1970.

R 408.13205 Certification.

Rule 3205. A protective helmet purchased 90 days after the effective date of this rule shall bear on the inside of the shell a certificate by the manufacturer that a class A, C, or D helmet has been produced according to American national standards institute standard, Z 89.1-1969, or that a class B helmet has been produced according to American national standards institute standard, Z 89.2-1971, which are incorporated herein by reference and are available for inspection at the Lansing office of the Michigan department of labor. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018 or the Michigan Department of Labor, 300 East Michigan, Lansing, Michigan 48926 at a cost of $3.25 each.

History: 1954 ACS 71, p. 72, Eff. May 17, 1972.

R 408.13211 Employers' and employees' responsibilities.

Rule 3211. (1) An employer shall provide suitable head protection equipment when such equipment is necessary to protect his employees from the potential

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hazards mentioned in R 408.13201. An employer shall provide accessories designed for use with head protection equipment and which are suitable for their intended purpose. An employer shall provide service facilities for the sanitizing and replacement of needed parts when necessary and before head protection equipment is reissued.

(2) Head protection equipment that has been physically altered or damaged shall not be worn or reissued to an employee.

(3) An employee shall use the provided head protection equipment in accordance with instructions and training received. An employee shall not physically alter, and shall guard against damage to, the head protection equipment provided. An employee shall not use head protection equipment provided that has been physically altered or damaged.

History: 1954 ACS 62, p. 44, Eff. May 18, 1970.

R 408.13221 Protective helmets.

Rule 3221. (1) Protective helmets or safety hats and caps shall be of the following types:

Class A—Limited voltage protection
Class B—High voltage protection
Class C—No voltage protection
Class D—Limited voltage protection—fire fighters service helmets with full brim.

(2) A class C helmet or any metallic head device shall not be furnished by an employer or used by an employee for head protection except where it has been definitely determined that the use of other types is impractical, such as deterioration from chemical reaction.

(3) A protective helmet furnished by an employer shall be identified on the inside of the shell with the name of the manufacturer.

(4) When used in conjunction with protective helmets, face shields, welding helmets and goggles shall meet the requirements set forth in occupational safety standards commission standard, Part 35. Eye Protection, being R 408.13501, et seq. of the Michigan Administrative Code, and Michigan department of public health standards for hearing protection.

(5) Winter liners and chin straps used in conjunction with class B helmets for high voltage protection shall not contain any metallic parts or other conductive materials. Winter liners and chin straps used in areas where there is a danger of ignition from heat, flame or chemical reaction shall be made of materials that are nonburning or flame retardant.

(6) Bump hats or caps or other limited protection devices shall not be used as a substitute for protective helmets for the hazards described in R 408.13201.

History: 1954 ACS 62, p. 44, Eff. May 18, 1970.

R 408.13222 Rescinded.

History: 1954 ACS 62, p. 44, Eff. May 18, 1970; rescinded 1954 ACS 71, p. 72, Eff. May 17, 1972

R 408.13231 Hoods.

Rule 3231. (1) A hood shall be made of materials that combine mechanical strength and lightness of weight to a high degree, shall be nonirritating to the skin when subjected to perspiration, and shall be capable of withstanding frequent cleaning and disinfection. Materials used in the manufacture of hoods shall also be suitable to withstand the hazards to which the user may be exposed.

(2) A hood shall bear a permanent and legible marking by which the manufacturer may be readily identified.

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(3) A hood shall be designed to provide adequate ventilation for the wearer. Where air lines are used they shall be installed and used in accordance with Michigan department of public health standards.

(4) A protective helmet shall be used in conjunction with a hood where there is a head injury hazard and the hood shall be designed to accommodate such helmet.

History: 1954 ACS 62, p. 45, Eff. May 18, 1970.

R 408.13241 Hair enclosures.

Rule 3241. (1) A hat, cap or net shall be worn by a person where there is danger of hair entanglement in moving machinery or equipment, or where there is exposure to means of ignition. It shall be designed to be reasonably comfortable to the wearer, completely enclose all loose hair and be adjustable to accommodate all head sizes. Material used for a hair enclosure shall be fast dyed, nonirritating to the skin when subjected to perspiration and capable of withstanding frequent cleaning. It shall not be reissued from 1 employee to another unless it has been thoroughly sanitized.

(2) A hair enclosure used in an area where there is a danger of ignition from heat, flame or chemical reaction shall be made of materials that are nonburning or flame retardant.

History: 1954 ACS 62, p. 45, Eff. May 18, 1970.

PART 35. FACE AND EYE PROTECTION
GENERAL PROVISIONS

R 408.13501 Scope.

Rule 3501. This standard shall apply to all places of employment in this state and includes requirements by the employer and use by the employee of eye and face protective equipment and provides reasonable and adequate means, ways and methods for the proper selection and safe use of this equipment.

History: 1954 ACS 65, p. 34, Eff. Oct. 15, 1970.

R 408.13503 Definitions; A to E.

Rule 3503. (1) "Absorptive lens" means a filter lens whose physical properties are designed to attenuate the effects of glare, reflective and stray light.

(2) "Cover lens" means a removable disc of colorless glass, plastic coated glass or plastic that covers a filter lens and protects it from weld spatter, pitting or scratching when used in a goggle.

(3) "Cover plate" means a removable pane of colorless glass, plastic coated glass or plastic that covers a filter plate and protects it from weld spatter, pitting or scratching when used in a helmet, hood or goggle.

(4) "Eye size" means a measurement expressed in millimeters and denoting the size of the lens-holding section of an eye frame.

History: 1954 ACS 65, p. 34, Eff. Oct. 15, 1970.

R 408.13504 Definitions; F, G.

Rule 3504. (1) "Face shield" means a device worn in front of the eyes and a portion or all of the face, whose predominant function is protection of the eyes and face.

(2) "Filter lens" means a removable disc in the eyecup of a goggle that absorbs varying proportions of the ultraviolet, visible and infrared rays according to the composition and density of the lens.

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(3) "Filter plate" means a removable pane in the window of a helmet, hood or goggle that absorbs varying proportions of the ultraviolet, visible and infrared rays according to the composition and density of the plate.

(4) "Goggle" means a device with contour shaped eyecups or facial contact with glass or plastic lenses, worn over the eyes and held in place by a headband or other suitable means, for the protection of the eyes and eye sockets.

History: 1954 ACS 65, p. 34, Eff. Oct. 15, 1970.

R 408.13505 Definitions; H, I.

Rule 3505. (1) "Headband" means that part of a goggle, helmet or hood suspension consisting of a supporting band that encircles the head.

(2) "Headgear" means that part of a protective helmet, hood or face shield that supports the device on the wearer's head, usually consisting of a headband and crown strap.

(3) "Hood" means a device that completely covers the head, neck and portions of the shoulders.

(4) "Interpupillary distance" means the distance in millimeters between the centers of the pupils of the eyes.

History: 1954 ACS 65, p. 34, Eff. Oct. 15, 1970.

R 408.13506 Definitions; L to R.

Rule 3506. (1) "Lens" means the transparent glass or plastic device through which a wearer of protective goggles or spectacles sees.

(2) "Lens, corrective" means a lens ground to the wearer's individual corrective prescription.

(3) "Lens, plano" means a lens which does not incorporate correction.

(4) "Lift front" means a type of mounting frame for a welding helmet, hood or goggles which is made of 2 connected parts: the front part, which can be removed from the line of vision, contains the high density filter plate with its cover plate, and the back part, which is fixed to the helmet, contains a low density or clear impact resistant plate.

(5) "Protector" means a device that provides eye or face protection against the hazards of processes encountered in employment.

(6) "Radiant energy or radiation" means 3 kinds of radiant energy which are pertinent to this standard: (a) ultraviolet, (b) visible light and (c) infrared.

History: 1954 ACS 65, p. 35, Eff. Oct. 15, 1970.

R 408.13508 Definitions; S, T.

Rule 3508. (1) "Sanitizing" means an act or process of destroying organisms that may cause disease.

(2) "Shield" means a device to be held in the hand, or supported without the aid of the operator, whose predominant function is protection of the eyes and face.

(3) "Side shield" means a device of metal, plastic or other material fixed to a spectacle lens frame to protect an eye from side exposure.

(4) "Snood" means a flexible attachment to the back of a hood or helmet for protection against injury to the back of the head and neck.

(5) "Spectacle" means a device patterned after conventional type spectacle eyewear but of more substantial construction, with or without side shields, and with plano or corrective impact resistant lenses of clear or absorptive filter glass or plastic.

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(6) "Temple" means that part of a spectacle or other protector extending to and dropping behind the ear of the wearer and intended to position the device before the eyes.

(7) "Temple length" means the measured length of a temple designated in inches.

History: 1954 ACS 65, p. 35, Eff. Oct. 15, 1970.

R 408.13511 Certification.

Rule 3511. All eye and face protection devices, or if impractical the container for the device, shall bear a certification after October 15, 1971, by the manufacturer that the device, covered by this part, has been produced according to American national standards institute, standard no. Z-87.1-1968, which is incorporated herein by reference. This standard may be purchased from American National Standards Institute, 1430 Broadway, New York, New York 10018 at a cost of $4.50 each or from the Michigan Department of Labor, 300 East Michigan, Lansing, Michigan 48926.

History: 1954 ACS 65, p. 35, Eff. Oct. 15, 1970.

R 408.13512 Employers' and employees' responsibilities.

Rule 3512. (1) Face and eye protection in a manner provided by this part is required where there is a probability of injury that can be prevented or reduced by such protection.

(2) An employer shall provide a type of protector suitable for the work to be performed, and an employee shall use such protector.

(3) An unprotected person shall not knowingly be subjected to an environmental condition hazardous to face and eyes.

(4) A suitable eye protector shall be provided where machines or operations present the hazard of flying object, glare, liquids, injurious radiation or a combination of these hazards.

History: 1954 ACS 65, p. 35, Eff. Oct. 15, 1970.

R 408.13513 General requirements for protection.

Rule 3513. (1) A face or eye protector shall meet the following minimum requirements:

(a) It shall protect against the particular hazards for which it is designed.

(b) It shall fit snugly and shall not unduly interfere with movements of the wearer.

(c) It shall be capable of withstanding sanitizing.

(2) A protector shall be distinctly marked to identify the manufacturer.

(3) Limitations or precautions indicated by the manufacturer shall be transmitted to the user and care taken to see that they are strictly observed.

History: 1954 ACS 65, p. 35, Eff. Oct. 15, 1970.

R 408.13514 Maintenance and cleanliness of protectors.

Rule 3514. (1) A face or eye protector shall be kept clean and in good repair.

(2) Cleaning facilities for protectors shall be provided away from the hazard, but readily accessible to the wearer.

(3) A slack, wornout, sweat-soaked, knotted or twisted headband shall be replaced.

(4) A face or eye protector is a personal item and shall be for the individual and exclusive use of the person to whom it is issued. If circumstances require reissue, the protector shall be thoroughly cleaned, sanitized and in good condition.

History: 1954 ACS 65, p. 36, Eff. Oct. 15, 1970.

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WELDING HELMETS AND HAND SHIELDS

R 408.13521 Purposes, types, styles, and marking.

Rule 3521. (1) The devices described in R 408.13521 to R 408.13531 are designed to provide protection for the face, eyes, ears and neck against intense radiant energy and spatter resulting from welding.

(2) A helmet and a hand shield are the only permissible types.

(3) A helmet and a hand shield shall be made with the same basic design and of the same basic materials, an opaque, bowl shaped, or modified bowl shaped device containing a window with filter plate which allows the wearer to see the radiant object, yet prevents harmful intensities of radiation from reaching his eyes. A helmet shall be supported on the head by an adjustable headgear. A hand shield shall have a handle attached to the bottom by which it is held in the hand. The basic designs may be modified to provide protection against special hazards, but modified equipment shall meet the same requirements as the basic design.

(4) A helmet and a hand shield shall bear a permanent and legible marking by which the manufacturer may be readily identified.

History: 1954 ACS 65, p. 38, Eff. Oct. 15, 1970.

R 408.13522 Rigid helmet bodies.

Rule 3522. A helmet body of a rigid helmet shall be of such size and shape as to protect the face, forehead, ears and neck to a vertical line back of the ears. It shall have 1 or more openings in the front for filter plates or filter lenses. The helmet body shall be attached to the headgear so that it will not come in contact with any part of the head and so that it can be lifted up from in front of the face and hold its position in front of the head. The helmet body shall be made of vulcanized fiber, reinforced plastic or other suitable material which shall be thermally insulating, noncombustible or slow burning, opaque to visible, ultraviolet and infrared radiations and capable of withstanding sanitizing. The inside of the helmet body shall have a low light reflecting finish. Rivets or other metal parts, if terminating on the inside surface, shall be adequately separated from the wearer's head.

History: 1954 ACS 65, p. 38, Eff. Oct. 15, 1970.

R 408.13523 Rigid helmet headgear or cradles.

Rule 3523. A rigid helmet shall have a headgear or cradle that shall hold the helmet body comfortably and firmly on the wearer's head, but shall permit the helmet body to be tilted back over the head. The headgear shall be readily adjustable for all head sizes from 6¼ to 7⅞, without the use of tools. The headgear shall be made of materials which are thermally insulating, noncombustible or slow burning, resistant to heat and capable of withstanding sanitizing. Where required, the headgear shall be fitted with a removable and replaceable sweatband covering at least the forehead portion of the headband. The sweatband shall be made of leather or other suitable material which is slow burning and nonirritating.

History: 1954 ACS 65, p. 38, Eff. Oct. 15, 1970.

R 408.13524 Rigid helmet headgear substitutes.

Rule 3524. A headgear for a rigid helmet may be replaced by an impact resistant hat or cap that meets requirements of Part 32. Head Protection Equipment of the occupational safety standards commission standard, being R 408.13201 to R 408.13241 of the Michigan Administrative Code, or other suitable device to which the helmet body is connected, if the helmet body can be lifted and adjusted to permit unobstructed vision or lowered to furnish complete

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protection, as required. The alternative device shall meet the requirements for sanitizing and resistance to heat, and, in addition, shall meet the applicable requirements of any additional functions such as protection against falling objects.

History: 1954 ACS 65, p 38, Eff Oct. 15, 1970.

R 408.13525 Rigid helmet filter plates.

Rule 3525. (1) A filter plate on a rigid helmet shall be of such dimensions as to fit into the frame and to cover the window.

(2) Both surfaces of a filter plate shall be well polished, and shall be free from striae, waves or other defects which would impair their optical quality. Filter plate surfaces shall be flat and substantially parallel.

(3) A filter plate shall conform to the radiant energy transmittance requirements shown in table 1 for shades 4.0 through 14.0.

(4) When specified, a filter plate shall be impact resistant, unless impact resistant eye protection is worn in conjunction with a welding helmet.

(5) A filter plate shall be marked with the shade designation and a permanent and legible marking by which the manufacturer may be readily identified. In addition, a glass filter plate, when treated for impact resistance, shall be marked with the letter "H."

(6) A cover plate, made of plain glass, of glass coated on 1 or on both sides with plastic, or of a slow burning solid plastic sheet shall be used to protect a filter plate from damage. The cover plate shall be the same peripheral size and shape as the filter plate, and the thickness of a cover plate shall not be less than 0.050 inches. It shall transmit not less than 75% of the luminous radiation and shall be substantially free from optical imperfections.

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TABLE 1

Transmittances and Tolerances in Transmittance of Various Shades of Absorptive Lenses, Filter Lenses and Plates

Shade Number	Optical Density			Luminous Transmittance			Maximum Infrared Transmittance Percent	Maximum Spectral Transmittance in the Ultraviolet and Violet			
	Maximum	Standard	Minimum	Maximum Percent	Standard Percent	Minimum Percent		313 mu Percent	334 mu Percent	365 mu Percent	405 mu Percent
1.5	0.26	0.214	0.17	67	61.5	55	25	0.2	0.8	25	65
1.7	0.36	0.300	0.26	55	50.1	43	20	0.2	0.7	20	50
2.0	0.54	0.429	0.36	43	37.3	29	15	0.2	0.5	14	35
2.5	0.75	0.643	0.54	29	22.8	18.0	12	0.2	0.3	5	15
3.0	1.07	0.857	0.75	18.0	13.9	8.50	9.0	0.2	0.2	0.5	6
4.0	1.50	1.286	1.07	8.50	5.18	3.16	5.0	0.2	0.2	0.5	1.0
5.0	1.93	1.714	1.50	3.16	1.93	1.18	2.5	0.2	0.2	0.2	0.5
6.0	2.36	2.143	1.93	1.18	0.72	0.44	1.5	0.1	0.1	0.1	0.5
7.0	2.79	2.571	2.36	0.44	0.27	0.164	1.3	0.1	0.1	0.1	0.5
8.0	3.21	3.000	2.79	0.164	0.100	0.061	1.0	0.1	0.1	0.1	0.5
9.0	3.64	3.429	3.21	0.061	0.037	0.023	0.8	0.1	0.1	0.1	0.5
10.0	4.07	3.857	3.64	0.023	0.0139	0.0085	0.6	0.1	0.1	0.1	0.5
11.0	4.50	4.286	4.07	0.0085	0.0052	0.0032	0.5	0.05	0.05	0.05	0.1
12.0	4.93	4.714	4.50	0.0032	0.0019	0.0012	0.5	0.05	0.05	0.05	0.1
13.0	5.36	5.143	4.93	0.0012	0.00072	0.00044	0.4	0.05	0.05	0.05	0.1
14.0	5.79	5.571	5.36	0.00044	0.00027	0.00016	0.3	0.05	0.05	0.05	0.1

History: 1954 ACS 65, p. 37, Eff. Oct. 15, 1970.

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R 408.13526 Nonrigid helmets.

Rule 3526. A helmet may be made of nonrigid materials where it is to be used in confined spaces, or may be collapsible for convenience in carrying or storing. The helmet may be of the same general shape as a rigid helmet except that a more complete covering of the top of the head is necessary in order to maintain the face, side and windows in proper position. The requirements for the filter plates, cover plates and lens mounting frame are the same as for a rigid helmet. A headgear may be used. The material shall be nonconducting and opaque to ultraviolet, visible and infrared radiations. Stitched seams shall be welted. No stitching shall be exposed.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

R 408.13528 Hand shields.

Rule 3528. A hand shield shall be constructed of materials similar to those used for a helmet and in like manner. The materials, lens mounting arrangement, and filter and cover plates shall conform to the requirements for the corresponding parts of the helmet body with headgear. The handle shall be made of a material that is a nonconductor of electricity and is noncombustible or slow burning. It shall be of such size and shape as to be held easily by 1 hand and shall be firmly attached to the lower portion of the shield. A hand shield intended for use by other than a welding operator shall have filter and cover plates suitable for the intended use.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

R 408.13530 Helmet and hand shield lift fronts and chin rests.

Rule 3530. (1) The lift front of a helmet shall be fabricated from metal, plastic or other suitable material. A snap hinge shall be provided so that the front part will stay up or down but will not remain in a partially opened position. The lift front seal against the helmet shall be light tight. The lift front shall be designed to accommodate 3 plates: a clear impact resisting plate in the back or fixed part; a filter plate, impact resisting when specified; and a cover plate in the front part. The back or fixed part plate shall be clear heat treated glass or plastic not more than $\frac{3}{16}$ inch thick or less than $\frac{1}{8}$ inch and capable of withstanding the impact test.

(2) To avoid contact of a helmet or hand shield with the face of the wearer, a chin rest or adjustable position stop shall be provided. They shall be constructed of suitable, rigid material and shall be detachable from the body of the helmet or hand shield.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

R 408.13531 Helmet snoods, neck protectors, and aprons.

Rule 3531. (1) A snood or back-of-head-and-neck protector where required shall be of material that is flame resistant, that is a good insulator of heat and electricity, and that is capable of withstanding sanitizing. They shall be designed for easy attachment to the helmet, helmet headgear or cradle.

(2) An apron or bib where required for a helmet shall be of nonflammable, nonconducting material that is flexible and capable of withstanding sanitizing.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

R 408.13533 Effect of head protection standards.

Rule 3533. The characteristics and performance requirements of these rules for welding helmets shall in no way be altered through their attachment to protective hats and caps, as required by Part 32. Head Protection Equipment, of the

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occupational safety standards commission standard, being R 408.13201 to R 408.13241 of the Michigan Administrative Code.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

FACE SHIELDS

R 408.13541 Purposes and uses.

Rule 3541. (1) The devices described in R 408.13541 to R 408.13547 are designed to provide protection to the front part of the head including forehead, cheeks, nose, mouth and chin, and to the neck, where required, from flying particles and sprays of hazardous liquids, and to provide filter protection where required. Such devices shall be worn over suitable basic eye protection devices.

(2) Typical uses for face shields include, but are not limited to, the following situations:

(a) Woodworking operations where chips and particles fly.

(b) Metal machining causing flying particles.

(c) Buffing, polishing, wire brushing and grinding operations causing flying particles or objects.

(d) Spot welding.

(e) Handling of hot or corrosive materials.

History: 1954 ACS 65, p. 39, Eff. Oct. 15, 1970.

R 408.13542 Types and materials.

Rule 3542. (1) Face shields are of 3 basic styles: headgear without crown protector; headgear with crown protector; headgear with crown protector and chin protector. Each of these styles shall accommodate any of the following styles of windows:

(a) Clear transparent.

(b) Colored transparent.

(c) Wire screen.

(d) Combination of plastic and wire screen.

(e) Fiber window with filter plate mounting.

(2) Materials used in the manufacture of a face shield shall be nonirritating to the skin when subjected to perspiration, and shall be capable of withstanding frequent sanitizing. Metals, when used, shall be resistant to corrosion. Plastic materials shall be slow burning. Clear or colored plastic materials used in windows shall be of an optical grade. Plastic windows shall not be used in connection with welding operations unless they meet the requirements of table 1 of this part.

History: 1954 ACS 65, p. 40, Eff. Oct. 15, 1970.

R 408.13543 Components.

Rule 3543. A face shield shall consist of a detachable transparent plastic window, wire screen window or opaque frame with window, a tilting support, an adjustable headgear and, as required, a crown protector and chin protector.

History: 1954 ACS 65, p. 40, Eff. Oct. 15, 1970.

R 408.13544 Windows.

Rule 3544. (1) A window shall be designed to fit the contour of the window support.

(2) A window supporting or window holding member, which shall be a band or crown protector, shall be attached to the headgear. The window support shall

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position the window in front of the face to provide clearance for the nose and eyeglasses of the wearer.

(3) The attachment of the window to the window support shall be secure and shall permit easy removal and replacement. The several sizes and types of windows for a face shield shall be interchangeable for attachment to the window support.

(4) A plastic or wire screen window without frame shall be not less than 9½ inches wide at the top and 8½ inches wide at the bottom, measured over its curved surfaces when attached and in position on the window support, and not less than 6 inches high. A window, when used in a frame, shall be not less than 4 inches wide and 2 inches high, and the frame shall conform to the dimensions specified for a window without a frame. A plastic window shall be not less than 0.040 inch nominal thickness.

(5) The exposed borders of a wire screen window shall be suitably bound or otherwise finished to eliminate sharp, rough or unfinished edges. A wire screen window shall not be less than 20-mesh screen.

(6) A window support shall be pivotally attached to the sides of the headgear to permit easy tilting, either upward, or downward, of the supporting member and of the window attached thereto. The window shall be capable of being tilted sufficiently upward so that the center of its bottom edge shall be out of the line of horizontal vision. The tension of the tilting mechanism shall be sufficient to hold the window without slippage in either the up or down position.

History: 1954 ACS 65, p. 40, Eff. Oct. 15, 1970.

R 408.13545 Headgear.

Rule 3545. (1) A headgear shall consist of at least a headband and a crown strap. The headgear shall be made from materials having a low heat conductivity. The design shall hold the window and window support comfortably and firmly in place on the wearer's head, and shall provide for tilting the window away from the face.

(2) A headgear shall be readily adjustable to head sizes from 6¼ to 7⅞ without the use of tools. The crown strap or band shall be attached to and extend between the front and rear centers or from the middle sides of the headband. It shall form an arc over the head to assist in positioning and holding the headgear in place. An adjusting device shall be positive and hold firmly in place after being adjusted. Its mechanisms and movements shall be protected so that the wearer's hair cannot catch in the device.

(3) For greater protection, a headgear may be replaced by an impact resistant hat or cap to which the window support is connected. The attachment may be either rigid or swiveled. If swiveled, the design shall permit lifting and adjusting of the window to permit unobstructed vision or lowering to furnish protection.

History: 1954 ACS 65, p. 40, Eff. Oct. 15, 1970.

R 408.13546 Crown and chin protectors.

Rule 3546. (1) A crown protector and chin protector shall be made of material having an impact resistance not less than that of the plastic window. When the crown protector is used in conjunction with the chin protector for protection against sprays of hazardous liquids, the assembly of the crown protector and window support and the assembly of the chin protector and window shall not allow liquids to pass through any opening in the assembly and reach the face, forehead or chin of the wearer.

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(2) A crown protector shall be shaped to cover at least the frontal portion of the head and shall extend around each side at least to a vertical line at the front of the ears. It may be an integral part of the window support or a separate assembly. The design shall provide a comfortable clearance over the forehead and head of the wearer.

(3) A chin protector shall be shaped to cover at least the chin and upper part of the neck. The design shall provide a comfortable clearance under the chin of the wearer.

History: 1954 ACS 65, p. 41, Eff. Oct. 15, 1970.

R 408.13547 Marking.

Rule 3547. (1) When a face shield is used in atmospheres or working areas requiring special conditions of nonconductivity or nonsparking, materials used shall meet these requirements. A face shield shall be plainly and permanently labeled, identifying it as a "nonconductive face shield" or "nonsparking face shield."

(2) A headgear and a plastic window shall bear a permanent and legible marking by which the manufacturer may be readily identified. A window offered for protection against glare shall also bear its shade designation.

History: 1954 ACS 65, p. 41, Eff. Oct. 15, 1970.

EYE PROTECTORS

R 408.13551 Types.

Rule 3551. (1) A person whose vision requires the use of corrective lenses in spectacles, and who is required by this part to wear eye protection, shall wear goggles or spectacles of 1 of the following types:

(a) Spectacles whose protective lenses provide optical correction.

(b) Goggles that can be worn over corrective spectacles without disturbing adjustment of the spectacles.

(c) Goggles that incorporate corrective lenses mounted behind protective lenses.

History: 1954 ACS 65, p. 41, Eff. Oct. 15, 1970.

R 408.13552 Materials.

Rule 3552. Materials used in the manufacture of eye protectors shall combine mechanical strength and lightness of weight to a high degree, shall be nonirritating to the skin when subjected to perspiration, and shall withstand frequent sanitizing. Metals, where used, shall be corrosion resistant. Plastic materials, when used, shall be noncombustible or slow burning. Cellulose nitrate, or materials having flammability characteristics approximating those of cellulose nitrate, shall not be used.

History: 1954 ACS 65, p. 41, Eff. Oct. 15, 1970.

R 408.13553 Lenses.

Rule 3553. (1) Lenses intended for use in eye protectors are of 4 basic types, as follows:

(a) Clear lenses, which are impact-resisting and provide protection against flying objects.

(b) Absorptive lenses of shades 1.7 through 3.0, which are impact-resisting and provide protection against flying objects and glare or which are impact-resisting and provide protection against flying objects, and narrow-band spectral transmittance of injurious radiation.

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(c) Protective-corrective lenses which are impact-resisting and either clear or absorptive, as specified for persons requiring visual correction.

(d) Filter lenses which are impact-resisting and provide protection against flying objects and narrow-band spectral transmittance of injurious radiation.

(2) Glass filter lenses intended for use in eyecup goggles shall be heat treated.

(3) The height of the safety lens shall not be less than 30 millimeters.

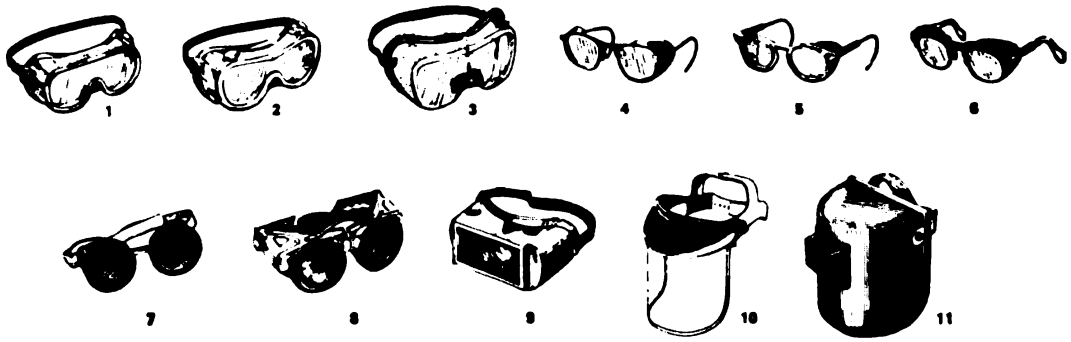
History: 1954 ACS 65, p. 41, Eff. Oct. 15, 1970.

R 408.13555 Eyecup goggles; components.

Rule 3555. Eyecup goggles shall consist of 2 eyecups with lenses and lens retainers, connected by an adjustable bridge, and a replaceable and adjustable headband or other means for retaining the eyecups comfortably in front of the eyes. Recommended applications for the use of eyecup goggles are shown in figure 8.

FIGURE 8

Selection Chart Recommended Eye and Face Protectors
for Use in Industry, Schools and Colleges



1. GOGGLES, Flexible Fitting, Regular Ventilation

2. GOGGLES, Flexible Fitting, Hooded Ventilation

3. GOGGLES, Cushioned Fitting, Rigid Body

*4. **SPECTACLES,** Metal Frame with Sideshields

*5. **SPECTACLES,** Plastic Frame with Sideshields

*6. **SPECTACLES,** Metal-Plastic Frame with Sideshields

** 7. **WELDING GOGGLES,** Eyecup Type, Tinted Lenses (Illustrated)

7A. **CHIPPING GOGGLES,** Eyecup Type, Clear Safety Lenses (Not Illustrated)

** 8. **WELDING GOGGLES,** Coverspec Type, Tinted Lenses (Illustrated)

8A. **CHIPPING GOGGLES,** Coverspec Type, Clear Safety Lenses (Not Illustrated)

** 9. **WELDING GOGGLES,** Coverspec Type, Tinted Plate Lens

10. **FACE SHIELD** (Available with Plastic or Mesh Window)

11. **WELDING HELMETS

*Non-sideshield spectacles are available for limited hazard use requiring only frontal protection.
**See appendix chart "Selection of Shade Numbers for Welding Filters."

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APPLICATIONS		
OPERATION	**HAZARDS**	**RECOMMENDED PROTECTORS:** Bold Type Numbers Signify Preferred Protection
ACETYLENE—BURNING ACETYLENE—CUTTING ACETYLENE—WELDING	SPARKS, HARMFUL RAYS, MOLTEN METAL, FLYING PARTICLES	**7, 8, 9**
CHEMICAL HANDLING	SPLASH, ACID BURNS, FUMES	**2,** 10 (For severe exposure add 10 over 2)
CHIPPING	FLYING PARTICLES	**1, 3,** 4, 5, 6, **7A, 8A**
ELECTRIC (ARC) WELDING	SPARKS, INTENSE RAYS, MOLTEN METAL	**9, 11** (**11** in combination with 4, 5, 6, in tinted lenses, advisable)
FURNACE OPERATIONS	GLARE, HEAT, MOLTEN METAL	**7, 8, 9** (For severe exposure add **10**)
GRINDING—LIGHT	FLYING PARTICLES	**1, 3, 4, 5, 6,** 10
GRINDING—HEAVY	FLYING PARTICLES	**1, 3, 7A, 8A** (For severe exposure add **10**)
LABORATORY	CHEMICAL SPLASH, GLASS BREAKAGE	**2** (10 when in combination with **4, 5, 6**)
MACHINING	FLYING PARTICLES	**1, 3, 4, 5, 6,** 10
MOLTEN METALS	HEAT, GLARE, SPARKS, SPLASH	**7, 8** (**10** in combination with **4, 5, 6,** in tinted lenses)
SPOT WELDING	FLYING PARTICLES, SPARKS	**1, 3, 4, 5, 6,** 10
FOUNDRYMAN'S	DUST, FLYING PARTICLES	**7, 8** except it is padded

History: 1954 ACS 65, p. 42, Eff. Oct. 15, 1970.

R 408.13556 Eyecup goggles; types and models.

Rule 3556. (1) Eyecup goggles shall be of 2 types as follows:

(a) Cup-type goggles designed to be worn by individuals who do not wear corrective spectacles.

(b) Cover-cup type goggles designed to fit over corrective spectacles.

(2) The 2 types of eyecup goggles are subdivided into the following classes:

(a) Chippers' models providing impact protection against flying objects.

(b) Dust and splash models providing protection against fine dust particles or liquid splashes and impact.

(c) Welders' and cutters' models providing protection against glare, injurious radiations and impact.

(3) The basic designs may be modified to provide more protection against special hazards, but the modified equipment shall meet the same requirements as the basic design.

History: 1954 ACS 65, p. 43, Eff. Oct. 15, 1970.

R 408.13557 Eyecup goggles; fit.

Rule 3557. (1) The edge of the eyecup of eyecup goggles which bears against the face shall have a smooth surface free from roughness or irregularities which might exert undue pressure or cause discomfort to the wearer. The eyecups shall be of such shape and size as to protect the entire eye sockets.

(2) Cover-cup type goggles shall provide ample clearance and not interfere with the spectacles of the wearer. The edges of the goggles which bear against the

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face shall have a smooth surface free from roughness or irregularities which might exert undue pressure or cause discomfort to the wearer.

History: 1954 ACS 65, p. 43, Eff. Oct. 15, 1970.

R 408.13559 Eyecup ventilation.

Rule 3559. (1) Eyecups of chippers' models shall be ventilated in a manner to permit circulation of air.

(2) Eyecups of dust and splash models shall be ventilated in a manner to permit circulation of air. The ventilation openings shall be baffled or screened to prevent direct passage of dust or liquids into the interior of the eyecups.

(3) Eyecups of welders' and cutters' models shall be ventilated in a manner to permit circulation of air and shall be opaque. The ventilation opening shall be baffled to prevent passage of light rays into the interior of the eyecups.

History: 1954 ACS 65, p. 43, Eff. Oct. 15, 1970.

R 408.13560 Eyecup lenses and retaining rings.

Rule 3560. (1) An eyecup shall be provided with a rigidly constructed lens retaining ring of metal or of plastic designed to accommodate lenses and to permit their ready removal and replacement without damage to the eyecup or to the lenses and without the use of tools. The ring shall provide a complete clamping action against the lens. Lens retainers for welders' and cutters' models shall accommodate a filter lens, fiber gasket and cover lens.

(2) A filter lens shall be marked with the shade designation and a permanent and legible marking by which the manufacturer may be readily identified. A glass filter lens, when treated for impact resistance, shall also be marked with the letter "H."

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

R 408.13562 Flexible and cushioned fitting goggles; construction.

Rule 3562. (1) Flexible and cushioned fitting goggles shall consist of a wholly flexible frame, forming a lens holder, or with separable lens holder; or a rigid frame with integral lens or lenses, having a separate, cushioned fitting surface on the full periphery of the facial contact area. Materials used shall be chemical-resistant, nontoxic, nonirritating and slow burning. There shall be a positive means of support on the face, such as an adjustable headband of suitable material or other suitable means of support to retain the frame comfortably and snugly in place in front of the eyes. A frame which is a lens holder or has a separable lens holder shall hold the lenses firmly and tightly and be removable or replaceable without the use of tools. The goggles may be ventilated or not, as required by their intended use. Where chemical goggles are ventilated, the openings shall be such as to render the goggles splashproof.

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

R 408.13563 Flexible and cushioned fitting goggles; protection.

Rule 3563. (1) Chippers' models of flexible and cushioned fitting goggles shall provide protection against impact.

(2) Dust and splash models shall provide protection from fine dusts, fumes, liquids, splashes, mists and spray, alone or with reflected light or glare, wind and impact.

(3) Gas welders' and cutters' models shall provide protection against glare, injurious radiations and impact.

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

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R 408.13564 Flexible and cushioned fitting goggles; marking.

Rule 3564. (1) The frame of flexible and cushioned fitting goggles shall bear a trademark or name identifying the manufacturer.

(2) Each separate lens shall be distinctly marked in a manner by which the manufacturer may be identified.

(3) A heat-treated glass filter plate or lens shall also be marked with the shade designation and the letter "H."

(4) The marking shall be clear cut and permanent and so placed as not to interfere with the vision of the wearer.

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

R 408.13566 Foundrymen's goggles; construction.

Rule 3566. A foundryman's goggles shall consist of a mask made of a flexible, nonirritating and noncombustible or slow-burning material, such as leather or flexible plastic, suitable lens holders attached thereto, lenses, and a positive means of support on the face, such as an adjustable headband, to retain the mask comfortably and snugly in place in front of the eyes. The edge of the mask on contact with the face shall be provided with a binding of corduroy or other suitable material. The lens holders shall hold the lenses firmly and tightly and may be readily removable or replaceable. The lens holders shall be ventilated to permit circulation of air.

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

R 408.13567 Foundrymen's goggles; protection.

Rule 3567. (1) A foundryman's goggles shall provide protection against impact and hot-metal splash hazards encountered in foundry operations such as melting, pouring, chipping, babbitting, grinding and riveting. Where required, they shall also provide protection against dusts.

(2) Applications for use of foundrymen's goggles are shown in figure 8.

(3) Materials shall resist flame, corrosion, water and sanitizing.

History: 1954 ACS 65, p. 44, Eff. Oct. 15, 1970.

R 408.13569 Metal, plastic, and combination metal and plastic spectacles.

Rule 3569. (1) Spectacles of metal, plastic or a combination thereof, shall consist of 2 lenses in a frame which supports the lenses around their entire periphery, of suitable size and shape for the purpose intended, connected by a nose bridge, and retained on the face by temples or other suitable means. The spectacles shall be furnished with or without sideshields depending upon their intended use. The frames, temples and sideshields may be metal or plastic and when made of plastic shall be of the slow-burning type.

(2) Spectacles shall provide protection to the eye from flying objects, and when required, from glare and injurious radiations. Spectacles without sideshields are intended to provide frontal protection. Where side as well as frontal protection is required, the spectacles shall be provided with sideshields. See figure 8.

(3) Frames shall be designed for industrial exposure and shall bear a trademark identifying the manufacturer on both fronts and temples. The frame front shall carry a designation of the eye size and bridge size, where applicable. Temples shall be marked as to the overall length or fitting value.

(4) Temples may be of the cable or spatula type as specified, and shall be of such design as to permit adjustment and fit comfortably and securely on the wearer. The size of the temples shall be clearly marked.

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(5) Safety lenses in frames which do not comply with this part shall not be worn.

History: 1954 ACS 65, p. 45, Eff. Oct. 15, 1970.

PART 37. ACCIDENT PREVENTION SIGNS AND TAGS

GENERAL PROVISIONS

R 408.13701 Scope.

Rule 3701. This part provides specifications for the design, application and use of signs or symbols and tags to define or signal a specific hazard in, around or about a place of employment where the failure to designate the hazard could lead to an injury. This part does not apply to public air navigation, railroads, streets, highways, marine operations, radiation and biological hazards.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

R 408.13702 Applicability.

Rule 3702. An employer who has an established sign or tag system or policy on the effective date of this part which is equivalent to that prescribed in this part may continue with the policy or system if the key color prescribed in the rule is used. The key color:

(a) Of danger is red.

(b) Of caution is yellow.

(c) Of safety is green.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

R 408.13703 Definitions; A to D.

Rule 3703. (1) "Accident prevention sign" means the surface on which letters or markings are used to warn of a hazard, provide safety instructions or directions which are temporarily or permanently affixed or placed.

(2) "Accident prevention tag" means the surface on which letters or markings are used to warn of an existing or immediate hazard and is temporarily attached to a part of equipment or structure.

(3) "Caution sign or tag" means a sign or tag used to warn of a potential hazard or to warn against an unsafe practice.

(4) "Danger sign or tag" means a sign or tag used to signal an immediate hazard.

(5) "Directional sign" means a sign having an arrow to point out a direction.

(6) "Do not start tag" means a tag used to tag out a starting mechanism which would cause a hazard if started.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

R 408.13704 Definitions; E to S.

Rule 3704. (1) "Exit sign" means a sign used to designate a point of discharge from a room or building.

(2) "In plant traffic sign" means a sign used to direct the safe use of a vehicle on plant property.

(3) "Out of order tag" means a tag used to indicate a machine is malfunctioning and its use might create a hazard.

(4) "Plant thoroughfare" means the company streets on plant property.

(5) "Safety instruction sign" means a sign used for general instruction or suggestion relative to safety.

History: 1954 ACS 82, p. 108, Eff. Dec. 31, 1974.

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R 408.13706 Employer responsibility.

Rule 3706. An employer shall provide, install and maintain signs and tags as prescribed by this part where an employee might be or would likely be injured if not alerted to the hazard.

History: 1954 ACS 82, p. 109, Eff. Dec. 31, 1974.

R 408.13707 General rules; signs.

Rule 3707. (1) The type or design of a sign shall be as specified in this part. Safety instruction, directional and in plant traffic signs in use before the effective date of this part are excepted.

(2) A sign shall be furnished with rounded or blunt corners and shall be free of sharp edges, burrs, splinters or other sharp projections. Fastening devices shall not constitute a hazard.

(3) Where conditions warrant the use of a sign size not covered in tables 1 to 5, the ratio of the height of the identifying panel (danger, caution, etc.) to the width of the sign shall be maintained as prescribed in the tables.

(4) A sign shall have colors as prescribed in table 1 of ANSI standard, Z53.1-1971, safety color code, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.00 from the American National Standards Institute, 1430 Broadway, New York, New York 10018 or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 82, p. 109, Eff. Dec. 31, 1974.

R 408.13708 Lettering.

Rule 3708. (1) A letter shall be block style, upper case for the upper panel, and upper or upper and lower case for the lower panel.

(2) Letter size shall be determined by the length of the message and maximum visibility and readability. See table 1 for guide for minimum letter height at safe viewing distance.

TABLE 1

Minimum Height of Letters (Inches)	Viewing Distance (Feet)
5	200-500
4½	150-200
4	120-150
3½	105-120
3	90-105
2½	75-90
2	60-75
1½	40-60
1	30-40
¾	20-30
½	10-20
¼	Less than 10

Note 1: Crowding of letters and words reduces legibility.

Note 2: A rule of thumb of 35-40 feet viewing distance per inch of letter height may be used for heights of letters greater than 5 inches.

History: 1954 ACS 82, p. 109, Eff. Dec. 31, 1974.

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R 408.13709 Sign placement and illumination.

Rule 3709. (1) An accident prevention sign shall be so placed:

(a) To alert and inform in time to avoid the hazard or to take appropriate action.

(b) As to be legible, without distraction and not create a hazard in itself.

(c) On a movable object or adjacent so that it will not be obscured when the object is moved.

(2) An accident prevention sign shall be displayed with not less than 2 foot-candles of illumination at or near the point of installation during hours when an employee would be present.

History: 1954 ACS 82, p. 109, Eff. Dec. 31, 1974.

CLASSIFICATION OF SIGNS

R 408.13711 Danger signs.

Rule 3711. (1) A danger sign shall be used only where an immediate hazard exists. The sign shall be removed when the hazard is removed.

(2) The proportions for a danger sign shall be not less than those prescribed in table 2 and the format of figure 1 shall be followed.

(3) A danger sign shall have the signal word "danger" in white within a red oval outlined in white on a black rectangular background in the upper panel. The lower panel where additional wording may be used shall be black or red letters on a white background. (See examples in table 6.)

(4) An employee shall be instructed that a danger sign indicates immediate danger and that special precautions are necessary.

TABLE 2

Standard Proportions for Danger Signs

Sign Size, Inches Height	Width	Black Rectangular Panel, Inches Height	Width	Red Oval, Inches Height	Width	Word Danger, Height Inches	Minimum Space Available for Sign Wording, Inches
			Horizontal Pattern				
7	10	3¼	9⅝	2⅞	8½	1⅞₆	2¾ x 9⅝
10	14	4⅝	13⅜	4⅛	11⅞	2⅛	4¼ x 13⅜
14	20	6½	19⅜	5¾	17	2⅞	6¼ x 19⅜
20	28	9¼	27⅜	8¼	23⅞	4⅛	9½ x 27⅜
			Upright Pattern				
10	7	2⅜	6⅝	2⅛	5⅞	1⅛₆	6⅝ x 6⅝
14	10	3¼	9⅝	2⅞	8½	1⅞₆	9½ x 9⅝
20	14	4⅝	13⅜	4⅛	11⅞	2⅛	14 x 13⅜
28	20	6½	19⅜	5¾	17	2⅞	20¼ x 19⅜

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FIGURE 1

Danger Sign



History: 1954 ACS 82, p. 110, Eff. Dec. 31, 1974.

R 408.13713 Caution signs.

Rule 3713. (1) A caution sign shall be used to warn of a potential hazard or to caution against an unsafe practice.

(2) The proportions for a caution sign shall be not less than those prescribed in table 3 and the format of figure 2 shall be followed.

(3) A caution sign shall have the signal word "caution" in yellow on a black background in the upper panel. The lower panel where additional wording may be used shall be black letters on a yellow background. (See examples in table 6.)

(4) An employee shall be instructed that a caution sign indicates a possible hazard and that proper precautions shall be taken.

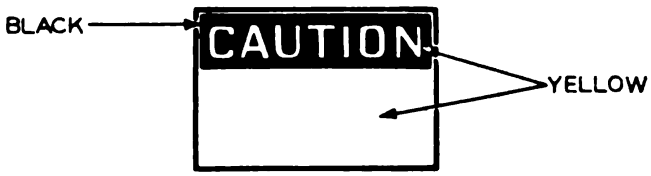
TABLE 3

Standard Proportions for Caution Signs

Sign Size Inches Height	Width	Black Rectangular Panel, Inches Height	Width	Word "Caution" Height of Letter, Inches	Min. Space Available for Sign Wording Below Panel, Inches Height	Width
		Horizontal Pattern				
7	10	2¼	9⅜	1⅝	3¼	9⅜
10	14	3¼	13⅜	2¼	5½	13⅜
14	20	3¾	19⅜	2¾	9	19⅜
20	28	4¼	27⅜	3¼	14½	27⅜
		Upright Pattern				
10	7	1⅝	6⅜	1⅛	7	6⅜
14	10	2¼	9⅜	1⅝	10½	9⅜
20	14	3¼	13⅜	2¼	15½	13⅜
28	20	3¾	19⅜	2¾	24	19⅜

FIGURE 2

Caution Sign



History: 1954 ACS 82, p. 110, Eff. Dec. 31, 1974.

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R 408.13714 Exit signs.

Rule 3714. (1) An exit sign shall be as prescribed in subrule (3) of rule 685 and rule 686 of the occupational safety standards commission standard, Part 6. Fire Exits, being R 408.10685(3) and R 408.10686 of the Michigan Administrative Code, and is available from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

(2) An exit sign installed after the effective date of this part shall consist of red or white letters on a contrasting red or white field. An internally illuminated sign shall consist of translucent letters either red or white on a contrasting background of red or white. The background may be either opaque or translucent.

(3) A directional arrow used on an exit sign shall be the same color as the word "exit."

History: 1954 ACS 82, p. 111, Eff. Dec. 31, 1974.

R 408.13715 Safety instruction signs.

Rule 3715. (1) A safety instruction sign shall be used for a general instruction or suggestion relative to safety measures.

(2) The proportions for a safety instruction sign shall be not less than those prescribed in table 4 and the format of figure 3 shall be followed.

(3) A safety instruction sign shall have the signal word in white on a green background in the upper panel. The lower panel where additional wording may be used shall be black letters on a white background. (See examples in table 6.)

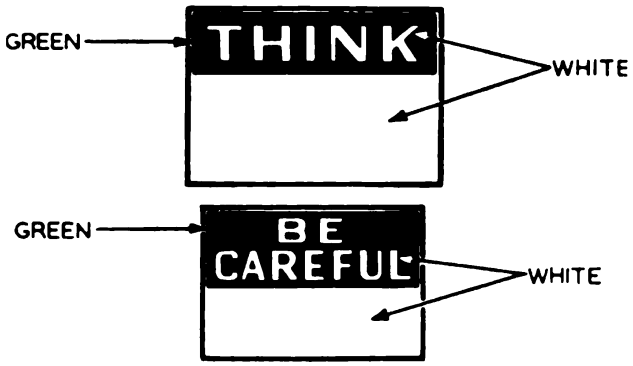
TABLE 4

Standard Proportions for Safety Instruction Signs

Sign Size, Inches Height, Width	Green Rectangular Panel, Inches Height, Width	Word "Think" Height of Letters, Inches	Min. Space Available for Sign Wording Below Panel, Inches Height, Width	Sign Size, Inches Height, Width	Green Panel, Inches Height, Width	Word "Be" Height of Letters, Inches	Word "Careful" Height of Letters, Inches	Min. Space Available For Sign Wording Below Panel, Inches Height, Width
7 x 10	2¾ x 9⅜	1⅝	3½ x 9⅜	7 x 10	3⅜ x 9⅜	1¼	1 1/16	2½ x 9⅜
10 x 14	3¼ x 13⅜	2¼	5½ x 13⅜	10 x 14	4¾ x 13⅜	1¾	2 1/16	4 x 13⅜
14 x 20	3¾ x 19⅜	2¾	9 x 19⅜	14 x 20	6¾ x 19⅜	2½	3⅛	6 x 19⅜
20 x 28	4¼ x 27⅜	3¼	14½ x 27⅜	20 x 28	9½ x 27⅜	3½	4⅜	9¼ x 27⅜

FIGURE 3

Safety Instruction Signs



Note: The words "Think" and "Be Careful," given here, are only illustrations. Other wordings may be used.

History: 1954 ACS 82, p. 111, Eff. Dec. 31, 1974.

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R 408.13716 Directional signs.

Rule 3716. (1) A safety related directional sign shall have a white arrow on a black upper panel with the lower panel white and any letters in black. (See examples in table 6.)

(2) A directional arrow used on a danger, caution and safety instructional sign shall be black.

(3) Such a sign shall use proportions prescribed in table 5 and the format of figure 4.

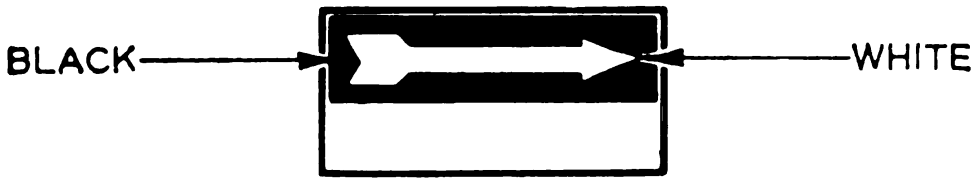
TABLE 5

Standard Proportions for Directional Signs

Sign Size, Inches		Black Rectangular Panel, Inches		White Arrow, Inches						Minimum Space for Sign Wording Below Panel
				Overall	Arrowhead		Arrow Shaft	Arrow Tail		
Height	Width	Height	Width	Length	Height	Width	Height	Height	Width	Height
6½	x 14	3¼	x 13⅜	12⅝	2¾	x 3	1⅛	2⅜	x 3¼	2¼ x 13⅜
9	x 20	4½	x 19⅜	18⅝	3¾	x 4⅛	1⅝	3¼	x 4½	3⅜ x 19⅜
12	x 28	6	x 27⅜	26⅝	5⅛	x 5⅝	2⅛	4⅜	x 6	4¾ x 27⅜
15	x 36	7½	x 35⅜	34⅝	6⅜	x 6⅞	2⅝	5½	x 7⅛	6¼ x 35⅜

FIGURE 4

Directional Signs



History: 1954 ACS 82, p. 112, Eff. Dec. 31, 1974.

R 408.13717 In plant traffic signs.

Rule 3717. A plant traffic control sign for the safe movement of vehicles and employees on plant thoroughfares shall be as prescribed in ASA standard, D6.1-1971, manual on uniform traffic control devices, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.50 each from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

History: 1954 ACS 82, p. 113, Eff. Dec. 31, 1974.

R 408.13718 Informational signs.

Rule 3718. An informational sign shall be blue with white lettering or a blue upper panel with white lettering and white lower panel with blue or black lettering. (See examples in table 6.)

History: 1954 ACS 182, p. 113, Eff. Dec. 31, 1974.

SYMBOLS

R 408.13721 Emblem for slow-moving vehicles.

Rule 3721. (1) An emblem, as prescribed in figure 5 shall be used on the rear of a vehicle used on a public road, which, by design, moves at 25 miles per hour or

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less outside a building. Such an emblem shall not be used as a clearance marker for wide machinery or a replacement for required lighting. Advertising or other markings shall not be placed on it.

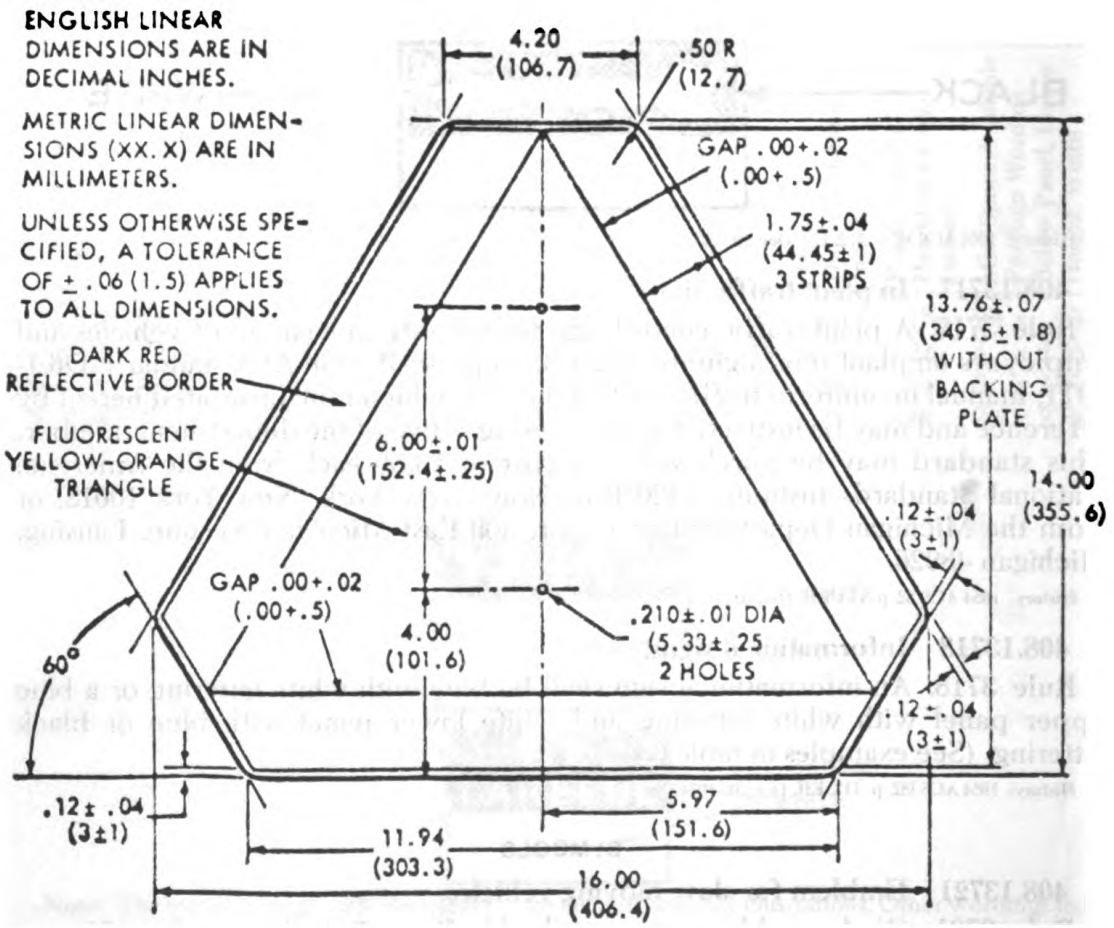
(2) This emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border. (See figure 5.) It shall be entirely visible in daylight and in night from all distances between 600 and 100 feet from the rear when directly in front of lawful upper beam of the headlamps.

(3) The emblem shall be mounted, point up, in a plane perpendicular to the direction of travel, plus or minus 10 degrees. It shall be placed centrally at the rear of the vehicle, unobscured, and 2 to 6 feet above the ground measured from the lower edge of the emblem. It shall be securely attached to the vehicle.

(4) The requirements for color and reflectivity, durability and test procedures shall be as prescribed in SAE-J943, slow moving vehicle identification emblem, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $1.50 each from the Society of Automotive Engineers, Inc., 2 Penn Plaza, New York, New York 10001, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926.

FIGURE 5

Identification Emblem



History: 1954 ACS 82, p. 113, Eff. Dec. 31, 1974.

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R 408.13722 Other symbols.

Rule 3722. (1) A symbol, except a slow moving vehicle emblem prescribed in R 408.13721, shall be used only as a supplementary sign or panel to the right of the required sign or as required in the lower panel. A supplementary sign or panel shall be square in shape and no wider than the height of the required sign.

(2) A symbol shall be in the same color as the lettering specified for the required upper panel unless the symbol color is specifically defined by another standard.

History: 1954 ACS 82, p. 114, Eff. Dec. 31, 1974.

TAGS

R 408.13731 General.

Rule 3731. (1) An accident prevention tag shall be used as a temporary means of warning an employee of an existing hazard, such as defective tools or equipment. A tag shall not be used in place of an accident prevention sign or considered a complete warning method.

(2) A tag shall be affixed by string, wire or adhesive.

(3) A tag shall be large enough to attract attention to the hazard but not less than 2⅜ by 4¾ inches.

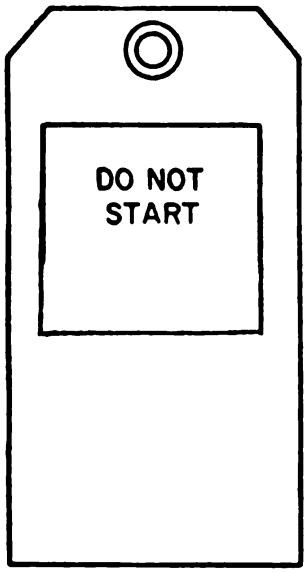
(4) The signal word shall be in bold type.

History: 1954 ACS 82, p. 114, Eff. Dec. 31, 1974.

R 408.13732 "Do not start" tags.

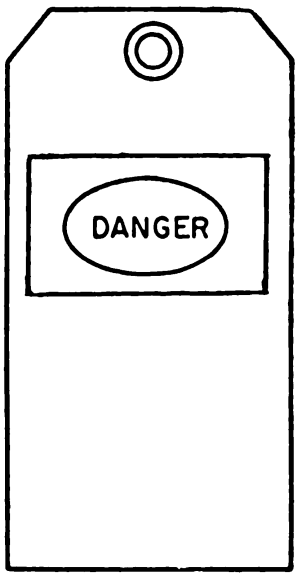
Rule 3732. A "do not start" tag shall be used to tag out the starting mechanism of equipment that would cause a hazardous condition if activated, unless it is locked out. The background color shall be white with white lettering on a red square. (See figure 6.)

FIGURE 6
Do Not Start Tag



White tag, white letters on red square

FIGURE 7
Danger Tag



White tag, white letters on red oval with a black rectangle

History: 1954 ACS 82, p. 114, Eff. Dec. 31, 1974.

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R 408.13733 "Danger" tags.

Rule 3733. A "danger" tag shall be placed where an immediate hazard or probability of injury exists. The background color shall be white with white letters on a red oval within a black rectangle. (See figure 7.) Example: A "danger—defective equipment" tag shall be placed on a damaged ladder and immediately taken from service.

History: 1954 ACS 82, p. 115, Eff. Dec. 31, 1974.

R 408.13734 "Caution" tags.

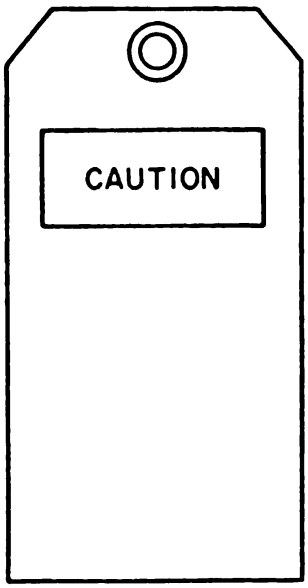
Rule 3734. A "caution" tag shall be used to warn of a potential hazard or to caution against an unsafe practice. The background color shall be yellow with yellow letters on a black rectangle. (See figure 8.)

History: 1954 ACS 82, p. 115, Eff. Dec. 31, 1974.

R 408.13735 "Out of order" tags.

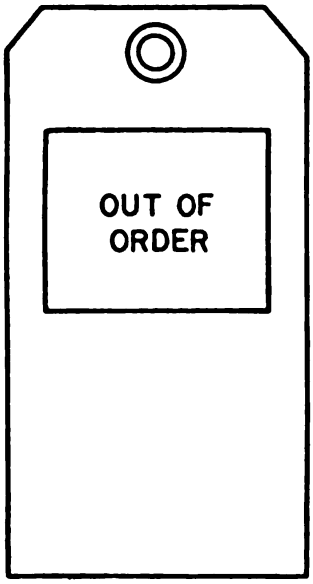
Rule 3735. An "out of order" tag shall be used only for the specific purpose of indicating equipment or machinery is out of order and its use might create a hazard. The background shall be white with white letters on a black square. (See figure 9.)

FIGURE 8
Caution Tag



Yellow tag, yellow letters on a black rectangle

FIGURE 9
Out of Order Tag



White tag, white letters on a black square

TABLE 6
Examples of Sign Wording

Danger Signs—
Danger—Keep Off, Electric Current.
Danger—No Smoking, Matches, or Open Lights.
Danger—Men Working Above.
Danger—Not Room Enough Here to Clear Men on Cars.

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Danger—Keep Away.
Danger—Men in Boiler.
Danger—Insufficient Clearance.
Danger—2,300 Volts.
Danger—Keep Out.
Danger—Crane Overhead.
Danger—Keep Off.

Caution Signs—
Caution—Do Not Operate, Men Working on Repairs.
Caution—Hands Off Switch, Men Working on Line.
Caution—Working on Machines, Do Not Start.
Caution—Goggles Must Be Worn When Operating This Machine.
Caution—This Door Must Be Kept Closed.
Caution—Electric Trucks. Go Slow.
Caution—This Space Must Be Kept Clear at All Times.
Caution—Stop Machinery to Clean, Oil, or Repair.
Caution—Keep Aisles Clear.
Caution—Operators of This Machine Shall Wear Snug Fitting Clothing—No Gloves.
Caution—Close Clearance.
Caution—Watch Your Step.
Caution—Electric Fence.

Safety Instruction Signs—
Report All Injuries to the First-Aid Room at Once.
Walk—Don't Run.
Report All Injuries No Matter How Slight.
Think, If Safe Go Ahead.
Make Your Work Place Safe Before Starting the Job.
Report All Unsafe Conditions to Your Foreman.
Help Keep This Plant Safe and Clean.

Directional Signs—
This Way Out (below arrow panel).
This Way (inside arrow) Out (below arrow panel).
Fire Exit (below arrow panel).
Fire (inside arrow) Extinguisher (below arrow panel).
To the (inside arrow) Fire Escape (below arrow panel).
To the (inside arrow) First Aid (below arrow panel).
Manway (below arrow panel).
This Way to (inside arrow) First-Aid Room (below arrow panel).

Informational Signs—
No Trespassing Under Penalty of the Law.
This Elevator Is for Freight Only, Not for Passengers.
No Admittance Except to Employees on Duty.
No Admittance.
No Admittance, Apply at Office.
No Trespassing.
Men.
Women.
For Employees Only.
Office.

History: 1954 ACS 82, p. 115, Eff. Dec. 31, 1974.

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PART 38. HAND AND PORTABLE POWERED TOOLS

R 408.13801 Scope.

Rule 3801. This part provides for the safe maintenance, operation and use of hand tools and portable powered tools, regardless of ownership in, around or about a place of employment.

History: 1954 ACS 80, p. 57, Eff. July 23, 1974.

R 408.13804 Definitions; C to F.

Rule 3804. (1) "Chain fall" means a manually powered hoisting device employing a load bearing chain and an endless hand chain to raise or lower loads.

(2) "Explosive load" means a substance capable of producing a propellant force in a powder actuated tool.

(3) "Fastener driver" means a portable powered tool such as a nut runner, impact wrench, stapler, screw driver, nailer and riveter.

History: 1954 ACS 80, p. 57, Eff. July 23, 1974.

R 408.13805 Definitions; H.

Rule 3805. (1) "Hammer actuated piston tool" means a device which, when struck by a hammer and supplemented by an explosive load, moves a captive piston to drive a fastener into a work surface.

(2) "Hand tool" means an instrument used or worked by hand.

(3) "High velocity tool" means a device which, when used with an explosive load, propels a fastener at a velocity more than 300 feet per second when measured 6½ feet from the muzzle end of the tool.

(4) "Hoist and puller," sometimes called a come-along, means a portable, manually operated device for lifting, lowering or moving by a pulling force.

(5) "Hot stick" means a dielectric tool extension used when working on energized conductors and apparatus.

History: 1954 ACS 80, p. 57, Eff. July 23, 1974.

R 408.13806 Definitions; J to M.

Rule 3806. (1) "Jack" or "ram" means a device, except an automobile bumper jack, used for lifting, lowering or moving a load by application of a pushing force.

(2) "Low velocity tool" means a device which, when used with an explosive load, propels a fastener at a velocity less than 300 feet per second when measured 6½ feet from the muzzle end of the tool.

(3) "Mushroom" means to overrun the shank or head of a tool by battering the striking end.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13807 Definitions; P.

Rule 3807. (1) "Platen sander" means a portable powered tool which has abrasive paper fastened to a base or platen which moves in an orbital oscillating motion.

(2) "Pneumatic powered nut runner" means an air operated wrench used to drive a threaded fastener into or onto a work piece.

(3) "Portable powered stapler and nailer," other than general office staplers, means a tool which drives a staple or nail by mechanical, pneumatic or electrical power into a work piece.

(4) "Portable powered tool" means a tool carried and moved by hand and powered by something other than manual force.

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(5) "Powder actuated tool" means a device for making instantaneous forced entry into materials by use of a tool, a fastener and an explosive load.

(6) "Protective shield" means a device or guard attached to the muzzle end of a powder actuated tool to confine flying particles.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13808 Definitions; R, S.

Rule 3808. (1) "Rating" means the maximum working load for which an object is designed to handle under given circumstances.

(2) "Stall type tool" means a powered nut runner which stalls out under load but maintains pressure on the fastener until the power supply to the motor is manually terminated by means of a throttle release or other power disconnect.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13811 Employer responsibility.

Rule 3811. An employer shall:

(a) Ensure that an employee has been trained in the use of hand tools and portable powered tools before authorizing their use. Where an employee is required to use a powder actuated tool, the employer shall check the employee's capability by demonstration before authorizing use of the tool.

(b) Maintain or require to be maintained hand tools and portable powered tools free of defects which could cause injury to an employee.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13812 Employee responsibilities.

Rule 3812. An employee shall:

(a) Use personal protective equipment where required by the employer or dictated by the hazard of the job.

(b) Not use a tool for other than its designed or approved use.

(c) Report defective hand tools and portable power tools to his supervisor.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13821 Storage and handling.

Rule 3821. (1) A hand tool or portable powered tool shall be stored in a manner to prevent damage to it.

(2) A sharp or pointed tool such as, but not limited to, chisels, drill bits and awls shall be carried in 1 of the following ways:

(a) With the edges or points protected.

(b) In a tool tray.

(c) In a cart.

(d) In a sheath.

(e) In the hand with the sharp edges turned away from the body.

(3) A sharp or pointed tool, when stored in a rack or bin, shall have the sharp edge or point inward or otherwise protected or stored to prevent injury.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13822 Inspection.

Rule 3822. (1) A tool shall be inspected visually by the employee using the tool for safe operation before daily use and, when found defective, it shall be removed from service.

(2) The speed of a portable air grinder shall be checked with a tachometer or other device for reading r.p.m. (revolutions per minute), when issued for use and

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after repair. A grinding wheel shall not be installed if its rated speed is less than the grinder.

History: 1954 ACS 80, p. 58, Eff. July 23, 1974.

R 408.13823 Controls.

Rule 3823. (1) A hand held powered circular saw having a blade diameter more than 2 inches; an electric, hydraulic or pneumatic chain saw and a percussion tool without positive accessory holding means shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released. A gasoline powered chain saw shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(2) A hand held powered drill, tapper, fastener driver, grinder with a wheel more than 2 inches in diameter, disc sander with disc more than 2 inches in diameter, belt sander, reciprocating saw, saber saw, scroll saw and jig saw with a blade shank more than a nominal ¼ inch and similarly operating power tools shall be equipped with a constant pressure switch or control and may have a lock-on control if turn off can be accomplished by a single motion of the same finger or fingers that turn it on.

(3) Other hand held powered tools such as, but not limited to, a platen sander, grinder with a wheel 2 inches or less in diameter, disc sander with discs 2 inches or less in diameter, router, planer, laminate trimmer, nibbler, shear, saber saw, scroll saw and jig saw with blade shank of a nominal ¼ inch or less may be equipped with either a positive on—off control or other control prescribed in subrules (1) and (2).

(4) The operating control on a hand held power tool shall be located so as to prevent accidental operation, if such operation would constitute a hazard to an employee.

(5) A hand held power tool shall be disconnected from its power source whenever it is serviced or the point of operation device is changed by a device or tool, except for a hand held drill less than ⅜ inch, platen sander, 2-inch belt sander or scroll saw.

(6) Subrules (1) through (5) do not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, medical or dental equipment or to fixed machinery or equipment.

History: 1954 ACS 80, p. 59, Eff. July 23, 1974.

R 408.13824 Modification.

Rule 3824. A tool and its power source shall not be modified, except by an authorized and trained employee or qualified outside service.

History: 1954 ACS 80, p. 59, Eff. July 23, 1974.

HAND TOOL PROVISIONS

R 408.13831 General; hand tools.

Rule 3831. A hand tool shall be used only for the purpose for which it was designed or approved.

History: 1954 ACS 80, p. 59, Eff. July 23, 1974.

R 408.13832 Air blow guns.

Rule 3832. (1) Air pressure at the discharge end of a portable air blow gun shall be less than 30 pounds per square inch gauge when dead-ended.

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(2) Where an air blow gun is used to remove chips and dust, a chip guard, such as a fixed or removable shield, shall be provided to protect an employee in an adjacent area.

(3) An air blow gun shall not be used for cleaning clothes while being worn, or blown at any part of the body.

History: 1954 ACS 80, p. 59, Eff. July 23, 1974.

R 408.13833 Abrasive blast cleaning nozzles.

Rule 3833. (1) An abrasive blast cleaning nozzle shall be equipped with a constant pressure control.

(2) An abrasive blast cleaning nozzle shall be mounted on a support when not in use.

History: 1954 ACS 80, p. 59, Eff. July 23, 1974.

R 408.13834 Axes, hatchets, hammers, and mauls.

Rule 3834. An axe, hatchet, hammer, or maul handle shall be replaced when it becomes cracked, broken or splintered. A wood handle shall be secured with wedges or equivalent means.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13835 Chisels, punches, star drills, drift pins, and wedges.

Rule 3835. (1) A chisel, punch, star drill, drift pin, or wedge with a metal striking end shall not be used when the end becomes mushroomed. The striking end shall be ground with a crowned radius and beveled edge.

(2) The working end of a chisel, punch, star drill, drift pin, or wedge shall be maintained as designed.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13836 Files and rasps.

Rule 3836. A file or rasp with a tang shall be equipped with a handle fitted and secured to the tang, when in use.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13838 Jacks; use.

Rule 3838. (1) The rated capacity of a jack shall not be exceeded. The rated capacity shall be permanently marked on the jack.

(2) A jack shall be set on or against a firm foundation or blocking. If a jack, at the point of contact with the load, can slip, a wood block or nonslip device shall be placed between the cap and the load.

(3) A jack shall be equipped with a means such as, but not limited to, a stop, a bypass, an indicator or other device which shall be watched to prevent overrun.

(4) After a load has been raised or moved, it shall be secured by cribbing, blocks or stands before work is started under or between the supported load.

(5) A hydraulic jack exposed to freezing temperatures shall be protected by use of an anti-freeze liquid.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13839 Jacks; inspection.

Rule 3839. (1) A jack shall be inspected for leaks, mechanical defects and lubrication according to the following requirements:

(a) Not less than semi-annually.

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(b) Before and after a special use or abnormal shock.
(c) After repairs or servicing.
(2) A defective jack shall be tagged and removed from service.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13840 Knives.

Rule 3840. (1) A fixed blade knife shall be carried in a sheath, in a tray or other equivalent protective means.

(2) A folding knife which cannot be locked in place shall not be used in a manner where the blade could fold on the fingers.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13841 Pliers.

Rule 3841. Pliers with sprung jaws, a worn face or worn joint pin shall be replaced.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13843 Screwdrivers.

Rule 3843. (1) An object being worked on with a screwdriver shall not be held in the hand, on the lap or under the arm, except when protection is afforded by the object or other means.

(2) A screwdriver used for electrical work shall be equipped with a nonconductive handle. The shank and fasteners shall not project through the handle.

(3) A blade type screwdriver shall be maintained with a flat tip at right angles to the shank and have almost parallel faces.

(4) A screwdriver with 1 of the following defects shall not be used:
(a) Split or broken handle.
(b) Cracked or broken blade.
(c) Loose shank in handle.
(d) Worn blade.
(e) Bent shank of a straight screwdriver.

History: 1954 ACS 80, p. 60, Eff. July 23, 1974.

R 408.13844 Wrenches.

Rule 3844. (1) A wrench with spread, distorted or cracked jaws shall not be used.

(2) A wrench, except a wrench designed for that purpose, shall not be subjected to hammering.

History: 1954 ACS 80, p. 61, Eff. July 23, 1974.

R 408.13845 Chain falls and hoist and pullers; capacity.

Rule 3845. (1) A chain fall or hoist and puller shall be used at not more than its rated capacity.

(2) The capacity of a chain fall or hoist and puller shall be permanently labeled or marked on it.

(3) An accessory, such as a chain or cable used to secure or support a chain fall or hoist and puller, shall have a capacity of not less than the chain fall or hoist and puller.

(4) An object subject to a lift or pull by a chain fall shall have the capacity to absorb the lift or pull without creating a hazard to an employee in the area.

History: 1954 ACS 80, p. 61, Eff. July 23, 1974.

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R 408.13846 Chain falls and hoist and pullers; use.

Rule 3846. (1) A chain fall or hoist and puller shall be secured to an anchorage and the load attached to the chain fall or hoist and puller in a manner which will prevent inadvertent disengagement.

(2) When a chain fall or hoist and puller are under tension of a load, a positive action shall be required to release the tension.

(3) A hoist and puller lever handle shall not be operated with an extension handle except as furnished by the manufacturer.

(4) A chain fall or hoist and puller shall be visually inspected for observable defects before each job use by the employee using the tool.

History: 1954 ACS 80, p. 61, Eff. July 23, 1974.

R 408.13847 Hot sticks.

Rule 3847. (1) The hot stick and any tool attached to it shall be wiped clean and inspected for damage before use on a job shift. A hot stick with a defect, such as, but not limited to, a surface rupture shall be repaired or replaced.

(2) A hot stick shall not be used in excess of its rated capacity.

(3) The minimum working distance and minimum clear hot stick distances, prescribed in table 1, when using live-line tools shall not be violated.

(4) A hot stick shall not be used unless it has been certified by the manufacturer to meet the following:

(a) Fiberglass, 100,000 volts per foot of length for 5 minutes.

(b) Wood, 75,000 volts per foot of length for 3 minutes.

(c) Or any equivalent test.

(5) A hot stick shall be stored in a manner to protect it from damage and moisture.

TABLE 1

Alternating Current—Minimum Distances

Voltage range (phase to phase) kilovolt	Minimum working and clear hot stick distance
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	[1]7 ft. 0 in.
500 to 552	[1]11 ft. 0 in.
700 to 765	[1]15 ft. 0 in.

[1]Note: For 345-362 kv., 500-552 kv., and 700-765 kv., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and a grounded surface.

History: 1954 ACS 80, p. 61, Eff. July 23, 1974.

PORTABLE POWERED TOOL PROVISIONS

R 408.13861 Portable powered tools; generally.

Rule 3861. (1) An electrically powered tool shall have an approved ground unless it is double insulated and carries a permanent label or mark so stating.

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(2) A pneumatically powered tool shall be equipped with a tool retainer where the absence of a retainer would result in a tool being ejected.

(3) Hose and hose fittings used with pneumatic powered tools shall have a pressure rating not less than the supply source.

(4) Hose connections shall have a positive locking action or the connecting sections shall have a safety chain to restrain any whipping action if the sections become disconnected.

(5) An air supply line shall be regulated to maintain the pressure at not more than the pneumatic tool rating.

History: 1954 ACS 80, p. 62, Eff. July 23, 1974.

R 408.13863 Portable circular saws.

Rule 3863. (1) A portable, power driven circular saw with a blade more than 2 inches in diameter shall have guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall return to the covering position automatically and instantly.

(2) The guard shall not be tied back or removed except for servicing.

(3) A cracked circular saw blade shall be removed from service.

History: 1954 ACS 80, p. 62, Eff. July 23, 1974.

R 408.13864 Portable pneumatic grinders.

Rule 3864. (1) A portable pneumatic grinder shall be operated at a speed of not more than the grinder's rated speed.

(2) A line supplying air to a portable pneumatic grinder regulated by a governor shall be equipped with a filter to remove water, contaminated oil and dirt.

(3) A portable pneumatic grinder regulated by a governor shall be provided with a continuous lubrication means.

History: 1954 ACS 80, p. 62, Eff. July 23, 1974.

R 408.13865 Powered stapler and nailers.

Rule 3865. (1) A portable powered stapler or nailer, capable of driving a fastener with a diameter more than .0475 inch—18 gauge A.W.G., at more than 75 feet per second, shall be designed so that the operator is required to make not less than 2 separate operations to activate the tool with 1 operation being to place the tool against the work surface.

(2) The design shall prevent discharge of the stapler during loading or when dropped.

(3) A portable powered stapler or nailer shall not be pointed or discharged at other than the work piece.

(4) The operator of a portable powered stapler or nailer and those employees within the striking distance of its fastener shall wear eye protection as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(5) A positive actuation of the operation control shall be required to propel each fastener from a powered stapler or nailer.

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(6) When relieving a jam-up of a fastening device, the source of power shall be disconnected.

(7) At the beginning of each shift, a portable powered stapler and nailer shall be tested for safe operation.

(8) Safety devices and operating controls shall not be made inoperative.

History: 1954 ACS 80, p. 63, Eff. July 23, 1974.

R 408.13866 Pneumatic powered nut runner.

Rule 3866. (1) A pneumatic powered angle nut runner with a trigger type operating control shall have the control located so that the reaction force of the runner does not create additional pressure on the trigger.

(2) A mechanical means shall be provided to absorb torque reaction of a stall type tool and used where:

(a) The resultant sustained force on an operator of an angle head nut runner or an inline tool with dual offset handles is more than 50 pounds.

(b) The reaction torque from an inline nut runner with a single offset handle is more than 100 inch pounds.

(c) The reaction torque of an inline nut runner without an offset handle is more than 30 inch pounds.

(3) A powered nut runner other than a stall type shall be provided a device, such as a reaction bar, when the reaction force on the operator is such that the operator cannot control the tool.

History: 1954 ACS 80, p. 63, Eff. July 23, 1974.

POWDER ACTUATED TOOLS

R 408.13871 General requirements for powder actuated tools.

Rule 3871. (1) A powder actuated tool shall be so designed:

(a) That the tool cannot fire during loading, preparation to fire or if the tool should be dropped. Activation shall require not less than 2 operations by the employee; first the tool shall be placed in position and then actuated.

(b) That an employee shall have the option to use a power level capable of performing the desired work with minimum force (see R 408.13875).

(c) That the breeching parts shall allow a visual inspection for foreign matter.

(d) That the tool shall be capable of resisting the maximum stresses imposed by any specifically manufactured commercial explosive load which will fit in the tool.

(2) Fasteners used in a powder actuated tool shall be only those specifically manufacturered for such a tool.

History: 1954 ACS 80, p. 63, Eff. July 23, 1974.

R 408.13872 High velocity tools.

Rule 3872. (1) A high velocity tool shall be equipped with a protective shield not less than 3½ inches in diameter, mounted perpendicular to and concentric with the barrel. The shield shall be designed to confine any fragments or particles that would create a hazard. The shield shall be interlocked to the tool so that if it is not attached, the tool will not fire.

(2) Where a standard shield cannot be used or does not cover the escape of fragments from a high velocity tool, a special shield, guard, fixture or jig shall be designed and used to provide the required protection which shall be interlocked as prescribed in subrule (1).

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(3) The design of a high velocity tool shall require that the tool be held against the work surface with a force of not less than 5 pounds greater than the weight of the tool before actuation.

(4) The tool shall be designed to make it inoperable if, when equipped with a standard shield indexed to the center position, any bearing surface of the guard is tilted more than 8 degrees from contact with the work surface.

History: 1954 ACS 80, p. 63, Eff. July 23, 1974.

R 408.13873 Low velocity tools.

Rule 3873. The design of a low velocity tool shall:

(a) Be such that the muzzle end of the tool will hold a protective shield, a guard, a fixture or a jig, built by the tool manufacturer perpendicular to the barrel.

(b) Require that the tool be held against the work surface with a force of not less than 5 pounds greater than the weight of the tool before actuation.

History: 1954 ACS 80, p. 64, Eff. July 23, 1974.

R 408.13874 Hammer actuated piston tools.

Rule 3874. (1) The fastener of a hammer actuated piston tool shall have a velocity not to exceed 300 feet per second when measured 6½ feet from the muzzle end of the tool.

(2) Such a tool shall be designed as prescribed in subdivision (a) of R 408.13873.

(3) The firing mechanism of such a tool shall require not less than a 3 foot pound blow to achieve activation.

History: 1954 ACS 80, p. 64, Eff. July 23, 1974.

R 408.13875 Power levels.

Rule 3875. The power level for cased or caseless loads shall be identified by a color and numbering system as prescribed in table 2, except caseless loads are limited to power levels 1 to 6. The combination of the case color and load color shall designate the load level. Both the explosive load and the carton or box shall provide visual indication of the load level.

TABLE 2
Identification of Cased Loads

Power Level	Color Identification		Nominal Velocity (± 45 fps)
	Case Color	Load Color	
1	Brass	Gray	300
2	Brass	Brown	390
3	Brass	Green	480
4	Brass	Yellow	570
5	Brass	Red	660
6	Brass	Purple	750
7	Nickel	Gray	840
8	Nickel	Brown	930
9	Nickel	Green	1,020
10	Nickel	Yellow	1,110
11	Nickel	Red	1,200
12	Nickel	Purple	1,290

Note: The nominal velocity applies to ⅜-inch diameter 350-grain ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific size or type of tool.

History: 1954 ACS 80, p. 64, Eff. July 23, 1974.

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R 408.13876 Operation of powder actuated tools.

Rule 3876. (1) A powder actuated tool shall:

(a) Be inspected for defects and the safety devices tested before use. A defective tool shall be removed from service until repaired.

(b) Used with the shield, guard or attachment required by the job.

(c) Not be loaded until firing time. A loaded tool shall not be left unattended.

(d) Not be fired in an explosive or flammable atmosphere.

(e) Not be pointed, loaded or empty, at another employee or fired at objects not in contact with the tool.

(2) In case of a misfire, the employee shall hold the tool in operating position for 30 seconds, then try again. At a second misfire, he shall wait again for 30 seconds with the tool in operating position; he shall then remove the load and place it in a container of water and consult his supervisor for disposition.

(3) A fastener shall not be driven:

(a) Into very hard or brittle materials, such as, but not limited to, cast iron, glazed tile, hollow tile, face brick, glass block or surface hardened steel.

(b) Into a material which is easily penetrated unless the material is backed by another material which will prevent the fastener from passing completely through and creating a flying hazard on the other side.

(c) Through an existing hole unless a guide is used to secure alignment.

(d) Into a spalled area caused by an unsatisfactory fastening.

(e) Into materials such as masonry less than 3 inches from an unsupported edge or corner, or into steel surfaces less than ½ inch from an unsupported edge or corner, except that when using a low velocity tool the distances can be narrowed to 2 inches for masonry materials and ¼ inch for steel surfaces.

History: 1954 ACS 80, p. 64, Eff. July 23, 1974.

FUEL POWERED TOOLS

R 408.13881 General.

Rule 3881. (1) A fuel powered tool shall be stopped while being refueled, serviced, or maintained.

(2) A fuel powered tool shall not be operated in an enclosed area, unless the toxic fumes are below the maximum allowable limits prescribed by the state department of public health, being R 325.2430 of the Michigan Administrative Code.

(3) Where refueling is done with a portable container, the container shall be an approved safety can with an automatic closing cap and flame arrestor.

History: 1954 ACS 80, p. 65, Eff. July 23, 1974.

R 408.13882 Chain saws.

Rule 3882. (1) A chain saw shall be used only for cutoff work such as, but not limited to, cutting trees, limbs, poles, and beams. A chain saw shall not be used to open a hole in a solid object, such as a floor, wall, or panel.

(2) A chain saw shall be equipped with a positive type on-off ignition switch conveniently located for the operator to move it into the off position without relinquishing his grip on the saw.

(3) A manual chain oiler control, if provided on a chain saw, shall be located so that it can be operated without relinquishing a secure grip on the saw.

(4) An engine throttle control, if provided on a chain saw, shall be located so that it can be operated without relinquishing a secure grip on the saw.

(5) A chain saw shall have a guard that protects the throttle lever from casual contact from brush or other foreign objects.

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(6) A chain saw equipped with a centrifugal clutch shall have a throttle control, carburetor and clutch system so that if the throttle control is released, the engine idle speed shall become lower than the clutch engagement speed, allowing the chain to come to a complete stop.

(7) A chain saw's moving parts, such as a flywheel, rotating screen, or clutch, shall be guarded. A saw's chain shall be guarded adjacent to the handle area and the sawdust shall be directed away from the operator.

(8) A saw's chain shall be stopped if it is not being used for sawing.

(9) A chain saw shall be carried by the top handle with the guide bar to the rear.

(10) A chain saw shall not be started within 10 feet of the place where it was refueled.

History: 1954 ACS 80, p. 65, Eff. July 23, 1974.

PART 42. FORGING
GENERAL PROVISIONS

R 408.14201 Scope.

Rule 4201. This part provides safety for life, limb, and health in or about places of employment and applies to all classes of power-forging machinery both for drop forging and flat-die forging, including steam hammers, pneumatic hammers, mechanically operated hammers, forging presses, forging rolls, trimming presses, bulldozers, upsetting machines, bolt-heading and rivet-making machines and power shears, and incidental operations and equipment in connection with such machinery. Excluded are cold forging operations.

History: 1954 ACS 72, p. 53, Eff. June 22, 1972.

R 408.14203 Definitions; A to C.

Rule 4203. (1) "Aisle" means a path of travel for vehicles and employees and which is not used for work and storage space.

(2) "Board drop hammer" means a hammer equipped with boards attached to the ram which when propelled by motor driven friction rolls raises the ram and attachments.

(3) "Cylinder head" means a cover attachment for the top of a steam cylinder.

History: 1954 ACS 72, p. 53, Eff. June 22, 1972.

R 408.14204 Definitions; F, G.

Rule 4204. (1) "Foot protection" means protective equipment worn on an employee's foot and designed to protect against injury.

(2) "Forging press" means a mechanically or hydraulically operated press using closed or flat dies.

(3) "Forging rolls (reducing rolls)" means rolls used as equipment for forging or swagging operations. Forging rolls are required essentially for reducing short, thick stock sections into long, slender sections and to preform or reduce cross-sectional areas of billets before the finished forging operation.

(4) "Guide bolt" means a bolt which passes through the hammer columns and secures the ram guides in the pocket.

History: 1954 ACS 72, p. 53, Eff. June 22, 1972.

R 408.14205 Definitions; H to P.

Rule 4205. (1) "Hammer" means a machine designed to shape forgings by means of impact between dies. The force of the impact is by gravity or power supplied by steam, air or mechanical means.

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(2) "Mechanical hammer" means a gravity hammer which uses hydraulic or mechanical devices, such as friction rolls with boards, belts, or ropes to raise the ram and attachments.

(3) "Point of operation" means the area of a machine, die, or tool where material is actually worked.

(4) "Power shear" means a machine equipped with opposing shear blades and which cuts bar stock.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

R 408.14207 Definitions; R, S.

Rule 4207. (1) "Rod gland" means a sleeve at the bottom of a cylinder through which a piston rod passes.

(2) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the actual safe load or working stress when in use.

(3) "Steam or pneumatic hammer" means a hammer using steam or air to provide energy in a cylinder to raise the hammer for a gravity drop and in case of a double action hammer to increase the force of the impact on the forging.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

R 408.14208 Definitions; T to W.

Rule 4208. (1) "Tie plate" means a plate located and attached to the upper structure of hammer columns and on which the steam cylinder is mounted.

(2) "Trained and authorized" means to have received instructions regarding specified duties and to have permission to perform those duties.

(3) "Trim press" means a class of auxiliary forging equipment which removes flash or excess metal from a forging.

(4) "Upsetting machine" means a horizontal forging machine employing a set of gripper dies that holds stock while the ram or header slide forces the stock into shape and size.

(5) "Walkway" means a path of travel for foot traffic only.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972; 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

R 408.14221 Working space.

Rule 4221. Machines shall be so located as to give:

(a) Enough clearance between machines so that the movement of 1 operator will not interfere with the work of another.

(b) Ample room for cleaning machines and handling the work, including material and flashings. The arrangement of machines shall be such that an operator's work station shall not be in an aisle.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

R 408.14222 Aisles.

Rule 4222. An aisle for vehicular traffic shall be not less than the width of the widest vehicle or load plus 3 feet. An aisle shall be outlined by marking.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

R 408.14223 Platforms.

Rule 4223. A platform used on the floor in front of a machine shall be designed to hold the weight imposed on it without creating a tripping hazard.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

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R 408.14224 Lighting and controls.

Rule 4224. (1) Machinery and equipment shall be provided with a minimum of 15 footcandles light intensity to fall upon the general area. When natural light is insufficient, artificial light shall be provided. Direct or reflected glare and shadows, including moving shadows, should be avoided.

(2) A manually operated valve or switch for power forging equipment shall be identified as to function and accessible to the operator.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972; 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

R 408.14225 Fans.

Rule 4225. (1) Where a fan is used, the blades, where exposed to contact, shall be enclosed on all sides with a material which conforms to rules 751, 754, and 757 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10751, R 408.10754, and R 408.10757 of the Michigan Administrative Code.

(2) An electrical cord shall be arranged to eliminate electrical or tripping hazards.

History: 1954 ACS 72, p. 54, Eff. June 22, 1972.

R 408.14226 Use of lead.

Rule 4226. The following safety requirements apply to lead casts or other use of lead in a forge shop or die shop:

(a) Thermostatic control of heating elements shall be provided to maintain melting temperature at not more than 750 degrees Fahrenheit.

(b) A covered container shall be provided to store dross skimmings.

(c) Equipment shall be kept clean, particularly from accumulations of lead oxide.

(d) A sign shall be posted in the work area prohibiting eating in the area and calling attention to dangers of oral ingestion of lead dust from hands and clothing.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972.

R 408.14227 Scale removers, oil swabs, and tongs.

Rule 4227. (1) If an oil swab, scale brush, or other device is required to remove scale, it shall be long enough to enable the employee to perform the job without placing his hands within the point of operation.

(2) Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used, they should be inspected periodically to ensure safe condition.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972; 1954 ACS 88, p. 97, Eff. Sept. 16, 1976.

R 408.14231 Guards; general.

Rule 4231. (1) A press, hammer, upsetter, bolt header, riveting machine or bulldozer having a flywheel, shaft, clutch and gears not confined within the frame shall be arranged with guards as prescribed in the occupational safety standards commission standard, Part 7. Guards for Power Transmission.

(2) An overhead part which may fall or fly off shall be secured or by other means prevented from falling.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972; 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

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R 408.14232 Personal protective equipment.

Rule 4232. (1) Protective goggles or spectacles as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code, shall be worn by all employees in a forge plant.

(2) Head protection, as prescribed in the occupational safety standards commission standard, Part 32. Head Protection, being R 408.13201 to R 408.13241 of the Michigan Administrative Code, shall be worn by all employees working in a forge department.

(3) An employee shall wear foot protection where a falling object would cause injury.

(4) An employee shall wear other types of protective clothing, such as, but not limited to, aprons, gloves and leggings, when and where such clothing is necessary for protection against injury.

(5) Hearing protection shall be provided by the employer and worn by an employee where the noise level exceeds the levels prescribed by the department of public health.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972; 1954 ACS 79, p. 75, Eff. Apr. 16, 1974.

R 408.14241 Guards, hammers, and forge presses.

Rule 4241. (1) The portion of a treadle at the rear of a hammer shall be guarded so that scrap or other material cannot collect below this portion of the treadle and prevent it from returning to normal position.

(2) A treadle shall be blocked or otherwise secured during the time an employee is exposed under the ram or between the dies.

(3) A scale guard constructed of not less than 20 gauge sheet steel or equivalent material shall be provided at the back of a hammer, so arranged as to stop flying objects and anchored or secured so that it cannot tip or fall.

(4) A foot operated device, such as a treadle, pedal, bar, valve, or switch, shall be substantially and effectively protected from unintended operation.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972; 1954 ACS 79, p. 76, Eff. Apr. 16, 1974; 1954 ACS 88, p. 97, Eff. Sept. 16, 1976.

HAMMER AND FORGE PRESSES

R 408.14242 Hammer installation.

Rule 4242. (1) A hammer shall be installed on or anchored to a foundation of such strength as to support the imposed weight and normal work stress.

(2) A press shall be installed in a manner that it will remain in position or it shall be anchored to a foundation of such strength as to support the imposed weight and normal work stress.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972; 1954 ACS 79, p. 76, Eff. Apr. 16, 1974.

R 408.14243 Ram props and blocks.

Rule 4243. A ram prop or block shall be provided and used at each hammer when dies are changed or repaired. The prop or block shall have a handle on the side. One of the following shall be used:

(a) A wooden ram prop or block of hardwood and complying with not less than the specifications of table 1. The ends shall be square.

(b) A steel ram prop of not less than 2½-inch outside diameter by 2-inch inside diameter, or a structural shape of equal strength, with squared ends.

(c) Other material which shall be of equal or greater strength as required for steel in subdivision (b).

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TABLE 1
Minimum Strength and Dimensions for Wood Ram Props

Size of Timber, In.*	Square Inches in Cross Section	Minimum Allowable Crushing Strength Parallel to Grain, Psi†	Maximum Static Load Within Short Column Range‡	Safety Factor	Maximum Recommended Weight of Forging Hammer for Timber Used	Maximum Allowable Length of Timber, In.
4 x 4	16	5,000	80,000	10	8,000	44
6 x 6	36	5,000	180,000	10	18,000	66
8 x 8	64	5,000	320,000	10	32,000	88
10 x 10	100	5,000	500,000	10	50,000	110
12 x 12	144	5,000	720,000	10	72,000	132

*Actual dimension.

†Adapted from U.S. department of agriculture technical bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 psi (pounds per square inch) or greater.

‡Slenderness ratio formula for short columns is $L/d=11$, where L=length of timber in inches and d=least dimension in inches; this ratio should not exceed 11.

History: 1954 ACS 72, p. 55, Eff. June 22, 1972.

R 408.14244 Hammer die keys.

Rule 4244. (1) A hammer die key and shims shall be made from a grade of material which does not crack or splinter when treated. A die key shall project not more than 3 inches in front or in back of the ram or die.

(2) A head of a key shall be kept free of mushrooming and splitting by grinding off any flaring.

(3) A head of a manual key driver shall be kept free of mushrooming by grinding or machining. A cutting torch shall never be used for this. A driver shall be suspended from a securely fastened beam with chain or cable of sufficient size to handle the weight of the driver plus a safety factor of 5. Chain, cable and fasteners shall be kept free of twisted, bent or elongated links. A driver shall be made of steel that will not chip on impact.

(4) A pneumatic key driver is recommended. The driver shall be made of steel that will not chip on impact.

History: 1954 ACS 72, p. 56, Eff. June 22, 1972; 1954 ACS 88, p. 97, Eff. Sept. 16, 1976.

R 408.14245 Hammer cylinder heads and fasteners.

Rule 4245. Parts, such as, but not limited to, a cylinder head and fasteners for a cylinder head, glands, tie plates and guide bolts, which are subject to failure shall be secured by use of a safety cable strung to them.

History: 1954 ACS 72, p. 56, Eff. June 22, 1972.

R 408.14246 Steam and pneumatic hammers.

Rule 4246. (1) A steam or air hammer shall be equipped with a functional safety cylinder head to act as a cushion if the piston rod breaks or pulls out of the ram.

(2) A steam hammer shall be provided with a quick access emergency shut-off valve identified by name or color in the supply, sometimes called admission, pipeline at a location within reach of the operator. This valve shall be closed and

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locked in the "off" position while the hammer is being adjusted, repaired, or serviced, or when the dies are being changed, except where necessary to move the ram.

(3) If the steam hammer cylinder is constructed without a self-draining arrangement, a drain cock shall be provided which shall be piped to a sump or drain pipe.

(4) A pneumatic hammer shall have a drain cock on the main head cylinder and on the clamp cylinder, if a clamp cylinder is provided.

(5) Steam or air pressure at the hammer shall be no higher than that for which the hammer is designed. A pressure regulator and safety valve at the source of power or at the equipment, whichever is applicable, shall be used to insure this.

(6) A steam pipe shall be covered where exposed to contact. Pipe supports or other effective means shall be provided to prevent failure from vibration, expansion or contraction.

(7) Steam or air piping shall be as prescribed in ANSI B31.1.0-1967, power piping, with addenda issued before April 28, 1971, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $8.00 each.

(8) Where it is necessary to service a steam cylinder, a fixed platform, as prescribed in R 408.14249(2), shall be provided, or the employee shall wear a safety belt and lanyard, with the lanyard secured to the hammer or a structural member.

History: 1954 ACS 72, p. 56, Eff. June 22, 1972; 1954 ACS 79, p. 76, Eff. Apr. 16, 1974; 1954 ACS 88, p. 97, Eff. Sept. 16, 1976.

R 408.14247 Mechanically operated hammers and forging presses.

Rule 4247. (1) A mechanically operated hammer or forging press shall be provided with a means for disconnecting the power. Acceptable methods include the following:

(a) A disconnect switch ahead of the starter on the primary line with provision for locking and within reach from the floor. Power shall be locked off when the machine is being repaired or serviced.

(b) A tight and loose pulley on a countershaft, with a belt shifter, with a means to lock it in the "off" position. The belt shifter shall be within easy reach of the operator.

(c) A clutch or drive pulley, with a clutch handle, with a means to lock it in the "off" position. The clutch handle shall be within easy reach of the operator.

(2) Springs suspending the ram in a mechanically operated hammer shall be enclosed or restrained from flying in case of breakage.

History: 1954 ACS 72, p. 56, Eff. June 22, 1972.

R 408.14248 Point of operation devices.

Rule 4248. Effective August 31, 1974, the following shall pertain to a mechanically operated hammer used for cold re-strike operations:

(a) Where only 1 hand is used for holding the material, a safety stop, dog or catch shall be provided to prevent the ram from descending until this device has been released and is held out of the way by the other hand, or a hand lever instead of a foot treadle shall be provided for tripping the hammer.

(b) On a hammer where neither hand is used for holding the material, there shall be provided a point of operation device that restrains the operator from

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inadvertently reaching into the point of operation or which automatically withdraws the operator's hands if they are within the point of operation as the dies close, or a tripping lever or safety stop or both that will require concurrent use of both hands to trip the hammer.

History: 1954 ACS 72, p. 57, Eff. June 22, 1972.

R 408.14249 Board drop hammers.

Rule 4249. (1) On a board drop hammer a guard constructed of 20 gauge sheet steel or stronger shall be provided around the board above the rolls to prevent the board from falling if the board breaks or comes loose from the ram.

(2) Where work must be done at or near the rolls of a board hammer, a fixed or portable platform equipped with handrail and toeboards as prescirbed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10201 to R 408.10241 of the Michigan Administrative Code and the occupational safety standards commission standard, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code, shall be provided and used.

(3) Roll release levers and front friction rods on a board hammer shall be prevented from falling by being secured to the hammer frame by cable, chain or an equally effective means.

History: 1954 ACS 72, p. 57, Eff. June 22, 1972.

R 408.14251 Forging presses.

Rule 4251. (1) Forging press operating valves shall be located so that the operator will have a clear and unobstructed view of the press when standing in the usual operation position. If this arrangement is impossible, a mirror shall be installed in front of the operator to assist him in obtaining a full view of the press.

(2) When dies are being changed or maintenance is being performed on a press, the following shall be accomplished:

(a) The energy source to a mechanical press shall be locked out, and the flywheel shall be at rest before work begins.

(b) The hydraulic pumps and power apparatus of the hydraulic press shall be locked out.

(c) Blocking shall be provided and used to prevent the ram from dropping. The material shall equal or exceed specifications in table 1. Die design shall take into consideration the need for a flat spot for the block.

(3) Location of steam, air, or water headers and scale or splash aprons shall give the operator sufficient clearance at the front of the forging press for any upward or downward movement of the tongs without creation of a pinch point between these facilities and the tongs.

(4) A hot forging press shall be equipped with a scale guard, as prescribed in R 408.14241(3).

(5) A forging press shall be provided with a positive means for retaining a piston and head assembly inside the counterbalance cylinder in case of failure or breakage of the piston and rod assembly.

(6) An electrical motor shall be provided with a disconnect switch, as prescribed in R 408.14247(1). A hydraulic forging press shall be equipped with a positive type lockout disconnecting switch or valve.

(7) Fire resistant fluids shall be used in a hydraulic press forming hot work.

(8) Die bolts shall not be worn or damaged, and shall be long enough to permit being threaded into die bolt holes a distance not less than 1½ times the diameter of the bolt. Washers shall not be used in multiple to compensate for excessive lengths of bolts.

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(9) A mechanical foot pedal or foot switch shall be covered on both sides and top with a substantial guard to prevent accidental tripping. The guard shall have rolled, broad, or covered edges to prevent injury or discomfort. The mechanical foot pedal shall be mounted to a press leg or anchored to the floor.

History: 1954 ACS 72, p. 57, Eff. June 22, 1972; 1954 ACS 79, p. 76, Eff. Apr. 16, 1974; 1954 ACS 88, p. 98, Eff. Sept. 16, 1976.

R 408.14252 Inspection.

Rule 4252. (1) Daily visual observation, without dismantling, shall be made of a forging hammer and forge press to insure the safe condition of bolts, screws, keys, valves, and all parts of treadles and clutches and other operating mechanisms that might become loose by vibration.

(2) A periodic and regular maintenance safety inspection shall be made of forging machinery and equipment, including guards and point of operation protection devices by a trained and authorized employee.

(3) A record shall be made and maintained to show the date of inspection, equipment number and condition found.

History: 1954 ACS 72, p. 58, Eff. June 22, 1972; 1954 ACS 79, p. 77, Eff. Apr. 16, 1974.

OTHER MACHINES

R 408.14261 Trim presses.

Rule 4261. (1) A trim press shall be provided with a main disconnect switch as prescribed in R 408.14247(1).

(2) A trim press shall be provided with a safety block or prop as prescribed in R 408.14243. Die design shall take into consideration and provide a suitable flat area in the die for locating and using blocking material.

(3) A trim press shall be fed by devices as prescribed in R 408.14251(10).

History: 1954 ACS 72, p. 58, Eff. June 22, 1972.

R 408.14263 Bulldozers.

Rule 4263. (1) A guard shall be attached to the side of the moving head of a bulldozer and shall extend past the stationary head to prevent persons from stepping between the dies, or another method may be used which offers equal protection.

(2) A bulldozer shall be provided with a positive-type lockout device as prescribed in R 408.14247(1).

History: 1954 ACS 72, p. 58, Eff. June 22, 1972.

R 408.14265 Bolt heading and rivet making machines.

Rule 4265. (1) A treadle (pedal) of a bolt heading or rivet making machine shall be guarded as prescribed in R 408.14251(9).

(2) A bolt header or rivet making machine shall be equipped with a positive-type lockout device as prescribed in R 408.14247(1).

(3) A screen shield shall be installed across point-of-operation on a bolt heading or rivet-making machine to protect against flying pieces.

(4) Tension or relief springs on a bolt heading or rivet making machine shall be guarded.

(5) Safety blocks as prescribed in R 408.14243 shall be used when required while working on, removing or setting dies.

History: 1954 ACS 72, p. 58, Eff. June 22, 1972.

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R 408.14267 Power shears.

Rule 4267. (1) A positive-type lockout device for disconnecting the power to a power shear shall be provided as prescribed in R 408.14247(1).

(2) The maximum size and specification of material being sheared on a power shear, as recommended by the manufacturer of the shear, shall not be exceeded.

(3) Effective point-of-operation guarding shall be provided at both the feeding end and discharge end of a power shear.

History: 1954 ACS 72, p. 58, Eff. June 22, 1972.

R 408.14268 Material-handling equipment.

Rule 4268. Material-handling equipment shall be of such capacity and size as to safely handle the imposed load of the dies and containers.

History: 1954 ACS 79, p. 77, Eff. Apr. 16, 1974; 1954 ACS 88, p. 98, Eff. Sept. 16, 1976.

R 408.14269 Tumbling barrels and shot blasts.

Rule 4269. (1) A tumbling barrel shall:

(a) Have all means of power transmission guarded as prescribed in the occupational safety standards commission standard, Part 7. Guards for Power Transmission.

(b) Have fittings to the barrel dust-tight or the barrel shall be enclosed in a booth with an exhaust system as approved by the state department of public health.

(c) Be locked in place while being loaded or unloaded.

(d) Have an interlocked barrier across the front before it can be started.

(e) Have a positive type lockout device for disconnecting the power to the barrel, as prescribed in R 408.14247(1).

(2) A shot blast cleaning chamber shall have doors, curtains including silhouettes or guards to protect the operator.

History: 1954 ACS 72, p. 58, Eff. June 22, 1972; 1954 ACS 79, p. 77, Eff. Apr. 16, 1974.

R 408.14271 Upsetting machines.

Rule 4271. (1) An upsetter pedal (treadle) shall be guarded as prescribed in R 408.14251(9).

(2) A shut-off valve or safety switch for service equipment on an upsetter, such as air lines, electric lines and water and oil lines, shall be located conveniently for the operator, and each shall be distinctly marked for ease of identification.

(3) A positive type lockout device for disconnecting the power to the upsetter shall be provided as prescribed in R 408.14247(1).

(4) An upsetting machine shall be installed so that it will remain on its foundation.

History: 1954 ACS 72, p. 59, Eff. June 22, 1972; 1954 ACS 79, p. 77, Eff. Apr. 16, 1974.

R 408.14273 Billet heating furnaces.

Rule 4273. (1) A billet heating furnace shall be equipped with an automatic valve on the main fuel line which will shut off in case of electrical or fuel supply failure.

(2) Radiant heat from a billet furnace shall be controlled by 1 or more of the following methods:

(a) Reflective shields of aluminum or materials of equal reflectivity.

(b) Controlled openings.

(c) Evaporative cooling.

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(d) Water jackets.

(e) Chain curtains.

(3) An exhaust system shall be provided as prescribed by the state department of public health.

History: 1954 ACS 72, p. 59, Eff. June 22, 1972.

PART 44. FOUNDRIES

R 408.14401 Scope.

Rule 4401. This part applies to manufacturing and maintenance operations relating to the safety of employees engaged in making of ferrous and nonferrous castings, including smelting operations when applicable, but excluding die casting operations.

History: 1954 ACS 69, p. 86, Eff. Oct. 15, 1971; 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

R 408.14405 Definitions; A to C.

Rule 4405. (1) "Aisle" means a passageway between molds leading from a gangway, and its width shall be understood to be the clear distance between molds, machinery and equipment, posts, partitions, or other obstructions on 1 side of a passageway and similar objects on the other side.

(2) "Charging box or bucket" means a container which transports, to a cupola or furnace, scrap, coke, limestone, pig iron, ingots, alloys, briquets, and any other material to be melted.

(3) "Chipping" means a process of removing excess metal, flash, fins, and other unwanted material from a casting.

(4) "Coreblower" means a pneumatic machine which makes cores.

(5) "Crucible" means a vessel of refractory material used to hold or transport molten metal.

(6) "Crucible furnace" means a device which encloses a crucible in which metal is melted by gas, oil, or electric heat.

(7) "Cupola" means a vertical furnace used for melting metals and having tuyeres and a tapping spout.

History: 1954 ACS 69, p. 86, Eff. Oct. 15, 1971.

R 408.14406 Definitions; D to I.

Rule 4406. (1) "Draw furnace" means a device designed to heattreat or anneal metals.

(2) "Ferrous foundry" means a place where malleable iron, grey iron, nodular iron, or steel or a combination of these metals are melted and poured into molds in the making of castings.

(3) "Footcandles" means a standard measurement of light.

(4) "Foot protection" means a protective cap worn on an employee's foot designed to protect against probable injury.

(5) "Gangway" means a well defined passageway dividing or bordering working areas, but does not include an aisle.

(6) "Interlock" means a device or method of controlling the source of power so that if a guard, gate or similar protective device is removed or out of place, the equipment becomes inoperative.

History: 1954 ACS 69, p. 86, Eff. Oct. 15, 1971.

R 408.14407 Definitions; L to R.

Rule 4407. (1) "Ladle" means a vessel used for transporting and pouring molten metals.

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(2) "Melting furnace" means a device used to melt metals or hold molten metals.

(3) "Nonferrous foundry" means a place where brass, aluminum, lead, copper, tin, zinc, gold, silver, or combination of metals are melted or poured into molds in the making of castings.

(4) "Oven" means a chamber designed to bake, heat, or dry.

(5) "Overhead crane" means a machine for lifting and lowering which moves on a bridge and travels under power on a fixed overhead runway.

(6) "Reverbatory furnace" means a furnace in which heat is radiated from the roof onto the material to be melted.

History: 1954 ACS 69, p. 86, Eff. Oct. 15, 1971.

R 408.14408 Definitions; S.

Rule 4408. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the actual load or stress when in use.

(2) "Sampling cone" means a cup with an attached handle used to collect a sample of sand.

(3) "Service" means the repair or adjustment of equipment or machinery.

(4) "Shell or hot box core making" means a process of making cores of sand and resin mix that is cured in a heated box or pattern.

(5) "Shell molding" means a process of making a mold of sand and resin mix and curing on a heated pattern.

(6) "Single stroke mechanism" means a method or device which prevents action or cycling of a part of a machine more than once when the control is continuously held down.

(7) "Slag or dross" means the refuse from melting of metals.

(8) "Smelting" means to separate metals by melting.

History: 1954 ACS 69, p. 86, Eff. Oct. 15, 1971; 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

R 408.14409 Definitions; T to W.

Rule 4409. (1) "Two-hand control" means an actuating device that requires the concurrent use of both hands of an operator to trip or control the equipment.

(2) "Trunnion" means the support attached to the sides of a ladle, flask or other device to facilitate the tilting or rotation of the device.

(3) "Walkway" means a path of travel for personnel only.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14421 Eye protection and clothing.

Rule 4421. (1) An employee shall wear eye protection as specified in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(2) To protect an employee from burns while handling molten metal, he shall wear leggings, spats, an apron or other equivalent personal protective equipment.

(3) An employee shall wear foot protection where there is a probability of foot injury.

(4) An employee assigned to handle hot cores, hot shell molds or hot castings shall wear heat resistant gloves.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14423 Personal protection during cleaning in booths.

Rule 4423. (1) An employee shall wear an air-supplied hood, sleeves, gloves and an apron while doing abrasive cleaning inside a booth.

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(2) An air line which furnishes air to an air supplied hood shall have pressure regulators and filters as required by the state department of public health.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14425 Cold weather protection.

Rule 4425. Employees working indoors in regularly designated work areas shall be protected during cold weather by artificial heat and ventilation to insure healthful working conditions as prescribed by the state department of public health.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14426 Sanitation.

Rule 4426. An employer shall furnish and maintain sanitation facilities as prescribed by the state department of public health.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14427 Toxic fumes.

Rule 4427. (1) Toxic fumes or dust exceeding the maximum allowable concentration limits prescribed by the state department of public health shall be exhausted or maintained by other means within the limits.

(2) A salamander, coke burner or other receptacle using coal, coke or other fuel which gives off toxic fumes in an enclosed area shall not be used unless the area is vented by a monitor roof, or unless the fumes are exhausted as prescribed by the state department of public health.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14431 Illumination.

Rule 4431. Natural or artificial lighting shall be furnished to provide the following minimums:

(a) For a work area, such as core making, molding, grinding, charging, cleaning and annealing operations, 25 footcandle intensity.

(b) For a walkway, gangway or aisleway, 10 footcandle intensity.

(c) For active storage, 5 footcandle intensity.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14433 Gangways and aisles.

Rule 4433. (1) A gangway or aisle in which molten metal is being transported shall be clear of obstructions and water.

(2) A gangway shall be not less than 4 feet wide or shall be 3 feet wider than the widest load using it.

(3) A work station shall be not less than 2 feet from aisles and gangways, except when protected by a standard barrier as specified in the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10201 to R 408.10239 of the Michigan Administrative Code.

(4) Access to and from a work station shall be free of obstructions.

History: 1954 ACS 69, p. 87, Eff. Oct. 15, 1971.

R 408.14434 Aisles.

Rule 4434. (1) An aisle shall be not less than 24 inches wide where molten metal is poured from hand or bull ladles or crucibles carried by 1 or 2 employees. However, if a mold is 20 inches or more in height, an aisle shall be not less than 36 inches wide.

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(2) An aisle shall be not less than 36 inches wide where molten metal is poured by more than 2 employees.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14436 Metal platforms, ladders, and steps.

Rule 4436. (1) A metal platform shall be provided at a cupola and a furnace for preparation of tap holes, runner spouts and slagholes.

(2) A metal platform and ladder or steps shall be provided at a furnace or oven where employees go on refractory roofs.

(3) A platform used at a crucible or similar type furnace shall be of metal and not less than 3 feet wide. Railings shall be installed according to the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14438 Cranes.

Rule 4438. (1) An overhead crane shall be equipped with a signal or device such as a horn, bell, or flashing light. An employer shall establish a procedure for use of the warning signal or device.

(2) A crane load, including but not limited to a magnet, bucket, ball or pallet, shall not pass above employees unless guarding is provided to prevent injury from falling objects.

(3) An employee shall not ride on a crane hook, ball, bucket or load.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14439 Wire rope and chain.

Rule 4439. (1) A wire rope or chain on a crane, lift or hoist used to lift or carry molten metal shall:

(a) Be inspected weekly for wear or defects and shall be replaced if worn or defective.

(b) Have a designed safety factor of not less than 8.

(2) A wire rope shall have an independent wire rope core.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14441 Charge boxes.

Rule 4441. A charge box shall be free of moisture, including ice or snow when a furnace is charged.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14443 Cupolas.

Rule 4443. (1) A skip hoist or charging machine, unless completely enclosed, shall be equipped with:

(a) A warning device to announce movement.

(b) An interlocking gate across the bucket loading opening.

(2) An employee working in a cupola shall be protected from falling objects by an overhead guard.

(3) A cupola bottom shall be:

(a) Supported by 2 or more metal props of structural strength with overall safety factor of not less than 10 to support a full capacity load and adjusted to proper height by wedges or screw jacks.

(b) Dropped only after a general warning has been sounded and all persons are removed to a safe distance or protected by a permanent or movable enclosure or screen.

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(c) Dropped into an area free of water.

(4) A slag hole shall be shielded to protect an employee from spattering slag.

(5) Where oxygen is used to blow or cut tapping holes, a screen or guard shall be used to protect nearby employees from hot blown material.

(6) An employee not wearing light attenuating goggles or shields shall be protected by a screen or wall from the arc of an electric furnace.

History: 1954 ACS 69, p. 88, Eff. Oct. 15, 1971.

R 408.14445 Scrap.

Rule 4445. (1) An alligator shear shall be guarded to prevent injury to an employee by flying particles.

(2) Scrap shall not be broken by drops unless employees are protected from flying fragments by a permanent shield of hardwood planks not less than 2 inches thick, ¼ inch steel plate or material of equal strength.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14447 Hopper bins.

Rule 4447. (1) An employee entering a hopper bin shall wear a safety belt and lifeline and shall be attended by another employee similarly equipped and in position to render immediate assistance.

(2) An open hopper bin accessible to an employee shall have a grating over the opening or be enclosed by standard railing as specified in the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14448 Conveyors.

Rule 4448. A conveying device introducing stock to a draw furnace or oven in which a flammable or volatile hazard may exist shall be controlled to prevent its operation during pre-ignition or purge. It shall be arranged to stop automatically in case of a ventilation failure.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14451 Melting furnace pits.

Rule 4451. A melting furnace pit shall:

(a) Be free of water during operation.

(b) Be enclosed with standard railing and toeboard as specified by the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

(c) Be clear of employees during tapping or pouring.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14453 Crucibles.

Rule 4453. A crucible shall:

(a) Not be used if it shows cracks, thin spots, flaws or dampness.

(b) Be stored in a dry place and protected from moist air.

(c) Be carefully charged to prevent damage.

(d) A crucible made of clay shall not be allowed to cool after being placed in service.

(e) Be covered while transporting molten metal emitting toxic fumes or be mechanically ventilated.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

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R 408.14455 Ladles.

Rule 4455. (1) A shield shall be provided between a hand ladle and an employee's hand on a single hand ladle.

(2) A ladle not held in the hand shall be equipped with a manually operated or an automatic safety latch or brake.

(3) A ladle of 2,000 pounds' capacity or more shall be mechanically tilted and equipped with an automatic safety latch or brake which shall hold the ladle at any attitude.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14457 Molten slag.

Rule 4457. Slag which is not disposed of by conversion to granular form shall be collected in pots, ladles, tubs or sand pigs and allowed to solidify throughout before dumping.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14461 Sand mullers.

Rule 4461. (1) A manually loaded batch-type sand muller shall have interlocked enclosures over openings to prevent operation when loading or unloading.

(2) A muller shall have a sampling door or the employer shall provide sampling cones.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14463 Sand mixers.

Rule 4463. A dough-type sand mixer shall have a grating made of ⅜-inch rod or material of equal strength with openings not more than ¾ inch covering the opening and interlocked to the mixer. When the cover is raised, the motor shall not start again until the cover is closed and starter button activated.

History: 1954 ACS 69, p. 89, Eff. Oct. 15, 1971.

R 408.14465 Molding machine controls.

Rule 4465. A manually controlled molding machine shall have a 2-hand control, single stroke mechanism for the squeeze cycle for each operator assigned to the machine. A 2-hand control shall be installed so as to prevent "bridging" the control buttons and so it can be operated by 2 hands only.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14466 Molding machine squeezers.

Rule 4466. (1) The squeezer head of a molding machine shall be positioned so as to avoid a pinch point with the sand chute.

(2) A squeeze machine used in shell mold assembly shall be equipped with a 2-hand control as specified in R 408.14465.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14468 Molding machine sand hoppers.

Rule 4468. A sand hopper release door shall be out of reach to the operator or guarded to eliminate the pinch point.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14471 Core blowing.

Rule 4471. (1) A manually controlled shell, hot box core equipment, and a core blower machine shall be equipped with a 2-hand control as specified in R 408.14465.

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(2) An employee handling hot cores or hot boxes shall wear heat resistant gloves.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14473 Chipper area shields and enclosures.

Rule 4473. A chipper area shall have shields or enclosures to reduce the hazard of flying objects.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14474 Tumbling mills.

Rule 4474. A tumbling mill shall be equipped with an interlocked guard to prevent employees from contact with the revolving mill.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14475 Shake-out.

Rule 4475. An employee on manual shake-out operations shall wear hand, eye, and foot guards.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14476 Cleaning castings in enclosures.

Rule 4476. (1) Sand or abrasive cleaning shall be done in an enclosed machine or room which shall be dust tight or have exhaust systems as prescribed by the state department of public health.

(2) When a core is blown out of a casting, it shall be done in an enclosure equipped with an exhaust system as prescribed by the state department of public health.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14477 Casting repair.

Rule 4477. Casting repair by gas or arc welding shall be done in an area with shields or a ventilated enclosure to protect other employees from the hazards of the arc, hot materials and flying fragments.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14478 Lost wax or investment casting.

Rule 4478. Manually operated lost wax injection equipment shall be equipped with a 2-hand control as specified in R 408.14465.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14479 Fluidizing.

Rule 4479. A fluidizing coating bin shall be exhausted as prescribed by the state department of public health.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

R 408.14481 Counterweights.

Rule 4481. (1) Sliding doors using a counterweight shall have the counterweight enclosed. Counterweights, cable pulleys and wheel guides shall be guarded as specified in the occupational safety standards commission standard, Part 7. Power Transmission, being R 408.10701 to R 408.10763 of the Michigan Administrative Code.

(2) Chains and wire ropes shall have a designed safety factor of not less than 5.

History: 1954 ACS 69, p. 90, Eff. Oct. 15, 1971.

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R 408.14483 Foot controls.

Rule 4483. Foot controls shall be guarded as specified in the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12301 to R 408.12371 of the Michigan Administrative Code.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14485 Lockout.

Rule 4485. (1) A power source of equipment to be repaired, serviced or set up shall be locked out with any residual pressure relieved before and during the work by each employee doing the work if unexpected motion would cause injury.

(2) An employer shall establish and maintain a written procedure for lockout of equipment.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14486 Stop buttons.

Rule 4486. When a conveyor emergency stop button or cable is actuated, the conveyor shall be inoperative until that specific switch is manually re-activated.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14488 Water testing.

Rule 4488. (1) Water testing equipment shall be designed and maintained to protect the operator and adjacent employees from injuries.

(2) Where wet conditions exist, an employer shall provide and an employee shall wear water repellant equipment.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14491 Reverbatory furnaces.

Rule 4491. A reverbatory furnace in a nonferrous foundry shall:

(a) Be charged with dry material.

(b) Have clear space on the load and unload sides to permit use of material handling equipment in a nonhazardous manner.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14492 Permanent mold equipment.

Rule 4492. Manually operated permanent mold equipment in a nonferrous foundry shall be equipped with 2-hand controls as specified in R 408.14465.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14493 Crucible and similar type furnaces.

Rule 4493. (1) Where a crucible or similar type furnace in a nonferrous foundry is at floor or below floor level, a grating shall cover the opening or a railing shall be installed according to the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways.

(2) Where crucible or similar type furnaces are above the floor level, they shall be not less than 3 feet apart.

History: 1954 ACS 69, p. 91, Eff. Oct. 15, 1971.

R 408.14494 Airborne toxic substances.

Rule 4494. Exposure of an employee to airborne concentrations of lead, chlorine and other toxic substances shall be controlled as required by the state department of public health.

History: 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

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R 408.14495 Chlorine, caustic and acid.

Rule 4495. (1) Liquid chlorine shall be stored in an unoccupied ventilated room. The exhaust pickup shall be at floor level.

(2) A room used for storage of chlorine gas shall have not less than 2 exits.

(3) A tank car containing chlorine and connected to a pipe or hose line shall be protected by a derail device and a blue flag.

(4) A pipe or hose line carrying chlorine, caustic or acid shall be identified by a sign or color label.

(5) Where chlorine is piped through a wall, shut-off valves shall be located on both sides of the wall and at the inlet and outlet.

History: 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

R 408.14496 Use of lead.

Rule 4496. When melting lead:

(a) A covered container shall be provided to store dross skimmings.

(b) Equipment shall be kept clean, particularly from accumulation of lead oxide.

(c) A sign shall be posted in the work area prohibiting eating in the area and calling attention to dangers of oral ingestion of lead dust from hands and clothing.

History: 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

R 408.14497 Pumps.

Rule 4497. A pump suspended by a hoist above a melting pot shall be secured to the hoist hook to prevent it being dropped.

History: 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

R 408.14498 Powered industrial trucks.

Rule 4498. Where a powered industrial truck is used for loading a furnace, an operator, exposed to splash or splatter, shall be protected by a shield.

History: 1954 ACS 75, p. 59, Eff. Apr. 14, 1973.

PART 45. DIE CASTING
GENERAL PROVISIONS

R 408.14501 Scope.

Rule 4501. This part provides for safe maintenance and operation of machinery and equipment by employers and their safe use by employees in, around and about die casting operations, which are not covered by other standards. Permanent-mold casting is not included.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973.

R 408.14503 Definitions; A to G.

Rule 4503. (1) "Automatic die casting machine" means a machine which will cycle continuously without the attention of an operator.

(2) "Bull ladle," also known as a transfer ladle, means a large vessel used for transporting and pouring molten metals.

(3) "Cold chamber machine" means a die casting machine where the injection plunger and cylinder is not submerged in molten metal, but the molten metal is transferred into the cylinder.

(4) "Die casting" means the injection of molten metal under pressure into dies to make various shaped parts.

(5) "Guard" means a physical barrier or a device which protects a machine or an employee.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973; 1954 ACS 87, p. 68, Eff. Mar. 24, 1976.

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R 408.14504 Definitions; H to M.

Rule 4504. (1) "Holding furnace" means a furnace designed to hold molten metal within a desired temperature range.

(2) "Hot chamber machine" means a die casting machine where the injection mechanism is submerged in the molten metal.

(3) "Lockout procedure" means a method of shutting off the power to equipment and securing it by means of a lock and key.

(4) "Manually tended" means a machine which has an operator who controls the cycle, inserts or removes a part or ladles molten metal.

(5) "Melting furnace," also known as a breakdown furnace, means a furnace designed to convert solid metals into a molten state. It includes a furnace designed as a combination melting and holding furnace.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973; 1954 ACS 87, p. 68, Eff. Mar. 24, 1976.

R 408.14505 Definitions; P to T.

Rule 4505. (1) "Parting plane" means the line formed where segments or halves of a die meet.

(2) "Safety door" means a movable guard interlocked to a control system and located between the operator and the die.

(3) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(4) "Two hand control" means an anti-tie down, anti-repeat actuating device that requires concurrent use of both hands of an operator to activate or control a machine.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973.

R 408.14507 Employer responsibility.

Rule 4507. (1) An employer shall provide training to an employee regarding the operating procedures, hazards and safeguards of his assigned job.

(2) An employer shall not allow a machine to be operated which is not guarded as prescribed by this part or where the machine has a known defect which would affect the safety of an employee.

(3) An employer shall establish and maintain a lockout procedure as prescribed in R 408.14525(1).

History: 1954 ACS 76, p. 67, Eff. July 27, 1973.

R 408.14508 Employee responsibility.

Rule 4508. (1) An employee shall not operate a machine until he has been trained in its operating procedures, hazards and safeguards and has been authorized to operate it.

(2) An employee shall report immediately to his supervisor a machine, equipment or safeguard which is defective.

(3) An authorized employee shall remove guards from a machine for maintenance or set up only. The guard shall be replaced before the machine is returned for production.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973.

R 408.14511 Personal protective equipment.

Rule 4511. (1) Eye protection with side shields shall be worn by an employee operating a die casting machine or tending a melting or holding furnace. Such eye protection shall be as prescribed by the occupational safety standards commission

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standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(2) Except for the operator of a cold chamber machine, a face shield shall be worn by an employee handling molten metals or tending a furnace. Such face shield shall be as prescribed by the occupational safety standards commission standard, Part 35. Face and Eye Protection.

(3) An employee manually tending a die casting machine or a melting or holding furnace shall wear clothing which will cover the arms to hands, legs to his feet and have his feet covered with hard soled shoes. Spats or leggings shall be worn by an employee manually ladling a cold chamber die casting machine, tending a melting or holding furnace or transferring molten metal unless the employee wears moulders shoes with pant legs covering the tops.

(4) Other personal protective equipment dictated by the hazard and provided by the employer shall be worn by the employee.

(5) Open sandals, cloth shoes, exposed rings or necklaces shall not be worn in the work areas. Rings covered by gloves or tape shall not be regarded as exposed.

History: 1954 ACS 76, p. 67, Eff. July 27, 1973; 1954 ACS 87, p. 68, Eff. Mar. 24, 1976.

R 408.14513 Illumination.

Rule 4513. A machine shall have a minimum of 20 footcandles of illumination at the operator's work station.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973.

R 408.14515 Floors.

Rule 4515. A floor or operator platform shall be maintained and kept free of holes, oil, and water that constitute a hazard.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973; 1954 ACS 87, p. 69, Eff. Mar. 24, 1976.

R 408.14517 Housekeeping.

Rule 4517. Scrap and spills of die cast materials shall be cleaned up and disposed of when they constitute a tripping, slipping and falling hazard.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973.

EQUIPMENT INSTALLATION AND MAINTENANCE

R 408.14521 Machine installation.

Rule 4521. (1) An electrically powered machine shall be grounded.

(2) A machine shall be so located that there will be space for the employee to handle the material and operate the machine without interference to or from other employees or machines.

(3) A machine shall be so located that it will not be necessary for an operator to stand in an aisle.

(4) Control panels, pumps and other accessories shall not be located where they create a pinch point during the cycling operation, unless the pinch point is guarded.

(5) Equipment or conditions creating toxic fumes above the threshold limit value shall be provided with exhaust systems as prescribed by the Michigan department of public health.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973.

R 408.14522 Machine controls.

Rule 4522. (1) An operating control on a machine, except a stop button, shall be so located or guarded to prevent accidental contact.

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(2) A machine requiring more than 1 operator shall have controls for each operator which shall be activated concurrently before the machine will operate as prescribed in R 408.14541(1).

(3) A machine shall be provided at each work station with a nonconcealed emergency stop device distinguished by its size or color.

(4) A machine shall be equipped so that upon power failure it will not automatically restart upon restoration of the power.

(5) An automatic die casting machine shall be equipped with a time delay device or circuit that will prevent the machine from recycling if more than 2 seconds delay occurs between the automatic demand for recycle and its commencement. It shall be necessary for the operator to reset the controls before the machine will restart. Other equivalent means may be used that will prevent recycling until the machine is cleared if the intent of this subrule is met.

(6) A safety interlock, exposed to contact, shall be guarded against accidental actuation.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973; 1954 ACS 87, p. 69, Eff. Mar. 24, 1976.

R 408.14523 Hydraulic and pneumatic systems.

Rule 4523. (1) Flexible and rigid hydraulic and pneumatic piping and its component parts shall have a designed safety factor of not less than 4 and shall be maintained to prevent leaks that constitute a hazard.

(2) A hydraulic pressure relief valve shall be provided on each separate system and set to open at a pressure of not more than 10% above the maximum operating pressure. The discharge of the valve shall not create a hazard for the employee. A die casting machine shall not be operated with the pressure relief valve removed.

(3) Fire resistant fluid shall be used in equipment where failure of a hydraulic system could cause ignition of the fluid by molten metal or flame.

(4) Hydraulic and pneumatic lines shall be protected from damage due to chafing or pinching.

History: 1954 ACS 76, p. 68, Eff. July 27, 1973; 1954 ACS 87, p. 69, Eff. Mar. 24, 1976.

R 408.14525 Maintenance and servicing.

Rule 4525. (1) A power source of a machine or equipment to be repaired or for die repair shall be locked out by each employee doing the work if unexpected motion would cause injury. Residual pressure shall be relieved or isolated before and during the work if unexpected motion would cause injury. The means of isolation shall also be locked out.

(2) An employee who services or sets up a hot chamber die casting machine shall do either of the following:

(a) Pull the plunger from the goose neck.

(b) Insert a safety bar to block action of the plunger.

(3) During service or set up, an extractor shall be locked out as prescribed in subrule (1).

History: 1954 ACS 76, p. 69, Eff. July 27, 1973.

R 408.14527 Lubrication.

Rule 4527. Machine lubrication shall be accomplished by 1 of the following:

(a) Scheduling when the machine can be shut off and locked out.

(b) An automatic pressure or gravity feed system.

(c) An extension pipe leading to an area outside of guards or away from any hazard.

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(d) Other means of lubrication which offer equivalent or greater safety than subdivision (a), (b), or (c).

History: 1954 ACS 76, p. 69, Eff. July 27, 1973.

R 408.14533 Die handling and storage.

Rule 4533. (1) A die transported by a powered industrial truck shall be moved in a manner to prevent the die from falling off. The handling equipment shall be used within its rated capacity.

(2) A die rack, when provided, shall have a designed safety factor of not less than 2. The shelves shall be level or slanted to the back.

(3) A die shall not be piled on top of another die unless blocked to prevent slipping and falling.

(4) Where an eye bolt or swivel hoist ring is used in die handling, it shall be made of drop forged steel and include a shoulder or a collar set flush. An eye bolt or hoist ring shall have a designed safety factor not less than 4. An eye bolt or hoist ring which is cracked or bent or has damaged threads or open hooks shall not be used.

History: 1954 ACS 76, p. 69, Eff. July 27, 1973; 1954 ACS 87, p. 69, Eff. Mar. 24, 1976.

R 408.14535 Cylinder handling, storage, and use.

Rule 4535. A compressed gas cylinder shall be handled, stored and used as prescribed in rules 1221 to 1225 of the occupational safety standards commission standard, Part 12. Arc and Gas Welding and Cutting, being R 408.11221 to R 408.11225 of the Michigan Administrative Code.

History: 1954 ACS 76, p. 69, Eff. July 27, 1973.

SPECIFIC EQUIPMENT AND MATERIALS

R 408.14541 Die casting machines generally.

Rule 4541. (1) A manually tended die casting machine shall be equipped with 1 of the following:

(a) Two-hand constant pressure anti-repeat controls requiring concurrent use of both hands during the die closing cycle. The movable platen shall stop or reverse if either control is released before the die closes.

(b) A constant-pressure anti-repeat single hand control located at a point where the operator cannot reach the point of operation. The movable platen shall stop or reverse if the control is released before the die is closed.

(c) A safety door, interlocked with the control system, which when opened will prevent closing of the dies. The door shall be of a size to keep the operator from reaching into the point of operation when the door is closed.

(d) A manually tended die casting machine installed after July 11, 1973, shall be equipped with an interlocked safety door.

(2) A die casting machine shall have a barrier interlocked to the control system on the side opposite the operator. The barrier shall cover the die opening in a manner to prevent an employee from reaching into the point of operation. Where the operation requires a helper, the barrier may be removed but the controls prescribed in R 408.14522(2) shall be provided.

(3) A die casting machine shall be equipped with an interlocked safety door or by metal shielding which will protect the operator and other employees from inadvertent metal splash or squirting from the parting line.

(4) Either a long-handled tool shall be furnished and used to remove castings or flash from a die casting machine if they are not automatically extracted or ejected

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or the employee shall be protected by a mechanical device which automatically prevents closing of the machine.

(5) An automatic die casting machine shall be equipped with interlocked doors or barrier guards of a size and design to keep an employee from reaching into the point of operation. A door or barrier may be removed or maintained in an open position where an extractor would interfere with its use, if the extractor is guarded as prescribed in R 408.14544.

History: 1954 ACS 76, p. 69, Eff. July 27, 1973; 1954 ACS 87, p. 70, Eff. Mar. 24, 1976.

R 408.14543 Die casting machines; hot and cold chamber types.

Rule 4543. (1) A hot chamber die casting machine shall be equipped with a control or cam operated switch which will prevent operation of the metal injection plunger until the machine is completely closed.

(2) A cold chamber die casting machine shall be equipped with a control which will prevent the injection of molten metal unless the machine is completely closed.

(3) A cold chamber die casting machine having a faulty plunger tip which allows metal to bypass the tip shall not be used until repaired.

(4) An automatic ladler on a cold chamber machine shall be so interlocked that it will ladle or feed only when the plunger is fully returned to the receiving position.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973; 1954 ACS 87, p. 70, Eff. Mar. 24, 1976.

R 408.14544 Extractors.

Rule 4544. (1) A die casting machine using an automatic extractor to remove castings shall have the path of travel of the extractor guarded by a barrier if required to protect employees in the area.

(2) Where the extractor does not keep an employee from the point of operation, a fixed or interlocked barrier shall be provided.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973; 1954 ACS 87, p. 70, Eff. Mar. 24, 1976.

R 408.14545 Automatic safety doors.

Rule 4545. One hundred eighty days after this part takes effect, a die casting machine purchased with an automatic safety door shall be equipped with a retractable safety edge which will function to stop and reopen the door in case it is obstructed while closing.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973.

R 408.14551 Hand and bull ladles and syphons.

Rule 4551. (1) A bull ladle shall not be transported over the head of an employee or otherwise moved in a hazardous manner.

(2) A bull ladle or the tipping equipment shall be equipped with a safety latch or brake. A powered industrial truck carrying a ladle of molten metal shall not travel faster than 5 miles per hour.

(3) A bull ladle of 2,000-pound capacity or more shall be mechanically tilted and equipped with an automatic safety latch or brake which shall hold the bull ladle at any attitude.

(4) A bent pipe syphon, when used, shall be preheated before use.

(5) A ladle, trough or furnace tool shall be free of moisture and preheated before being filled with or immersed into molten metal.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973.

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R 408.14552 Hot chamber pots and chutes.

Rule 4552. (1) A hot chamber machine shall be provided with a sheet metal shield extending from the cover die platen beyond and on each side of the injection mechanism and the holding furnace. The shield shall contain any splashing of molten metal which may be caused by the injection system or by the furnace recharging operation. A window may be inserted for flame observation.

(2) A metal chute shall be provided for filling the holding furnace except where the molten metal can be transferred to the holding furnace without splash.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973; 1954 ACS 87, p. 70, Eff. Mar. 24, 1976.

R 408.14553 Furnaces.

Rule 4553. (1) Cold or damp metal ingots shall be preheated and dried before being added to molten metal.

(2) A furnace which needs to be tilted for discharge shall have operating controls located outside any splash area or the operator shall be protected by a splash shield.

(3) A furnace tender shall be not less than 2 feet from the furnace when tapping or plugging, or the tender shall be protected by a splash shield.

(4) A gas or oil fired melting furnace installed or modified after the effective date of this part shall be equipped with a control system which shall:

(a) Prohibit ignition and combustion until completion of a purge cycle which will provide a minimum of 4 complete volume air changes in the ignition and combustion chamber.

(b) Positively and immediately shut off the fuel supply in case of a pilot light or combustion failure, or flame failure where direct ignition to the burner is used.

(5) A holding furnace installed or modified after the effective date of this part shall be equipped as prescribed in subrule (4)(b).

(6) The requirements of subrules (4) and (5) do not apply to a gas or oil melting or holding furnace that employs explosion resistant immersion tubes and where the products of combustion do not discharge into a closed equipment work chamber or into a confined space.

History: 1954 ACS 76, p. 70, Eff. July 27, 1973; 1954 ACS 87, p. 71, Eff. Mar. 24, 1976.

R 408.14554 Warning devices.

Rule 4554. Equipment other than an enclosed trough, used to deliver molten metal to a holding furnace or pot, shall be equipped with a warning device which shall be activated during delivery and at the beginning of a pour.

History: 1954 ACS 76, p. 71, Eff. July 27, 1973; 1954 ACS 87, p. 71, Eff. Mar. 24, 1976.

R 408.14555 Sprue cutting machines.

Rule 4555. A sprue cutting machine shall be equipped with a point of operation guard or point of operation device as prescribed in the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12301 to R 408.12371 of the Michigan Administrative Code.

History: 1954 ACS 76, p. 71, Eff. July 27, 1973.

R 408.14561 Magnesium generally.

Rule 4561. (1) Accumulations of magnesium dust on floors, ledges, and beams shall be avoided.

(2) Magnesium chips, shavings, and flash shall be cleaned up and disposed of daily or when they constitute a fire hazard. Storage of chips and shavings shall be in covered metal drums.

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(3) Smoking, flames, and sparks shall not be allowed where magnesium dust, chips, or shavings are present.

(4) Powdered graphite or dry powdered extinguishing agents made specially for magnesium fires shall be used to extinguish a magnesium fire and be available in the work area. Water or other extinguishing agents shall not be provided or used.

History: 1954 ACS 76, p. 71, Eff. July 27, 1973; 1954 ACS 87, p. 71, Eff. Mar. 24, 1976.

PART 49. SLINGS
GENERAL PROVISIONS

R 408.14901 Scope.

Rule 4901. This part sets forth the requirements for slings and their construction, care, and use in, around, and about a place of employment. Types of slings included in this part are: chain, wire rope, metal mesh, 3-strand natural or synthetic rope, and synthetic web made from nylon, polyester, and polypropylene.

History: 1954 ACS 89, p. 53, Eff. Nov. 13, 1976.

Editor's Note: Former R 408.14901—R 408.14910, pertaining to the board of safety compliance and appeals, have been renumbered R 408.19901—R 408.19910.

R 408.14903 Definitions; A, B.

Rule 4903. (1) "Angle of loading" means the inclination of a leg or branch of a sling, measured from the horizontal or vertical plane as shown in figure 5, provided that an angle of loading of 5 degrees or less from the vertical may be considered a vertical angle of loading.

(2) "Basket hitch" means a sling configuration whereby the sling is passed under the load and has both ends, end attachments, eyes, or handles on the hook or a single master link.

(3) "Braided wire rope" means a wire rope formed by plaiting component wire ropes.

(4) "Bridle wire rope sling" means a sling composed of multiple wire rope legs, with the top ends gathered in a fitting that goes over the lifting hook.

History: 1954 ACS 89, p. 53, Eff. Nov. 13, 1976.

R 408.14904 Definitions; C.

Rule 4904. (1) "Cable laid endless sling-mechanical joint" means a wire rope sling made endless by joining the ends of a single length of cable laid rope with 1 or more metallic fittings.

(2) "Cable laid grommet-hand tucked" means an endless wire rope sling made from 1 length of rope wrapped 6 times around a core formed by hand, tucking the ends of the rope inside the 6 wraps.

(3) "Cable laid rope" means a wire rope composed of 6 wire ropes wrapped around a fiber or wire rope core.

(4) "Cable laid rope sling-mechanical joint" means a wire rope sling made from a cable laid rope, with eyes fabricated by pressing or swaging 1 or more metal sleeves over the rope junction.

(5) "Choker hitch" means a sling configuration with 1 end of the sling passing under the load and through an end attachment, handle, or eye on the other end of the sling.

(6) "Coating" means an elastomer, or other suitable material, applied to a sling or to a sling component to impart desirable properties.

(7) "Cross rod" means a wire used to join spirals of metal mesh to form a complete fabric. (See figure 2.)

History: 1954 ACS 89, p. 53, Eff. Nov. 13, 1976.

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R 408.14905 Definitions; D to H.

Rule 4905. (1) "Designated" means to be selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

(2) "Female handle of a choker sling" means a handle with a handle eye and a slot of such dimension as to permit passage of a male handle, thereby allowing the use of a metal mesh sling in a choker hitch. (See figure 1.)

(3) "Handle" means a terminal fitting to which metal mesh fabric is attached. (See figure 1.)

(4) "Handle eye" means an opening in a handle of a metal mesh sling shaped to accept a hook, shackle, or other lifting device. (See figure 1.)

(5) "Hitch" means a sling configuration whereby the sling is fastened to an object or load, either directly to it or around it.

History: 1954 ACS 89, p. 54, Eff. Nov. 13, 1976.

R 408.14906 Definitions; L, M.

Rule 4906. (1) "Link" means a single ring of a chain.

(2) "Male handle," sometimes called a "triangle," means a handle with a handle eye.

(3) "Master coupling link" means an alloy steel welded coupling link used as an intermediate link to join alloy steel chain to master links. (See figure 3.)

(4) "Master link," sometimes called a "gathering ring" means a forged or welded steel link used to support all members (legs) of an alloy steel chain sling or wire rope sling. (See figure 3.)

(5) "Mechanical coupling link" means a nonwelded, mechanically closed steel link used to attach master links and hooks to alloy steel chain.

(6) "Metal mesh," sometimes called "fabric," means the flexible portion of a metal mesh sling, consisting of a series of transverse coils and cross rods.

History: 1954 ACS 89, p. 54, Eff. Nov. 13, 1976

R 408.14907 Definitions; P to R.

Rule 4907. (1) "Proof load" means a load applied in performance of a proof test.

(2) "Proof test" means a nondestructive tension test performed by the sling manufacturer, or an equivalent entity, to verify construction and workmanship of a sling.

(3) "Rated capacity" means the maximum working load permitted by the provisions of this part.

(4) "Reach" means the effective length of an alloy steel chain sling, measured from the top bearing surface of the upper terminal component to the bottom bearing surface of the lower terminal component.

History: 1954 ACS 89, p. 54, Eff. Nov. 13, 1976.

R 408.14908 Definitions; S to V.

Rule 4908. (1) "Selvage edge" means the finished edge of synthetic webbing designed to prevent unraveling.

(2) "Sling" means an assembly which connects the load to the material handling equipment for the purpose of lifting or hoisting.

(3) "Sling manufacturer" means a person or organization that assembles sling components into their final form for sale to users.

(4) "Spiral" means a single transverse coil that is the basic element from which metal mesh is fabricated. (See figure 2.)

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(5) "Strand laid endless sling-mechanical joint" means a wire rope sling made endless from 1 length of rope, with the ends joined by 1 or more metallic fittings.

(6) "Strand laid grommet-hand tucked" means an endless wire rope sling made from 1 length of strand wrapped 6 times around a core formed by hand tucking the ends of the strand inside the 6 wraps.

(7) "Strand laid rope" means a wire rope made with strands, usually 6 or 8, wrapped around a fiber core, wire strand core, or independent wire rope core.

(8) "Vertical hitch" means a method of supporting a load by a single, vertical part or leg of the sling. (See figure 4.)

History: 1954 ACS 89, p. 54, Eff. Nov. 13, 1976.

FIGURE 1

Metal Mesh Sling (Typical)

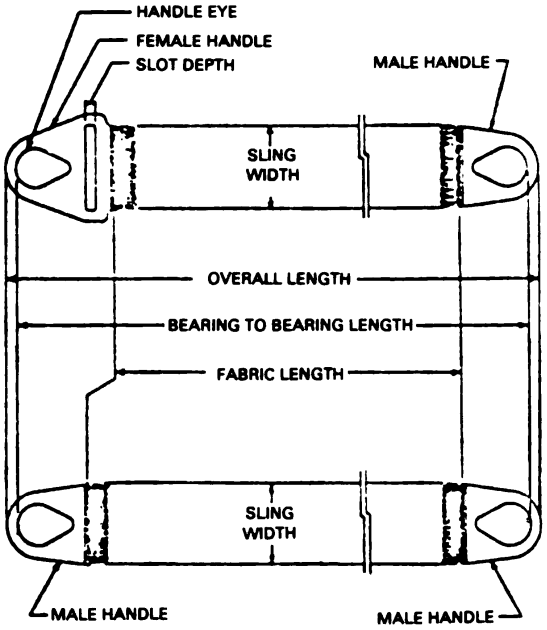


FIGURE 2

Metal Mesh Construction

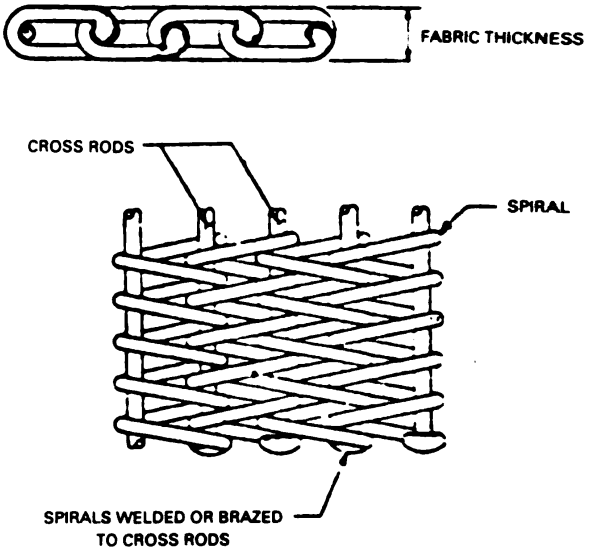
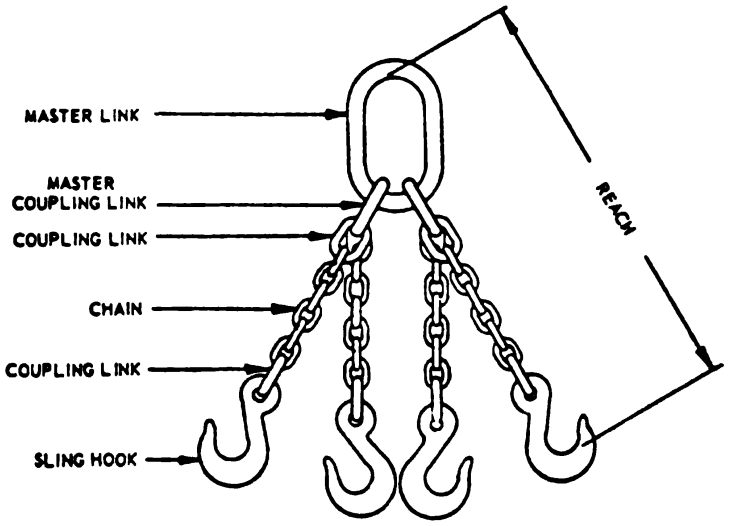


FIGURE 3

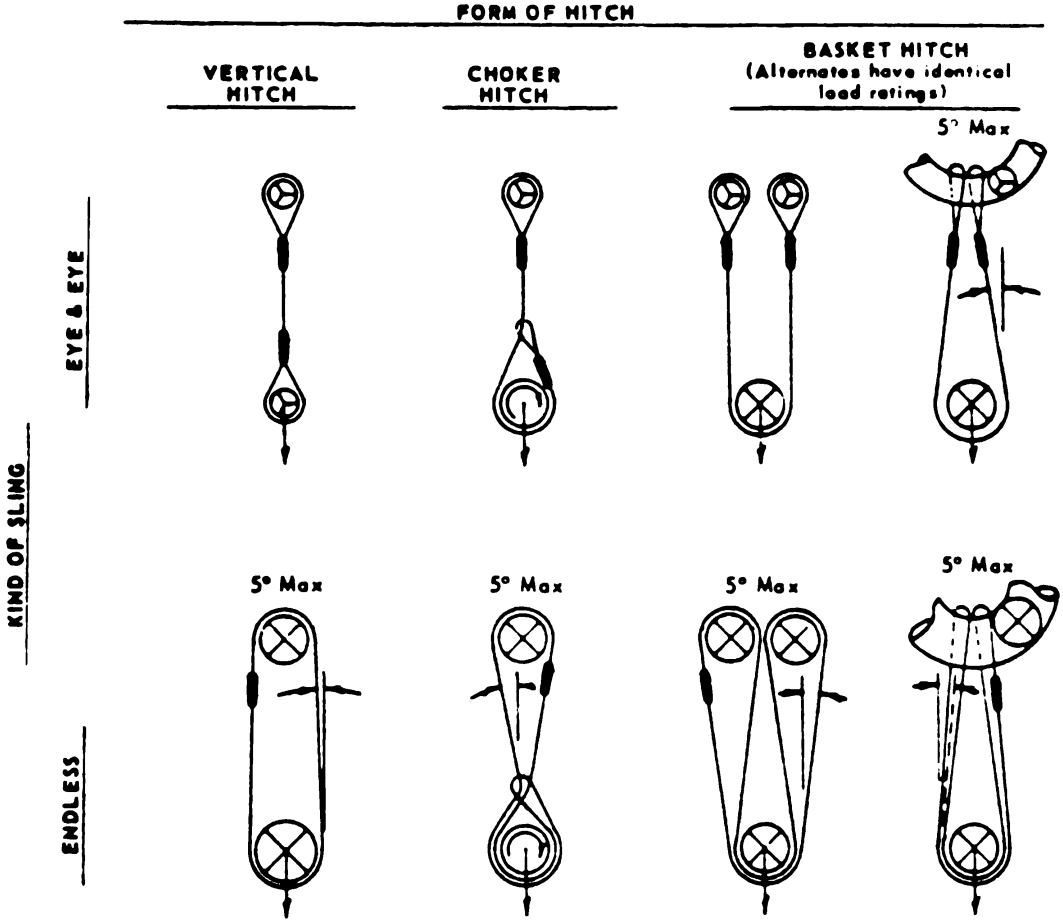
Major Components of Quadruple Sling



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FIGURE 4

Basic Sling Configurations With Vertical Legs



NOTES: Angles 5 degrees or less from the vertical may be considered vertical angles.

For slings with legs more than 5 degrees off vertical, the actual angle as shown in figure 5 must be considered.

EXPLANATION OF SYMBOLS: MINIMUM DIAMETER OF CURVATURE



Represents a contact surface which shall have a diameter of curvature at least double the diameter of the rope from which the sling is made.



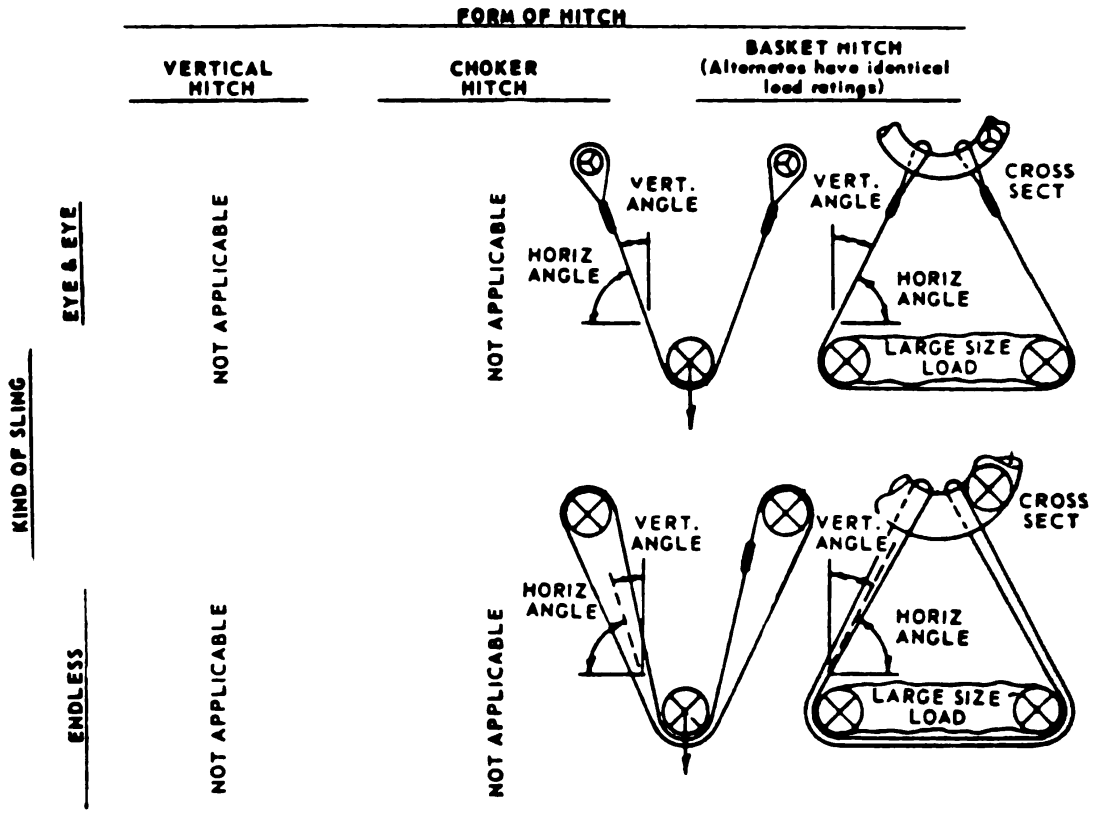
Represents a contact surface which shall have a diameter of curvature at least 8 times the diameter of the rope.



Represents a load in a choker hitch and illustrates the rotary force on the load and/or the slippage of the rope in contact with the load. Diameter of curvature of load surface shall be at least double the diameter of the rope.

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FIGURE 5
Sling Configurations With Angled Legs



NOTES: For vertical angles of 5 degrees or less, refer to figure 4, "Basic Sling Configurations with Vertical Legs."
See figure 4 for explanation of symbols.

History: 1954 ACS 89, p. 54, Eff. Nov. 13, 1976.

R 408.14911 General operating practices.

Rule 4911. Whenever a sling is used, the following practices shall be followed:

(a) A damaged or defective sling, as described in this standard, shall not be used.

(b) A sling shall not be shortened with bolts, knots, or other makeshift devices.

(c) Sling legs shall not be kinked.

(d) A sling shall not be loaded in excess of its rated capacity.

(e) A sling used in a basket hitch shall have the load balanced to prevent slipping.

(f) A sling shall be securely attached to its load.

(g) A sling, other than an alloy steel chain, shall be padded or protected from the sharp corners of its load.

(h) A suspended load shall be kept clear of all obstructions.

(i) An employee shall be kept clear of a suspended load and a load about to be lifted.

(j) An employee's hand or finger shall not be placed between the load and sling while the sling is being tightened.

(k) Slack in a sling shall be removed gradually.

(l) A sling shall not be pulled from under a load when the load is resting on the sling.

History: 1954 ACS 89, p. 57, Eff. Nov. 13, 1976.

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R 408.14912 Inspections generally; removal of sling from service.

Rule 4912. (1) A sling and all fastenings shall be inspected for damage and defects by a designated employee before each day's use.

(2) Where service conditions warrant, additional inspections shall be performed during sling use.

(3) A damaged or defective sling, as described in this part, shall be immediately removed from service.

History: 1954 ACS 89, p. 57, Eff. Nov. 13, 1976.

R 408.14913 Safety factor.

Rule 4913. A sling not covered by this part shall have a safety factor of not less than 5.

History: 1954 ACS 89, p. 58, Eff. Nov. 13, 1976.

ALLOY STEEL CHAIN SLINGS

R 408.14921 Alloy steel chain slings; identification.

Rule 4921. An alloy steel chain sling shall have a permanently affixed, durable identification, stating the size, grade, rated capacity, and reach.

History: 1954 ACS 89, p. 58, Eff. Nov. 13, 1976.

R 408.14922 Alloy steel chain slings; rated capacity of attachments.

Rule 4922. (1) A hook, ring, oblong link, pear-shaped link, welded or mechanical coupling link, or other attachment shall have a rated capacity at least equal to that of the alloy steel chain with which they are used, or the sling shall not be used in excess of the rated capacity of the weakest component.

(2) A makeshift link or fastener formed from bolts or rods, or other such attachments, shall not be used.

History: 1954 ACS 89, p. 58, Eff. Nov. 13, 1976.

R 408.14923 Alloy steel chain slings; inspections; records; removal from service; proof testing.

Rule 4923. (1) In addition to the inspection prescribed by R 408.14912, a thorough periodic inspection of an alloy steel chain sling in use shall be made on a regular basis, to be determined on the basis of:

(a) Frequency of sling use.

(b) Severity of service conditions.

(c) Nature of lifts being made.

(d) Experience gained on the service life of slings used in similar circumstances.

Inspection shall not be at an interval greater than once every 12 months.

(2) The employer shall make and maintain a record of the most recent month in which each alloy steel chain sling was thoroughly inspected, and shall make the record available for examination.

(3) The thorough inspection of an alloy steel chain sling shall be performed by an employee designated by the employer, and shall include a thorough inspection for wear, defective welds, deformation, and increase in length beyond acceptable limits established in this part. Where such defects or deterioration are present, the sling shall be immediately removed from service.

(4) The employer shall ensure that, before use, each new, repaired, or reconditioned alloy steel chain sling, including all welded components in the sling assembly, shall be proof tested by the sling manufacturer in accordance with paragraph 5.2 of the American society of testing and materials specification,

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A 391-65 (1970), (ANSI G61.1-1968 (R1972)), which is incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of labor. This standard may be purchased at a cost of $1.75 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926. The employer shall retain a certificate of the proof test and shall make it available for examination.

(5) If the chain size at any point of any link is less than that prescribed in table 1, the sling shall be removed from service.

TABLE 1

Minimum Allowable Chain Size At Any Point of Link

Chain Size, Inches	Minimum Allowable Chain Size, Inches
¼	13/64
⅜	19/64
½	25/64
⅝	31/64
¾	19/32
⅞	45/64
1	13/16
1⅛	29/32
1¼	1
1⅜	1 3/32
1½	1 3/16
1¾	1 13/32

History: 1954 ACS 89, p. 58, Eff. Nov. 13, 1976.

R 408.14924 Alloy steel chain slings; rated capacities; high temperature limit.

Rule 4924. (1) An alloy steel chain sling shall not be used with a load in excess of the rated capacities prescribed in table 2. A sling not included in this table shall be used only in accordance with manufacturer's recommendations.

(2) An alloy steel chain sling shall be permanently removed from service if it is heated above 1,000 degrees Fahrenheit. When exposed to a service temperature of more than 600 degrees Fahrenheit, the maximum working load limit permitted in table 2 shall be reduced in accordance with the manufacturer's recommendations.

TABLE 2

Rated Capacity (Working Load Limit), For Alloy Steel Chain Slings

Rated Capacity (Working Load Limit), Pounds

Chain Size, Inches	Single Branch Sling - 90 degree Loading	Double Sling Verticle Angle [1] 30 degree / Horizontal Angle [2] 60 degree	Double Sling Verticle Angle [1] 45 degree / Horizontal Angle [2] 45 degree	Double Sling Verticle Angle [1] 60 degree / Horizontal Angle [2] 30 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 30 degree / Horizontal Angle [2] 60 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 45 degree / Horizontal Angle [2] 45 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 60 degree / Horizontal Angle [2] 30 degree
¼	3,250	5,650	4,550	3,250	8,400	6,800	4,900
⅜	6,600	11,400	9,300	6,600	17,000	14,000	9,900
½	11,250	19,500	15,900	11,250	29,000	24,000	17,000

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TABLE 2 (Cont.)

Rated Capacity (Working Load Limit), For Alloy Steel Chain Slings

Rated Capacity (Working Load Limit), Pounds

Chain Size, Inches	Single Branch Sling - 90 degree Loading	Double Sling Verticle Angle [1] 30 degree Horizontal Angle [2] 60 degree	Double Sling Verticle Angle [1] 45 degree Horizontal Angle [2] 45 degree	Double Sling Verticle Angle [1] 60 degree Horizontal Angle [2] 30 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 30 degree Horizontal Angle [2] 60 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 45 degree Horizontal Angle [2] 45 degree	Triple and Quadruple Sling [3] Verticle Angle [1] 60 degree Horizontal Angle [2] 30 degree
⅝	16,500	28,500	23,300	16,500	43,000	35,000	24,500
¾	23,000	39,800	32,500	23,000	59,500	48,500	34,500
⅞	28,750	49,800	40,600	28,750	74,500	61,000	43,000
1	38,750	67,100	54,800	38,750	101,000	82,000	58,000
1⅛	44,500	77,000	63,000	44,500	115,500	94,500	66,500
1¼	57,500	99,500	81,000	57,500	149,000	121,500	86,000
1⅜	67,000	116,000	94,000	67,000	174,000	141,000	100,500
1½	80,000	138,000	112,500	80,000	207,000	169,000	119,500
1¾	100,000	172,000	140,000	100,000	258,000	210,000	150,000

[1]Rating of multileg slings adjusted for angle of loading measured as the included angle between the inclined leg and the vertical as shown in Figure 5.

[2]Rating of multileg slings adjusted for angle of loading between the inclined leg and the horizontal plane of the load, as shown in Figure 5.

[3]Quadruple sling rating is same as triple sling because normal lifting practice may not distribute load uniformly to all 4 legs.

History: 1954 ACS 89, p. 59, Eff. Nov. 13, 1976.

R 408.14925 Alloy steel chain slings; repairing, reconditioning, and proof testing.

Rule 4925. (1) A worn or damaged alloy steel chain sling or attachment shall not be used until repaired.

(2) When welding or heat treating is performed, a sling shall not be used unless repaired, reconditioned, and proof tested by the sling manufacturer.

(3) A mechanical coupling link or low carbon steel repair link shall not be used to repair broken lengths of chain.

History: 1954 ACS 89, p. 60, Eff. Nov. 13, 1976.

R 408.14926 Alloy steel chain slings; cracked or deformed links or hooks; removal from service.

Rule 4926. (1) Alloy steel chain slings with cracked or deformed master links, coupling links, or other components shall be removed from service.

(2) A sling shall be removed from service if the hook is cracked, has been opened more than 15% of the normal throat opening measured at the narrowest point, or twisted more than 10 degrees from the plane of the unbent hook.

History: 1954 ACS 89, p. 60, Eff. Nov. 13, 1976.

WIRE ROPE SLINGS

R 408.14931 Wire rope slings; rated capacity; temperature limits.

Rule 4931. (1) A wire rope sling shall not be used with loads in excess of the rated capacities shown in tables 3 to 14. A sling not included in these tables shall be used only in accordance with the manufacturer's recommendations.

(2) A fiber core wire rope sling of any grade shall be permanently removed from service if it is exposed to a temperature in excess of 200 degrees Fahrenheit.

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(3) When a nonfiber core wire rope sling of any grade is used at a temperature above 400 degrees Fahrenheit or below minus 60 degrees Fahrenheit, recommendations of the sling manufacturer regarding use at that temperature shall be followed.

TABLE 3

Rated Capacities For Single Leg Slings
6 x 19 And 6 x 37 Classification Improved Plow Steel Grade Rope
With Fiber Core (FC)

Rope		Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
Dia (Inches)	Constr	HT	MS	S	HT	MS	S	HT	MS	S
1/4	6 x 19	0.49	0.51	0.55	0.37	0.38	0.41	0.99	1.0	1.1
5/16	6 x 19	0.76	0.79	0.85	0.57	0.59	0.64	1.5	1.6	1.7
3/8	6 x 19	1.1	1.1	1.2	0.80	0.85	0.91	2.1	2.2	2.4
7/16	6 x 19	1.4	1.5	1.6	1.1	1.1	1.2	2.9	3.0	3.3
1/2	6 x 19	1.8	2.0	2.1	1.4	1.5	1.6	3.7	3.9	4.3
9/16	6 x 19	2.3	2.5	2.7	1.7	1.9	2.0	4.6	5.0	5.4
5/8	6 x 19	2.8	3.1	3.3	2.1	2.3	2.5	5.6	6.2	6.7
3/4	6 x 19	3.9	4.4	4.8	2.9	3.3	3.6	7.8	8.8	9.5
7/8	6 x 19	5.1	5.9	6.4	3.9	4.5	4.8	10.0	12.0	13.0
1	6 x 19	6.7	7.7	8.4	5.0	5.8	6.3	13.0	15.0	17.0
1 1/8	6 x 19	8.4	9.5	10.0	6.3	7.1	7.9	17.0	19.0	21.0
1 1/4	6 x 37	9.8	11.0	12.0	7.4	8.3	9.2	20.0	22.0	25.0
1 3/8	6 x 37	12.0	13.0	15.0	8.9	10.0	11.0	24.0	27.0	30.0
1 1/2	6 x 37	14.0	16.0	17.0	10.0	12.0	13.0	28.0	32.0	35.0
1 5/8	6 x 37	16.0	18.0	21.0	12.0	14.0	15.0	33.0	37.0	41.0
1 3/4	6 x 37	19.0	21.0	24.0	14.0	16.0	18.0	38.0	43.0	48.0
2	6 x 37	25.0	28.0	31.0	18.0	21.0	23.0	49.0	55.0	62.0

HT = Hand Tucked Splice and Hidden Tuck Splice
For hidden tuck splice (IWRC) use values in HT columns.
MS = Mechanical Splice
S = Swaged or Zinc Poured Socket

*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

TABLE 4

Rated Capacities For Single Leg Slings
6 x 19 And 6 x 37 Classification Improved Plow Steel Grade Rope
With Independent Wire Rope Core (IWRC)

Rope		Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
Dia (Inches)	Constr	HT	MS	S	HT	MS	S	HT	MS	S
1/4	6 x 19	0.53	0.56	0.59	0.40	0.42	0.44	1.0	1.1	1.2
5/16	6 x 19	0.81	0.87	0.92	0.61	0.65	0.69	1.6	1.7	1.8

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TABLE 4 (Cont.)

Rope		Rated Capacities, Tons (2,000 lb)								
		Vertical			Choker			Vertical Basket*		
Dia (Inches)	Constr	HT	MS	S	HT	MS	S	HT	MS	S
3/8	6 x 19	1.1	1.2	1.3	0.86	0.93	0.98	2.3	2.5	2.6
7/16	6 x 19	1.5	1.7	1.8	1.2	1.3	1.3	3.1	3.4	3.5
1/2	6 x 19	2.0	2.2	2.3	1.5	1.6	1.7	3.9	4.4	4.6
9/16	6 x 19	2.5	2.7	2.9	1.8	2.1	2.2	4.9	5.5	5.8
5/8	6 x 19	3.0	3.4	3.6	2.2	2.5	2.7	6.0	6.8	7.2
3/4	6 x 19	4.2	4.9	5.1	3.1	3.6	3.8	8.4	9.7	10.0
7/8	6 x 19	5.5	6.6	6.9	4.1	4.9	5.2	11.0	13.0	14.0
1	6 x 19	7.2	8.5	9.0	5.4	6.4	6.7	14.0	17.0	18.0
1 1/8	6 x 19	9.0	10.0	11.0	6.8	7.8	8.5	18.0	21.0	23.0
1 1/4	6 x 37	10.0	12.0	13.0	7.9	9.2	9.9	21.0	24.0	26.0
1 3/8	6 x 37	13.0	15.0	16.0	9.6	11.0	12.0	25.0	29.0	32.0
1 1/2	6 x 37	15.0	17.0	19.0	11.0	13.0	14.0	30.0	35.0	38.0
1 5/8	6 x 37	18.0	20.0	22.0	13.0	15.0	17.0	35.0	41.0	44.0
1 3/4	6 x 37	20.0	24.0	26.0	15.0	18.0	19.0	41.0	47.0	51.0
2	6 x 37	26.0	30.0	33.0	20.0	23.0	25.0	53.0	61.0	66.0

HT = Hand Tucked Splice
For hidden tuck splice (IWRC) use Table 3 in HT column.
MS = Mechanical Splice
S = Swaged or Zinc Poured Socket
*These values only apply when the D/d ratio for HT slings is 10 or greater, and for MS and S slings is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

TABLE 5

Rated Capacities For Single Leg Slings
Cable Laid Rope—Mechanical Splice Only
7 x 7 x 7 And 7 x 7 x 19 Constructions Galvanized Aircraft Grade Rope
7 x 6 x 19 IWRC Construction Improved Plow Steel Grade Rope

Rope		Rated Capacities, Tons (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1/4	7 x 7 x 7	0.50	0.38	1.0
3/8	7 x 7 x 7	1.1	0.81	2.0
1/2	7 x 7 x 7	1.8	1.4	3.7
5/8	7 x 7 x 7	2.8	2.1	5.5
3/4	7 x 7 x 7	3.8	2.9	7.6
5/8	7 x 7 x 19	2.9	2.2	5.8
3/4	7 x 7 x 19	4.1	3.0	8.1
7/8	7 x 7 x 19	5.4	4.0	11.0
1	7 x 7 x 19	6.9	5.1	14.0
1 1/8	7 x 7 x 19	8.2	6.2	16.0

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TABLE 5 (Cont.)

Rope		Rated Capacities, Tons (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1¼	7 x 7 x 19	9.9	7.4	20.0
¾	7 x 6 x 19 IWRC	3.8	2.8	7.6
⅞	7 x 6 x 19 IWRC	5.0	3.8	10.0
1	7 x 6 x 19 IWRC	6.4	4.8	13.0
1⅛	7 x 6 x 19 IWRC	7.7	5.8	15.0
1¼	7 x 6 x 19 IWRC	9.2	6.9	18.0
1 5/16	7 x 6 x 19 IWRC	10.0	7.5	20.0
1⅜	7 x 6 x 19 IWRC	11.0	8.2	22.0
1½	7 x 6 x 19 IWRC	13.0	9.6	26.0

*These values only apply when the D/d ratio is 10 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of rope.

TABLE 6

Rated Capacities For Single Leg Slings
8-Part And 6-Part Braided Rope
6 x 7 And 6 x 19 Construction Improved Plow Steel Grade Rope
7 x 7 Construction Galvanized Aircraft Grade Rope

Component Ropes		Rated Capacities, Ton (2,000 lb)					
Diameter		Vertical		Choker		Basket, Vertical to 30°*	
(Inches)	Constr	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 x 7	0.42	0.32	0.32	0.24	0.74	0.55
⅛	6 x 7	0.76	0.57	0.57	0.42	1.3	0.98
3/16	6 x 7	1.7	1.3	1.3	0.94	2.9	2.2
3/32	7 x 7	0.51	0.39	0.38	0.29	0.89	0.67
⅛	7 x 7	0.95	0.71	0.71	0.53	1.6	1.2
3/16	7 x 7	2.1	1.5	1.5	1.2	3.6	2.7
3/16	6 x 19	1.7	1.3	1.3	0.98	3.0	2.2
¼	6 x 19	3.1	2.3	2.3	1.7	5.3	4.0
5/16	6 x 19	4.8	3.6	3.6	2.7	8.3	6.2
⅜	6 x 19	6.8	5.1	5.1	3.8	12.0	8.9
7/16	6 x 19	9.3	6.9	6.9	5.2	16.0	12.0
½	6 x 19	12.0	9.0	9.0	6.7	21.0	15.0
9/16	6 x 19	15.0	11.0	11.0	8.5	26.0	20.0
⅝	6 x 19	19.0	14.0	14.0	10.0	32.0	24.0
¾	6 x 19	27.0	20.0	20.0	15.0	46.0	35.0
⅞	6 x 19	36.0	27.0	27.0	20.0	62.0	47.0
1	6 x 19	47.0	35.0	35.0	26.0	81.0	61.0

*These values only apply when the D/d ratio is 20 or greater where:
D = Diameter of curvature around which the body of the sling is bent.
d = Diameter of component rope.

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TABLE 7

Rated Capacities For 2-Leg And 3-Leg Bridle Slings
6 x 19 And 6 x 37 Classification Improved Plow Steel Grade Rope
With Fiber Core (FC)

Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
Dia		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°	
(Inches)	Constr	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
¼	6 x 19	0.85	0.88	0.70	0.72	0.49	0.51	1.3	1.3	1.0	1.1	0.74	0.76
5/16	6 x 19	1.3	1.4	1.1	1.1	0.76	0.79	2.0	2.0	1.6	1.7	1.1	1.2
⅜	6 x 19	1.8	1.9	1.5	1.6	1.1	1.1	2.8	2.9	2.3	2.4	1.6	1.7
7/16	6 x 19	2.5	2.6	2.0	2.2	1.4	1.5	3.7	4.0	3.0	3.2	2.1	2.3
½	6 x 19	3.2	3.4	2.6	2.8	1.8	2.0	4.8	5.1	3.9	4.2	2.8	3.0
9/16	6 x 19	4.0	4.3	3.2	3.5	2.3	2.5	6.0	6.5	4.9	5.3	3.4	3.7
⅝	6 x 19	4.8	5.3	4.0	4.4	2.8	3.1	7.3	8.0	5.9	6.5	4.2	4.6
¾	6 x 19	6.8	7.6	5.5	6.2	3.9	4.4	10.0	11.0	8.3	9.3	5.8	6.6
⅞	6 x 19	8.9	10.0	7.3	8.4	5.1	5.9	13.0	15.0	11.0	13.0	7.7	8.9
1	6 x 19	11.0	13.0	9.4	11.0	6.7	7.7	17.0	20.0	14.0	16.0	10.0	11.0
1⅛	6 x 19	14.0	16.0	12.0	13.0	8.4	9.5	22.0	24.0	18.0	20.0	13.0	14.0
1¼	6 x 37	17.0	19.0	14.0	16.0	9.8	11.0	25.0	29.0	21.0	23.0	15.0	17.0
1⅜	6 x 37	20.0	23.0	17.0	19.0	12.0	13.0	31.0	35.0	25.0	28.0	18.0	20.0
1½	6 x 37	24.0	27.0	20.0	22.0	14.0	16.0	36.0	41.0	30.0	33.0	21.0	24.0
1⅝	6 x 37	28.0	32.0	23.0	26.0	16.0	18.0	43.0	48.0	35.0	39.0	25.0	28.0
1¾	6 x 37	33.0	37.0	27.0	30.0	19.0	21.0	49.0	56.0	40.0	45.0	28.0	32.0
2	6 x 37	43.0	48.0	35.0	39.0	25.0	28.0	64.0	72.0	52.0	59.0	37.0	41.0

HT = Hand Tucked Splice.
MS = Mechanical Splice.

TABLE 8

Rated Capacities For 2-Leg And 3-Leg Bridle Slings
6 x 19 And 6 x 37 Classification Improved Plow Steel Grade Rope
With Independent Wire Rope Core (IWRC)

Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
Dia		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°	
(Inches)	Constr	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
¼	6 x 19	0.92	0.97	0.75	0.79	0.53	0.56	1.4	1.4	1.1	1.2	0.79	0.84
5/16	6 x 19	1.4	1.5	1.1	1.2	0.81	0.87	2.1	2.3	1.7	1.8	1.2	1.3
⅜	6 x 19	2.0	2.1	1.6	1.8	1.1	1.2	3.0	3.2	2.4	2.6	1.7	1.9

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TABLE 8 (Cont.)

Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°	
Dia (Inches)	Constr	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS	HT	MS
7/16	6 x 19	2.7	2.9	2.2	2.4	1.5	1.7	4.0	4.4	3.3	3.6	2.3	2.5
1/2	6 x 19	3.4	3.8	2.8	3.1	2.0	2.2	5.1	5.7	4.2	4.6	3.0	3.3
9/16	6 x 19	4.3	4.8	3.5	3.9	2.5	2.7	6.4	7.1	5.2	5.8	3.7	4.1
5/8	6 x 19	5.2	5.9	4.2	4.8	3.0	3.4	7.8	8.8	6.4	7.2	4.5	5.1
3/4	6 x 19	7.3	8.4	5.9	6.9	4.2	4.9	11.0	13.0	8.9	10.0	6.3	7.3
7/8	6 x 19	9.6	11.0	7.8	9.3	5.5	6.6	14.0	17.0	12.0	14.0	8.3	9.9
1	6 x 19	12.0	15.0	10.0	12.0	7.2	8.5	19.0	22.0	15.0	18.0	11.0	13.0
1 1/8	6 x 19	16.0	18.0	13.0	15.0	9.0	10.0	23.0	27.0	19.0	22.0	13.0	16.0
1 1/4	6 x 37	18.0	21.0	15.0	17.0	10.0	12.0	27.0	32.0	22.0	26.0	16.0	18.0
1 3/8	6 x 37	22.0	25.0	18.0	21.0	13.0	15.0	33.0	38.0	27.0	31.0	19.0	22.0
1 1/2	6 x 37	26.0	30.0	21.0	25.0	15.0	17.0	39.0	45.0	32.0	37.0	23.0	26.0
1 5/8	6 x 37	31.0	35.0	25.0	29.0	18.0	20.0	46.0	53.0	38.0	43.0	27.0	31.0
1 3/4	6 x 37	35.0	41.0	29.0	33.0	20.0	24.0	53.0	61.0	43.0	50.0	31.0	35.0
2	6 x 37	46.0	53.0	37.0	43.0	26.0	30.0	68.0	79.0	56.0	65.0	40.0	46.0

HT = Hand Tucked Splice.
MS = Mechanical Splice.

TABLE 9

Rated Capacities For 2-Leg And 3-Leg Bridle Slings
Cable Laid Rope—Mechanical Splice Only
7 x 7 x 7 And 7 x 7 x 19 Construction Galvanized Aircraft Grade Rope
7 x 6 x 19 IWRC Construction Improved Plow Steel Grade Rope

Rope		Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Slings			3-Leg Bridle Slings		
Dia (Inches)	Constr	Vert 30° Horz 60°	45 degree Angle	Vert 60° Horz 30°	Vert 30° Horz 60°	45 degree Angle	Vert 60° Horz 30°
1/4	7 x 7 x 7	0.87	0.71	0.50	1.3	1.1	0.75
3/8	7 x 7 x 7	1.9	1.5	1.1	2.8	2.3	1.6
1/2	7 x 7 x 7	3.2	2.6	1.8	4.8	3.9	2.8
5/8	7 x 7 x 7	4.8	3.9	2.8	7.2	5.9	4.2
3/4	7 x 7 x 7	6.6	5.4	3.8	9.9	8.1	5.7
5/8	7 x 7 x 19	5.0	4.1	2.9	7.5	6.1	4.3
3/4	7 x 7 x 19	7.0	5.7	4.1	10.0	8.6	6.1
7/8	7 x 7 x 19	9.3	7.6	5.4	14.0	11.0	8.1
1	7 x 7 x 19	12.0	9.7	6.9	18.0	14.0	10.0
1 1/8	7 x 7 x 19	14.0	12.0	8.2	21.0	17.0	12.0
1 1/4	7 x 7 x 19	17.0	14.0	9.9	26.0	21.0	15.0

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TABLE 9 (Cont.)

Rope		Rated Capacities, Tons (2,000 lb)					
		2-Leg Bridle Slings			3-Leg Bridle Slings		
Dia (Inches)	Constr	Vert 30° Horz 60°	45 degree Angle	Vert 60° Horz 30°	Vert 30° Horz 60°	45 degree Angle	Vert 60° Horz 30°
¾	7x6x19 IWRC	6.6	5.4	3.8	9.9	8.0	5.7
⅞	7x6x19 IWRC	8.7	7.1	5.0	13.0	11.0	7.5
1	7x6x19 IWRC	11.0	9.0	6.4	17.0	13.0	9.6
1⅛	7x6x19 IWRC	13.0	11.0	7.7	20.0	16.0	11.0
1¼	7x6x19 IWRC	16.0	13.0	9.2	24.0	20.0	14.0
1⅜	7x6x19 IWRC	17.0	14.0	10.0	26.0	21.0	15.0
1⅜	7x6x19 IWRC	19.0	15.0	11.0	28.0	23.0	16.0
1½	7x6x19 IWRC	22.0	18.0	13.0	33.0	27.0	19.0

TABLE 10

Rated Capacities For 2-Leg And 3-Leg Bridle Slings
8-Part And 6-Part Braided Rope
6 x 7 And 6 x 19 Construction Improved Plow Steel Grade Rope
7 x 7 Construction Galvanized Aircraft Grade Rope

Component Rope		Rated Capacities, Tons (2,000 lb)											
		2-Leg Bridle Slings						3-Leg Bridle Slings					
		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°		Vert 30° Horz 60°		45 degree Angle		Vert 60° Horz 30°	
Dia (Inches)	Constr	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part	8-Part	6-Part
3/32	6 x 7	0.74	0.55	0.60	0.45	0.42	0.32	1.1	0.83	0.90	0.68	0.64	0.48
⅛	6 x 7	1.3	0.98	1.1	0.80	0.76	0.57	2.0	1.5	1.6	1.2	1.1	0.85
3/16	6 x 7	2.9	2.2	2.4	1.8	1.7	1.3	4.4	3.3	3.6	2.7	2.5	1.9
3/32	7 x 7	0.89	0.67	0.72	0.55	0.51	0.39	1.3	1.0	1.1	0.82	0.77	0.58
⅛	7 x 7	1.6	1.2	1.3	1.0	0.95	0.71	2.5	1.8	2.0	1.5	1.4	1.1
3/16	7 x 7	3.6	2.7	2.9	2.2	2.1	1.5	5.4	4.0	4.4	3.3	3.1	2.3
3/16	6 x 19	3.0	2.2	2.4	1.8	1.7	1.3	4.5	3.4	3.7	2.8	2.6	1.9
¼	6 x 19	5.3	4.0	4.3	3.2	3.1	2.3	8.0	6.0	6.5	4.9	4.6	3.4
5/16	6 x 19	8.3	6.2	6.7	5.0	4.8	3.6	12.0	9.3	10.0	7.6	7.1	5.4
⅜	6 x 19	12.0	8.9	9.7	7.2	6.8	5.1	18.0	13.0	14.0	11.0	10.0	7.7
7/16	6 x 19	16.0	12.0	13.0	9.8	9.3	6.9	24.0	18.0	20.0	15.0	14.0	10.0
½	6 x 19	21.0	15.0	17.0	13.0	12.0	9.0	31.0	23.0	25.0	19.0	18.0	13.0
9/16	6 x 19	26.0	20.0	21.0	16.0	15.0	11.0	39.0	29.0	32.0	24.0	23.0	17.0
⅝	6 x 19	32.0	24.0	26.0	20.0	19.0	14.0	48.0	36.0	40.0	30.0	28.0	21.0
¾	6 x 19	46.0	35.0	38.0	28.0	27.0	20.0	69.0	52.0	56.0	42.0	40.0	30.0
⅞	6 x 19	62.0	47.0	51.0	38.0	36.0	27.0	94.0	70.0	76.0	57.0	54.0	40.0
1	6 x 19	81.0	61.0	66.0	50.0	47.0	35.0	122.0	91.0	99.0	74.0	70.0	53.0

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TABLE 11

Rated Capacities For Strand Laid Grommet—Hand Tucked
Improved Plow Steel Grade Rope

Rope Body		Rated Capacities, Tons (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
¼	7 x 19	0.85	0.64	1.7
5/16	7 x 19	1.3	1.0	2.6
⅜	7 x 19	1.9	1.4	3.8
7/16	7 x 19	2.6	1.9	5.2
½	7 x 19	3.3	2.5	6.7
9/16	7 x 19	4.2	3.1	8.4
⅝	7 x 19	5.2	3.9	10.0
¾	7 x 19	7.4	5.6	15.0
⅞	7 x 19	10.0	7.5	20.0
1	7 x 19	13.0	9.7	26.0
1⅛	7 x 19	16.0	12.0	32.0
1¼	7 x 37	18.0	14.0	37.0
1⅜	7 x 37	22.0	16.0	44.0
1½	7 x 37	26.0	19.0	52.0

*These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope is bent.
d = Diameter of rope body.

TABLE 12

Rated Capacities For Cable Laid Grommet—Hand Tucked
7 x 6 x 7 And 7 x 6 x 19 Constructions Improved Plow Steel
Grade Rope
7 x 7 x 7 Construction Galvanized Aircraft Grade Rope

Cable Body		Rated Capacities, Tons (2,000 lb)		
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
⅜	7 x 6 x 7	1.3	0.95	2.5
9/16	7 x 6 x 7	2.8	2.1	5.6
⅝	7 x 6 x 7	3.8	2.8	7.6
⅜	7 x 7 x 7	1.6	1.2	3.2
9/16	7 x 7 x 7	3.5	2.6	6.9
⅝	7 x 7 x 7	4.5	3.4	9.0
⅝	7 x 6 x 19	3.9	3.0	7.9
¾	7 x 6 x 19	5.1	3.8	10.0
15/16	7 x 6 x 19	7.9	5.9	16.0

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TABLE 12 (Cont.)

Cable Body		Rated Capacities, Tons (2,000 lb)		
				
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
1⅛	7 x 6 x 19	11.0	8.4	22.0
1 5/16	7 x 6 x 19	15.0	11.0	30.0
1½	7 x 6 x 19	19.0	14.0	39.0
1 11/16	7 x 6 x 19	24.0	18.0	49.0
1⅞	7 x 6 x 19	30.0	22.0	60.0
2¼	7 x 6 x 19	42.0	31.0	84.0
2⅝	7 x 6 x 19	56.0	42.0	112.0

*These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

TABLE 13

Rated Capacities For Strand Laid Endless Slings—
Mechanical Joint
Improved Plow Steel Grade Rope

Rope Body		Rated Capacities, Tons (2,000 lb)		
				
Dia (Inches)	Constr	Vertical	Choker	Vertical Basket*
¼	6 x 19 IWRC	0.92	0.69	1.8
⅜	6 x 19 IWRC	2.0	1.5	4.1
½	6 x 19 IWRC	3.6	2.7	7.2
⅝	6 x 19 IWRC	5.6	4.2	11.0
¾	6 x 19 IWRC	8.0	6.0	16.0
⅞	6 x 19 IWRC	11.0	8.1	21.0
1	6 x 19 IWRC	14.0	10.0	28.0
1⅛	6 x 19 IWRC	18.0	13.0	35.0
1¼	6 x 37 IWRC	21.0	15.0	41.0
1⅜	6 x 37 IWRC	25.0	19.0	50.0
1½	6 x 37 IWRC	29.0	22.0	59.0

*These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which rope body is bent.
d = Diameter of rope body.

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TABLE 14

Rated Capacities For Cable Laid Endless Slings—
Mechanical Joint
7 x 7 x 7 And 7 x 7 x 19 Construction Galvanized Aircraft Grade Rope
7 x 6 x 19 IWRC Construction Improved Plow Steel Grade Rope

Cable Body		Rated Capacities, Tons (2,000 lb)		
Dia (Inches)	Constr	 Vertical	 Choker	 Vertical Basket*
¼	7 x 7 x 7	0.83	0.62	1.6
⅜	7 x 7 x 7	1.8	1.3	3.5
½	7 x 7 x 7	3.0	2.3	6.1
⅝	7 x 7 x 7	4.5	3.4	9.1
¾	7 x 7 x 7	6.3	4.7	12.0
⅝	7 x 7 x 19	4.7	3.5	9.5
¾	7 x 7 x 19	6.7	5.0	13.0
⅞	7 x 7 x 19	8.9	6.6	18.0
1	7 x 7 x 19	11.0	8.5	22.0
1⅛	7 x 7 x 19	14.0	10.0	28.0
1¼	7 x 7 x 19	17.0	12.0	33.0
¾	7x6x19 IWRC	6.2	4.7	12.0
⅞	7x6x19 IWRC	8.3	6.2	16.0
1	7x6x19 IWRC	10.0	7.9	21.0
1⅛	7x6x19 IWRC	13.0	9.7	26.0
1¼	7x6x19 IWRC	16.0	12.0	31.0
1⅜	7x6x19 IWRC	18.0	14.0	37.0
1½	7x6x19 IWRC	22.0	16.0	43.0

*These values only apply when the D/d ratio is 5 or greater where:
D = Diameter of curvature around which cable body is bent.
d = Diameter of cable body.

History: 1954 ACS 89, p. 60, Eff. Nov. 13, 1976.

R 408.14932 Wire rope slings; minimum lengths.

Rule 4932. (1) Cable laid and a 6 x 19 and 6 x 37 sling shall have a minimum clear length of wire rope 10 times the component rope diameter between splices, sleeves, or end fittings.

(2) A braided sling shall have a minimum clear length of wire rope 40 times the component rope diameter between the loops or end fittings.

(3) A cable laid grommet, strand laid grommet, and endless sling shall have a minimum circumferential length of 96 times their body diameter.

History: 1954 ACS 89, p. 72, Eff. Nov. 13, 1976.

R 408.14933 Wire rope slings; welded end attachment; certificate of proof test.

Rule 4933. (1) Welding of an end attachment, except covers to thimbles, shall be performed prior to the assembly of the sling.

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(2) All welded end attachments shall not be used unless proof tested by the manufacturer at twice their rated capacity prior to initial use. The employer shall retain a certificate of the proof test, and make it available for examination.

History: 1954 ACS 89, p. 72, Eff. Nov. 13, 1976.

R 408.14934 Wire rope slings; removal from service.

Rule 4934. A wire rope sling shall be removed from service if any of the following conditions are present:

(a) Ten randomly distributed broken wires in 1 rope lay, or 5 broken wires in 1 strand in 1 rope lay.

(b) Wear or scraping of ⅓ the original diameter of outside individual wires.

(c) Kinking, crushing, bird caging, or any other damage resulting in distortion of the wire rope structure.

(d) Evidence of heat damage.

(e) End attachments that are cracked, deformed, or worn.

(f) Hooks that have been opened more than 15% of the normal throat opening measured at the narrowest point, or twisted more than 10 degrees from the plane of the unbent hook.

(g) Corrosion of the rope or end attachments.

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

R 408.14935 Wire rope slings; forming eyes.

Rule 4935. An eye in a wire rope sling shall not be formed by using a knot or a wire rope clip.

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

METAL MESH SLINGS

R 408.14941 Metal mesh slings; marking; rated capacity; coatings.

Rule 4941. (1) Each metal mesh sling shall have permanently affixed to it a durable marking that states the rated capacity for vertical basket hitch and choker hitch loadings.

(2) A handle shall have a rated capacity at least equal to the metal fabric and exhibit no deformation after proof testing.

(3) Coatings which diminish the rated capacity of a sling shall not be applied.

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

R 408.14942 Metal mesh slings; attachment of handle.

Rule 4942. The fabric and handles shall be joined so that:

(a) The rated capacity of the sling is not reduced.

(b) The load is evenly distributed across the width of the fabric.

(c) Sharp edges will not damage the fabric.

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

R 408.14943 Metal mesh slings; testing.

Rule 4943. All new and repaired metal mesh slings, including handles, shall not be used unless proof tested by the manufacturer at a minimum of 1½ times their rated capacity. Elastomer impregnated slings shall be proof tested before coating.

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

R 408.14944 Metal mesh slings; use; temperature limits.

Rule 4944. (1) A metal mesh sling shall not be used to lift loads in excess of their rated capacities as prescribed in table 15.

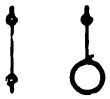
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(2) A sling not included in this table shall be used only in accordance with the manufacturer's recommendations.

(3) A metal mesh sling which is not impregnated with elastomers may be used in a temperature range from minus 20 degrees Fahrenheit to plus 550 degrees Fahrenheit without decreasing the working load limit. A metal mesh sling impregnated with polyvinyl chloride or neoprene may be used only in a temperature range from zero degrees to plus 200 degrees Fahrenheit. For operations outside these temperature ranges or for metal mesh slings impregnated with other materials, the sling manufacturer's recommendations shall be followed.

TABLE 15

Rated Capacities
Carbon Steel And Stainless Steel
Metal Mesh Slings

Sling Width In Inches	 Vertical or Choker	 Vertical Basket	Effect of Angle on Rated Capacities In Basket Hitch  30° Vertical 60° Horizontal	 45° Vertical 45° Horizontal	 60° Vertical 30° Horizontal
Heavy Duty—10 Ga 35 Spirals/Ft. of Sling Width					
2	1,500	3,000	2,600	2,100	1,500
3	2,700	5,400	4,700	3,800	2,700
4	4,000	8,000	6,900	5,600	4,000
6	6,000	12,000	10,400	8,400	6,000
8	8,000	16,000	13,800	11,300	8,000
10	10,000	20,000	17,000	14,100	10,000
12	12,000	24,000	20,700	16,900	12,000
14	14,000	28,000	24,200	19,700	14,000
16	16,000	32,000	27,700	22,600	16,000
18	18,000	36,000	31,100	25,400	18,000
20	20,000	40,000	34,600	28,200	20,000
Medium Duty—12 Ga 43 Spirals/Ft. of Sling Width					
2	1,350	2,700	2,300	1,900	1,400
3	2,000	4,000	3,500	2,800	2,000
4	2,700	5,400	4,700	3,800	2,700
6	4,500	9,000	7,800	6,400	4,500
8	6,000	12,000	10,400	8,500	6,000
10	7,500	15,000	13,000	10,600	7,500
12	9,000	18,000	15,600	12,700	9,000
14	10,500	21,000	18,200	14,800	10,500
16	12,000	24,000	20,800	17,000	12,000
18	13,500	27,000	23,400	19,100	13,500
20	15,000	30,000	26,000	21,200	15,000

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TABLE 15 (Cont.)

Light Duty—14 Ga 59 Spirals/Ft. of Sling Width					
2	900	1,800	1,600	1,300	900
3	1,400	2,800	2,400	2,000	1,400
4	2,000	4,000	3,500	2,800	2,000
6	3,000	6,000	5,200	4,200	3,000
8	4,000	8,000	6,900	5,700	4,000
10	5,000	10,000	8,600	7,100	5,000
12	6,000	12,000	10,400	8,500	6,000
14	7,000	14,000	12,100	9,900	7,000
16	8,000	16,000	13,900	11,300	8,000
18	9,000	18,000	15,600	12,700	9,000
20	10,000	20,000	17,300	14,100	10,000

History: 1954 ACS 89, p. 73, Eff. Nov. 13, 1976.

R 408.14945 Metal mesh slings; removal from service; repairs; records.

Rule 4945. (1) A metal mesh sling shall be immediately removed from service if any of the following conditions are present:

(a) A broken weld or broken brazed joint along the sling edge.

(b) Reduction in wire diameter of 25% due to abrasion or 15% due to corrosion.

(c) Lack of flexibility due to distortion of the fabric.

(d) Distortion of the female handle so that the depth of the slot is increased more than 10%.

(e) Distortion of either handle so that the width of the eye is decreased more than 10%.

(f) A 15% reduction of the original cross sectional area of metal at any point around the handle eye.

(g) Distortion of either handle out of its plane.

(2) A metal mesh sling which is repaired shall not be used unless repaired by a metal mesh sling manufacturer.

(3) Once repaired, each sling shall be permanently marked or tagged, or a written record maintained, to indicate the date and nature of the repairs and the person or organization that performed the repairs. Records of repairs shall be made available for examination.

History: 1954 ACS 89, p. 75, Eff. Nov. 13, 1976.

FIBER ROPE SLINGS

R 408.14951 Natural and synthetic fiber rope slings; rated capacity; diameter of curvature; temperature limits.

Rule 4951. (1) A fiber rope sling made from conventional 3 strand construction fiber rope shall not be used with a load in excess of the rated capacities prescribed in tables 16 to 19.

(2) A fiber rope sling shall have a diameter of curvature meeting not less than the minimums prescribed in figures 4 and 5.

(3) A sling not included in these tables shall be used only in accordance with the manufacturer's recommendations.

(4) A natural or synthetic fiber rope sling, except for a wet frozen sling, may be used in a temperature range from minus 20 degrees Fahrenheit to plus 180 degrees Fahrenheit without decreasing the working load limit. For operations outside this temperature range and for wet frozen slings, the sling manufacturer's recommendations shall be followed.

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TABLE 16
Manila Rope Slings
(capacity is in pounds)

Rope Dia. Nominal in Inches	Nominal Weight Per 100 ft. in Pounds	Eye & Eye Sling						Endless Swing					
				Basket Hitch						Basket Hitch			
				Angle of Rope to Horizontal						Angle of Rope to Horizontal			
				90°	60°	45°	30°			90°	60°	45°	30°
		Vertical Hitch	Choker Hitch	Angle of Rope to Vertical				Vertical Hitch	Choker Hitch	Angle of Rope to Vertical			
				0°	30°	45°	60°			0°	30°	45°	60°
½	7.5	480	240	960	830	680	480	865	430	1,730	1,500	1,220	865
9/16	10.4	620	310	1,240	1,070	875	620	1,120	560	2,230	1,930	1,580	1,120
⅝	13.3	790	395	1,580	1,370	1,120	790	1,420	710	2,840	2,460	2,010	1,420
¾	16.7	970	485	1,940	1,680	1,370	970	1,750	875	3,490	3,020	2,470	1,750
13/16	19.5	1,170	585	2,340	2,030	1,650	1,170	2,110	1,050	4,210	3,650	2,980	2,110
⅞	22.5	1,390	695	2,780	2,410	1,970	1,390	2,500	1,250	5,000	4,330	3,540	2,500
1	27.0	1,620	810	3,240	2,810	2,290	1,620	2,920	1,460	5,830	5,050	4,120	2,920
1 1/16	31.3	1,890	945	3,780	3,270	2,670	1,890	3,400	1,700	6,800	5,890	4,810	3,400
1⅛	36.0	2,160	1,080	4,320	3,740	3,050	2,160	3,890	1,940	7,780	6,730	5,500	3,890
1¼	41.7	2,430	1,220	4,860	4,210	3,440	2,430	4,370	2,190	8,750	7,580	6,190	4,370
1 5/16	47.9	2,700	1,350	5,400	4,680	3,820	2,700	4,860	2,430	9,720	8,420	6,870	4,860
1½	59.9	3,330	1,670	6,660	5,770	4,710	3,330	5,990	3,000	12,000	10,400	8,480	5,990
1⅝	74.6	4,050	2,030	8,100	7,010	5,730	4,050	7,290	3,650	14,600	12,600	10,300	7,290
1¾	89.3	4,770	2,390	9,540	8,260	6,740	4,770	8,590	4,290	17,200	14,900	12,100	8,590
2	107.5	5,580	2,790	11,200	9,660	7,890	5,580	10,000	5,020	20,100	17,400	14,200	10,000
2⅛	125.0	6,480	3,240	13,000	11,200	9,160	6,480	11,700	5,830	23,300	20,200	16,500	11,700
2¼	146.0	7,380	3,690	14,800	12,800	10,400	7,380	13,300	6,640	26,600	23,000	18,800	13,300
2½	166.7	8,370	4,190	16,700	14,500	11,800	8,370	15,100	7,530	30,100	26,100	21,300	15,100
2⅝	190.8	9,360	4,680	18,700	16,200	13,200	9,360	16,800	8,420	33,700	29,200	23,800	16,800

See Figures 4 and 5 for sling configuration descriptions.

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TABLE 17
Nylon Rope Slings
(capacity is in pounds)

Rope Dia. Nominal in Inches	Nominal Weight Per 100 ft. in Pounds	Eye & Eye Sling						Endless Sling					
				Basket Hitch						Basket Hitch			
				Angle of Rope to Horizontal						Angle of Rope to Horizontal			
				90°	60°	45°	30°			90°	60°	45°	30°
				Angle of Rope to Vertical						Angle of Rope to Vertical			
		Vertical Hitch	Choker Hitch	0°	30°	45°	60°	Vertical Hitch	Choker Hitch	0°	30°	45°	60°
½	6.5	635	320	1,270	1,100	900	635	1,140	570	2,290	1,980	1,620	1,140
9/16	8.3	790	395	1,580	1,370	1,120	790	1,420	710	2,840	2,460	2,010	1,420
⅝	10.5	1,030	515	2,060	1,780	1,460	1,030	1,850	925	3,710	3,210	2,620	1,850
¾	14.5	1,410	705	2,820	2,440	1,990	1,410	2,540	1,270	5,080	4,400	3,590	2,540
13/16	17.0	1,680	840	3,360	2,910	2,380	1,680	3,020	1,510	6,050	5,240	4,280	3,020
⅞	20.0	1,980	990	3,960	3,430	2,800	1,980	3,560	1,780	7,130	6,170	5,040	3,560
1	26.0	2,480	1,240	4,960	4,300	3,510	2,480	4,460	2,230	8,930	7,730	6,310	4,460
1 1/16	29.0	2,850	1,430	5,700	4,940	4,030	2,850	5,130	2,570	10,300	8,890	7,260	5,130
1⅛	34.0	3,270	1,640	6,540	5,660	4,620	3,270	5,890	2,940	11,800	10,200	8,330	5,890
1¼	40.0	3,710	1,860	7,420	6,430	5,250	3,710	6,680	3,340	13,400	11,600	9,450	6,680
1 5/16	45.0	4,260	2,130	8,520	7,380	6,020	4,260	7,670	3,830	15,300	13,300	10,800	7,670
1½	55.0	5,250	2,630	10,500	9,090	7,420	5,250	9,450	4,730	18,900	16,400	13,400	9,450
1⅝	68.0	6,440	3,220	12,900	11,200	9,110	6,440	11,600	5,800	23,200	20,100	16,400	11,600
1¾	83.0	7,720	3,860	15,400	13,400	10,900	7,720	13,900	6,950	27,800	24,100	19,700	13,900
2	95.0	9,110	4,560	18,200	15,800	12,900	9,110	16,400	8,200	32,800	28,400	23,200	16,400
2⅛	109.0	10,500	5,250	21,000	18,200	14,800	10,500	18,900	9,450	37,800	32,700	26,700	18,900
2¼	129.0	12,400	6,200	24,800	21,500	17,500	12,400	22,300	11,200	44,600	38,700	31,600	22,300
2½	149.0	13,900	6,950	27,800	24,100	19,700	13,900	25,000	12,500	50,000	43,300	35,400	25,000
2⅝	168.0	16,000	8,000	32,000	27,700	22,600	16,000	28,800	14,400	57,600	49,900	40,700	28,800

See Figures 4 and 5 for sling configuration descriptions.

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TABLE 18
Polyester Rope Slings
(capacity is in pounds)

Rope Dia. Nominal in Inches	Nominal Weight Per 100 ft. in Pounds	Eye & Eye Sling						Endless Sling					
				Basket Hitch						Basket Hitch			
				Angle of Rope to Horizontal						Angle of Rope to Horizontal			
				90°	60°	45°	30°			90°	60°	45°	30°
		Vertical Hitch	Choker Hitch	Angle of Rope to Vertical				Vertical Hitch	Choker Hitch	Angle of Rope to Vertical			
				0°	30°	45°	60°			0°	30°	45°	60°
½	8.0	635	320	1,270	1,100	900	635	1,140	570	2,290	1,980	1,620	1,140
9/16	10.2	790	395	1,580	1,370	1,120	790	1,420	710	2,840	2,460	2,010	1,420
5/8	13.0	990	495	1,980	1,710	1,400	990	1,780	890	3,570	3,090	2,520	1,780
¾	17.5	1,240	620	2,480	2,150	1,750	1,240	2,230	1,120	4,470	3,870	3,160	2,230
13/16	21.0	1,540	770	3,080	2,670	2,180	1,540	2,770	1,390	5,540	4,800	3,920	2,770
7/8	25.0	1,780	890	3,560	3,080	2,520	1,780	3,200	1,600	6,410	5,550	4,530	3,200
1	30.5	2,180	1,090	4,360	3,780	3,080	2,180	3,920	1,960	7,850	6,800	5,550	3,920
1 1/16	34.5	2,530	1,270	5,060	4,380	3,580	2,530	4,550	2,280	9,110	7,990	6,440	4,550
1⅛	40.0	2,920	1,460	5,840	5,060	4,130	2,920	5,260	2,630	10,500	9,100	7,440	5,260
1¼	46.3	3,290	1,650	6,580	5,700	4,650	3,290	5,920	2,960	11,800	10,300	8,380	5,920
1 5/16	52.5	3,710	1,860	7,420	6,430	5,250	3,710	6,680	3,340	13,400	11,600	9,450	6,680
1½	66.8	4,630	2,320	9,260	8,020	6,550	4,630	8,330	4,170	16,700	14,400	11,800	8,330
1⅝	82.0	5,640	2,820	11,300	9,770	7,980	5,640	10,200	5,080	20,300	17,600	14,400	10,200
1¾	98.0	6,710	3,360	13,400	11,600	9,490	6,710	12,100	6,040	24,200	20,900	17,100	12,100
2	118.0	7,920	3,960	15,800	13,700	11,200	7,920	14,300	7,130	28,500	24,700	20,200	14,300
2⅛	135 0	9,110	4,460	18,200	15,800	12,900	9,110	16,400	8,200	32,800	28,400	23,200	16,400
2¼	157.0	10,600	5,300	21,200	18,400	15,000	10,600	19,100	9,540	38,200	33,100	27,000	19,100
2½	181.0	12,100	6,050	24,200	21,000	17,100	12,100	21,800	10,900	43,600	37,700	30,800	21,800
2⅝	205.0	13,600	6,800	27,200	23,600	19,200	13,600	24,500	12,200	49,000	42,400	34,600	24,500

See Figures 4 and 5 for sling configuration descriptions.

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TABLE 19
Polypropylene Rope Slings
(capacity is in pounds)

Rope Dia. Nominal in Inches	Nominal Weight Per 100 ft. in Pounds	Eye & Eye Sling						Endless Sling					
				Basket Hitch						Basket Hitch			
				Angle of Rope to Horizontal						Angle of Rope to Horizontal			
				90°	60°	45°	30°			90°	60°	45°	30°
				Angle of Rope to Vertical						Angle of Rope to Vertical			
		Vertical Hitch	Choker Hitch	0°	30°	45°	60°	Vertical Hitch	Choker Hitch	0°	30°	45°	60°
½	4.7	645	325	1,290	1,120	910	645	1,160	580	2,320	2,010	1,640	1,160
9/16	6.1	780	390	1,560	1,350	1,100	780	1,400	700	2,810	2,430	1,990	1,400
5/8	7.5	950	475	1,900	1,650	1,340	950	1,710	855	3,420	2,960	2,420	1,710
¾	10.7	1,300	650	2,600	2,250	1,840	1,300	2,340	1,170	4,680	4,050	3,310	2,340
13/16	12.7	1,520	760	3,040	2,630	2,150	1,520	2,740	1,370	5,470	4,740	3,870	2,740
⅞	15.0	1,760	880	3,520	3,050	2,490	1,760	3,170	1,580	6,340	5,490	4,480	3,170
1	18.0	2,140	1,070	4,280	3,700	3,030	2,140	3,850	1,930	7,700	6,670	5,450	3,860
1 1/16	20.4	2,450	1,230	4,900	4,240	3,460	2,450	4,410	2,210	8,820	7,640	6,240	4,410
1⅛	23.7	2,800	1,400	5,600	4,850	3,960	2,800	5,040	2,520	10,100	8,730	7,130	5,040
1¼	27.0	3,210	1,610	6,420	5,560	4,540	3,210	5,780	2,890	11,600	10,000	8,170	5,780
1 5/16	30.5	3,600	1,800	7,200	6,240	5,090	3,600	6,480	3,240	13,000	11,200	9,170	6,480
1½	38.5	4,540	2,270	9,080	7,860	6,420	4,540	8,170	4,090	16,300	14,200	11,600	8,170
1⅝	47.5	5,510	2,760	11,000	9,540	7,790	5,510	9,920	4,960	19,800	17,200	14,000	9,920
1¾	57.0	6,580	3,290	13,200	11,400	9,300	6,580	11,800	5,920	23,700	20,500	16,800	11,800
2	69.0	7,960	3,980	15,900	13,800	11,300	7,960	14,300	7,160	28,700	24,800	20,300	14,300
2⅛	80.0	9,330	4,670	18,700	16,200	13,200	9,330	16,800	8,400	33,600	29,100	23,800	16,800
2¼	92.0	10,600	5,300	21,200	18,400	15,000	10,600	19,100	9,540	38,200	33,100	27,000	19,100
2½	107.0	12,200	6,100	24,400	21,100	17,300	12,200	22,000	11,000	43,900	38,000	31,100	22,000
2⅝	120.0	13,800	6,900	27,600	23,900	19,600	13,800	24,800	12,400	49,700	43,000	35,100	24,800

See Figures 4 and 5 for sling configuration descriptions.

History: 1954 ACS 89, p. 75, Eff. Nov. 13, 1978.

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R 408.14952 Natural and synthetic fiber rope slings; splicing.

Rule 4952. A spliced fiber rope sling shall not be used unless it has been spliced in accordance with the following minimum requirements and in accordance with any additional recommendations of the manufacturer:

(a) In manila rope, an eye splice shall consist of at least 3 full tucks, and short splices shall consist of at least 6 full tucks, 3 on each side of the splice center line.

(b) In synthetic fiber rope, an eye splice shall consist of at least 4 full tucks, and short splices shall consist of at least 8 full tucks, 4 on each side of the center line.

(c) A strand end tail shall not be trimmed flush with the surface of the rope immediately adjacent to the full tucks. This applies to all types of fiber rope and both eye and short splices. For fiber rope under 1 inch in diameter, the tail shall project at least 6 rope diameters beyond the last full tuck. For fiber rope 1 inch in diameter and larger, the tail shall project at least 6 inches beyond the last full tuck. Where a projecting tail interferes with the use of the sling, the tail shall be tapered and spliced into the body of the rope, using at least 2 additional tucks, which will require a tail length of approximately 6 rope diameters beyond the last full tuck.

(d) A fiber rope sling shall have a minimum clear length of rope between eye splices equal to 10 times the rope diameter.

(e) A knot shall not be used in lieu of a splice.

(f) A clamp not designed specifically for fiber ropes shall not be used for splicing.

(g) For any eye splice, the eye shall be of a size to provide an included angle of not greater than 60 degrees at the splice when the eye is placed over the load or support.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

R 408.14953 Natural and synthetic fiber rope slings; end attachments.

Rule 4953. A fiber rope sling shall not be used if an end attachment in contact with the rope has a sharp edge or projection.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

R 408.14954 Natural and synthetic fiber rope slings; removal from service; prohibition.

Rule 4954. (1) A natural and synthetic fiber rope sling shall be immediately removed from service if any of the following conditions are present:

(a) Abnormal wear.

(b) Powdered fiber between strands.

(c) Broken or cut fibers.

(d) Variations in the size or roundness of strands.

(e) Discoloration or rotting.

(f) Distortion of hardware in the sling.

(2) Only a fiber rope sling made from new rope shall be used. Use of a repaired or reconditioned fiber rope sling is prohibited.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

SYNTHETIC WEB SLINGS

R 408.14961 Synthetic web slings; marking or coding rated capacities.

Rule 4961. Each sling shall be marked or coded to show the rated capacities for each type of hitch and type of synthetic web material.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

R 408.14962 Synthetic web slings; webbing size and edges.

Rule 4962. Synthetic webbing shall be of uniform thickness and width, and selvage edges shall not be split from the webbing's width.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

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R 408.14963 Synthetic web slings; fittings.

Rule 4963. (1) Fittings shall be:

(a) Of a minimum breaking strength equal to that of the sling.

(b) Free of all sharp edges that could in any way damage the webbing.

(2) Stitching shall be the only method used to attach end fittings to webbing and to form eyes. The thread shall be in an even pattern and contain a sufficient number of stitches to develop the full breaking strength of the sling.

History: 1954 ACS 89, p. 80, Eff. Nov. 13, 1976.

R 408.14964 Synthetic web slings; rated capacity; use; temperature limits.

Rule 4964. (1) A synthetic web sling illustrated in figure 6 shall not be used with loads in excess of the rated capacities specified in tables 20 to 22. A sling not included in these tables shall be used only in accordance with the manufacturer's recommendations.

(2) When a synthetic web sling is used, the following precautions shall be taken:

(a) A nylon web sling shall not be used where fumes, vapors, sprays, mists, or liquids of acids or phenolics are present.

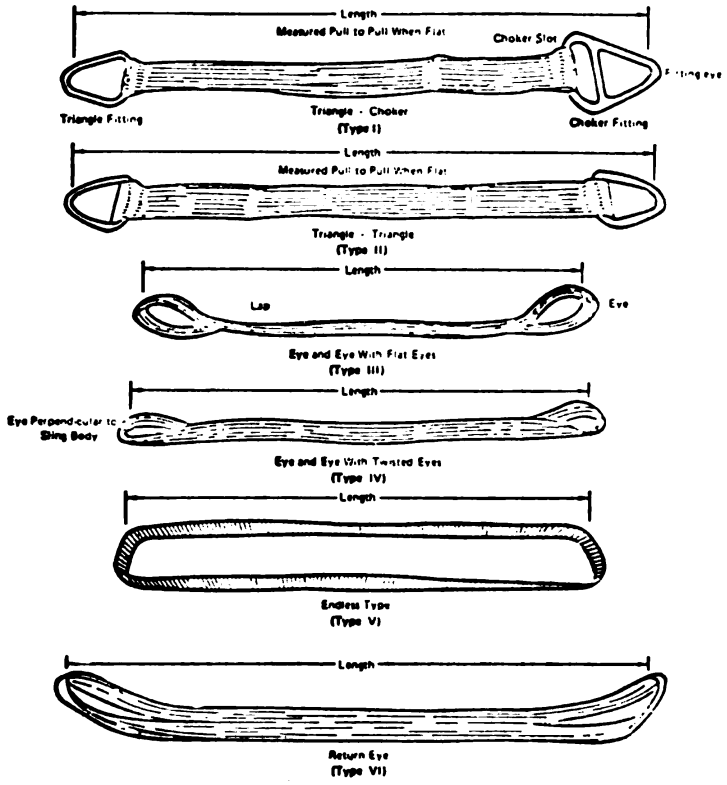
(b) A polyester and polypropylene web sling shall not be used where fumes, vapors, sprays, mists, or liquids of caustics are present.

(c) A web sling with aluminum fittings shall not be used where fumes, vapors, sprays, mists, or liquids of caustics are present.

(3) A synthetic web sling of polyester and nylon shall not be used at a temperature in excess of 180 degrees Fahrenheit. A polypropylene web sling shall not be used at a temperature in excess of 200 degrees Fahrenheit.

FIGURE 6

Basic Synthetic Web Sling Constructions



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TABLE 20

Rated Capacity in Pounds
Synthetic Web Slings
1,000 Lbs. Per Inch of Width
Single Ply

Sling Body Width, Inches	Triangle—Choker Slings, Type I Triangle—Triangle Slings, Type II Eye & Eye with Flat Eye Slings, Type III Eye & Eye with Twisted Eye Slings, Type IV						Endless Slings, Type V						Return Eye Slings, Type VI					
	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket
1	1,000	750	2,000	1,700	1,400	1,000	1,600	1,300	3,200	2,800	2,300	1,600	800	650	1,600	1,400	1,150	800
2	2,000	1,500	4,000	3,500	2,800	2,000	3,200	2,600	6,400	5,500	4,500	3,200	1,600	1,300	3,200	2,800	2,300	1,600
3	3,000	2,200	6,000	5,200	4,200	3,000	4,800	3,800	9,600	8,300	6,800	4,800	2,400	1,950	4,800	4,150	3,400	2,400
4	4,000	3,000	8,000	6,900	5,700	4,000	6,400	5,100	12,800	11,100	9,000	6,400	3,200	2,600	6,400	5,500	4,500	3,200
5	5,000	3,700	10,000	8,700	7,100	5,000	8,000	6,400	16,000	13,900	11,300	8,000	4,000	3,250	8,000	6,900	5,650	4,000
6	6,000	4,500	12,000	10,400	8,500	6,000	9,600	7,700	19,200	16,600	13,600	9,600	4,800	3,800	9,600	8,300	6,800	4,800

Notes: 1. All angles shown are measured from the vertical.
2. Capacities for intermediate widths not shown may be obtained by interpolation.

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TABLE 21

Rated Capacity in Pounds
Synthetic Web Slings
1,200 Lbs. Per Inch of Width
Single Ply

Sling Body Width, Inches	Triangle—Choker Slings, Type I Triangle—Triangle Slings, Type II Eye & Eye with Flat Eye Slings, Type III Eye & Eye with Twisted Eye Slings, Type IV						Endless Slings, Type V						Return Eye Slings, Type VI					
	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket
1	1,200	900	2,400	2,100	1,700	1,200	1,900	1,500	3,800	3,300	2,700	1,900	950	750	1,900	1,650	1,350	950
2	2,400	1,800	4,800	4,200	3,400	2,400	3,800	3,000	7,600	6,600	5,400	3,800	1,900	1,500	3,800	3,300	2,700	1,900
3	3,600	2,700	7,200	6,200	5,100	3,600	5,800	4,600	11,600	10,000	8,200	5,800	2,850	2,250	5,700	4,950	4,050	2,850
4	4,800	3,600	9,600	8,300	6,800	4,800	7,700	6,200	15,400	13,300	10,900	7,700	3,800	3,000	7,600	6,600	5,400	3,800
5	6,000	4,500	12,000	10,400	8,500	6,000	9,600	7,700	19,200	16,600	13,600	9,600	4,750	3,750	9,500	8,250	6,750	4,750
6	7,200	5,400	14,400	12,500	10,200	7,200	11,500	9,200	23,000	19,900	16,300	11,500	5,800	4,600	11,600	10,000	8,200	5,800

Notes: 1. All angles shown are measured from the vertical.
2. Capacities for intermediate widths not shown may be obtained by interpolation.

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TABLE 22

Rated Capacity in Pounds
Synthetic Web Slings
1,600 Lbs. Per Inch of Width
Single Ply

Sling Body Width, Inches	Triangle—Choker Slings, Type I Triangle—Triangle Slings, Type II Eye & Eye with Flat Eye Slings, Type III Eye & Eye with Twisted Eye Slings, Type IV						Endless Slings, Type V						Return Eye Slings, Type VI					
	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket	Vert.	Choker	Vert. Basket	30° Basket	45° Basket	60° Basket
1	1,600	1,200	3,200	2,800	2,300	1,600	2,600	2,100	5,200	4,500	3,700	2,600	1,050	1,050	2,600	2,250	1,850	1,300
2	3,200	2,400	6,400	5,500	4,500	3,200	5,100	4,100	10,200	8,800	7,200	5,100	2,600	2,100	5,200	4,500	3,700	2,600
3	4,800	3,600	9,600	8,300	6,800	4,800	7,700	6,200	15,400	13,300	10,900	7,700	3,900	3,150	7,800	6,750	5,500	3,900
4	6,400	4,800	12,800	11,100	9,000	6,400	10,100	8,200	20,400	17,700	14,400	10,200	5,100	4,100	10,200	8,800	7,200	5,100
5	8,000	6,000	16,000	13,800	11,300	8,000	12,800	10,200	25,600	22,200	18,100	12,800	6,400	5,150	12,800	11,050	9,050	6,400
6	9,600	7,200	19,200	16,600	13,600	9,600	15,400	12,300	30,800	26,700	21,800	15,400	7,700	6,200	15,400	13,300	10,900	7,700

Notes: 1. All angles shown are measured from the vertical.
2. Capacities for intermediate widths not shown may be obtained by interpolation.

History: 1954 ACS 89, p. 90. Eff. Nov. 13, 1976.

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R 408.14965 Synthetic web slings; removal from service; repairs; certificate of proof test; prohibition.

Rule 4965. (1) A synthetic web sling shall be immediately removed from service if any of the following conditions are present:

(a) Acid or caustic burns.

(b) Melting or charring of any part of the sling surface.

(c) Snags, punctures, tears, or cuts.

(d) Broken or worn stitches.

(e) Distortion of fittings.

(2) A synthetic web sling shall be repaired only by a sling manufacturer.

(3) Each repaired sling shall be proof tested by the manufacturer to twice the rated capacity prior to its return to service. The employer shall retain a certificate of the proof test and make it available for examination.

(4) A sling, including webbing and fittings, which has been repaired in a temporary manner shall not be used.

History: 1954 ACS 89, p. 85, Eff. Nov. 13, 1976.

PART 51. LOGGING
GENERAL PROVISIONS

R 408.15101 Scope.

Rule 5101. This part applies to employers and employees involved in logging or harvesting forest products in this state, including but not limited to sawlogs, pulpwood, posts, poles, chemical wood and lagging. The defined terms apply only to this part.

History: 1954 ACS 61, p. 60, Eff. Feb. 16, 1970.

R 408.15105 Definitions; A to C.

Rule 5105. (1) "A-frame" means 2 poles lashed together with a cross piece in the form of an "A," with a block hung in the apex, which is used to load logs.

(2) "Back-cut" means the final cut made in felling a tree. It is made on the side away from the direction of fall. See figure 1 of R 408.15156.

(3) "Binder" means a wrapper which is a chain or wire rope used to bind a load of logs or pulpwood.

(4) "Buck or bucking" means the act of cutting a felled tree into shorter lengths.

(5) "Bucker" means a person who cuts felled trees into shorter lengths.

(6) "Chain saw" means a saw powered by a gasoline engine or an electric motor, or other means, which has its cutting elements on an endless chain. The chain saw is usually hand held during use.

(7) "Chipper" means a mechanical device that reduces logs to small flakes or chips.

(8) "Choker" means a length of wire rope or chain with a loop or noose at 1 end used to secure trees or sections of trees for skidding.

History: 1954 ACS 61, p. 60, Eff. Feb. 16, 1970; 1954 ACS 79, p. 78, Eff. May 16, 1974; 1954 ACS 89, p. 85, Eff. Nov. 13, 1976.

R 408.15106 Definitions; D to H.

Rule 5106. (1) "Debarker" means a machine that removes bark from logs.

(2) "Decking" means the act of piling logs or pulpwood on a skidway for temporary storage.

(3) "Disabling injury or lost time injury" means an injury to a person which prevents him from reporting for his next scheduled work shift or causes a permanent-partial impairment.

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(4) "Eye protection" means a device worn in front of the eyes whose predominant function is the protection of the eyes from hazards.

(5) "Faller or feller" means a person who cuts a tree from its stump.

(6) "Felling or falling" means the act of cutting a tree from its stump.

(7) "Gin pole" means a boom used in loading logs consisting of a single spar or leg set on end at an angle, with the bottom secured.

(8) "Grapple" means a hinged clamping device at the working end of a line or boom used to grasp and release forest products during skidding, yarding or loading.

(9) "Guarded" means that an object is covered, fenced or surrounded so that it is not exposed to contact.

(10) "Guyline" means a line used to stay or support spar trees or booms, or used for equipment needing support.

(11) "Hard hat" or "safety hat" means a rigid device which is designed to protect the head from flying and falling objects or electrical shock, or both, and is held on the head by a suitable suspension.

(12) "Hinge wood" means the portion of a tree left uncut, which controls the direction of the fall. See figure 1 of R 408.15156.

History: 1954 ACS 61, p. 60, Eff. Feb. 16, 1970; 1954 ACS 79, p. 78, Eff. May 16, 1974; 1954 ACS 89, p. 85, Eff. Nov. 13, 1976.

R 408.15107 Definitions; J to P.

Rule 5107. (1) "Jammer" means an A-frame mounted on a sled or vehicle.

(2) "Limb or limbing" means the act of cutting limbs from felled or standing trees.

(3) "Limber" means a person or machine that limbs.

(4) "Loader" means a mechanical device that loads logs.

(5) "Lodged tree" means a felled tree which is prevented by another tree from falling to the ground.

(6) "Logging or logging operation" means the act of harvesting trees and transporting logs.

(7) "Logging equipment" means a mechanically powered device used in a logging operation.

(8) "Mobile equipment" means that equipment, except an over the road vehicle, which includes mobility as a part of its work function.

(9) "Notch or undercut" means a notch made in a standing tree at the beginning of the felling operation that guides the direction of the fall. See figure 1 of R 408.15156.

(10) "Prehaul" means the hauling of forest products by off-the-road vehicles, nonhighway transport, or other movement prior to highway or rail movement, where the pulpwood travels clear of the ground.

History: 1954 ACS 61, p. 60, Eff. Feb. 16, 1970; 1954 ACS 79, p. 78, Eff. May 16, 1974; 1954 ACS 89, p. 86, Eff. Nov. 13, 1976.

R 408.15108 Definitions; S, T.

Rule 5108. (1) "Skid" or "skidding" means the act of dragging logs on the ground.

(2) "Skidder" means a person or machine that skids logs.

(3) "Slasher saw" means a mechanical saw used for bucking.

(4) "Snag" means a standing dead tree.

(5) "Spring pole" means a tree, sapling or limb which is bent under tension and which springs out after its tension is released.

(6) "Tractor" means a powered vehicle for off-the-road hauling or towing and equipped with crawler tracks or wheels.

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(7) "Tree harvester" means a mechanized self-propelled machine designed to perform 1 or several logging functions such as felling, limbing, bucking, chipping, skidding or loading.

History: 1954 ACS 61, p. 60, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

EMPLOYER—EMPLOYEE RESPONSIBILITIES

R 408.15111 Rules; employers' duties.

Rule 5111. An employer shall review these rules with each new employee.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

R 408.15112 New jobs; employers' duties.

Rule 5112. Before an employee is put to work on a new job, an employer shall:

(a) Familiarize the employee with the type of work to be performed in the job.

(b) Instruct the employee in the safeguards and hazards of his assigned job.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

R 408.15113 Supervision; maintenance and inspection by employers.

Rule 5113. An employer shall:

(a) Provide supervision necessary to enforce compliance with these rules.

(b) Maintain buildings, equipment and workplaces in a safe and orderly condition.

(c) Conduct inspections as necessary to insure compliance with these rules.

(d) Not permit an employee to work in an area or with equipment which is in a dangerous condition.

(e) Account for the presence of each employee at the end of each workday.

(f) Have an operator's manual or operating instructions for mobile equipment. It shall describe the operation, maintenance and safe practices.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

R 408.15114 Injuries and first aid.

Rule 5114. (1) An employer shall:

(a) Provide on the job site, a stretcher and a first aid kit which has been approved by a consulting physician and a first aid kit on all over the road logging vehicles. The first aid kit shall contain a snake bite kit where poisonous snakes may be encountered; shall be sized to the number of employees on the job site and shall be maintained.

(b) Instruct each employee in the location of first aid equipment and how to obtain emergency assistance and medical attention.

(c) Investigate all lost time injuries.

(2) An employer shall have not less than 1 employee at a job site trained in red cross first aid or equivalent training.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

R 408.15116 Employees; general duties.

Rule 5116. An employee shall:

(a) Abide by the safety procedures pertaining to the job as prescribed by the employer and shall comply with these rules.

(b) Examine the work area and equipment that he is going to use before he begins work and report a dangerous or unsafe condition in the work area or equipment to his immediate supervisor.

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(c) Refrain from a reckless practice or action which could result in an accident or injury to himself or any other person.

(d) Not operate a machine without experience, instruction and authorization.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970.

R 408.15117 Weather and light.

Rule 5117. (1) All work shall stop and the employees shall be moved to a place of safety during an electrical storm or period of high wind or other hazardous weather conditions which would be dangerous to the employees.

(2) A falling operation shall stop if a wind prevents a tree from falling in the desired direction or if the faller's vision is impaired by a weather condition or darkness.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 79, Eff. May 16, 1974.

R 408.15118 Fire prevention.

Rule 5118. (1) Smoking or an open flame shall be prohibited within 10 feet of an engine being refueled.

(2) Refueling shall not be done in an area where conditions are conducive to fire.

(3) An approved fire extinguisher, as prescribed in the occupational safety standards commission standard, Part 8. Portable Fire Extinguishers, being R 408.10801 to R 408.10839 of the Michigan Administrative Code, shall be provided where mobile equipment is operated and on each vehicle.

(4) Gasoline shall be stored in an approved container located not less than 25 feet from a source of ignition.

(5) Machinery shall be kept free of accumulations of flammable material.

(6) Flammable liquids shall not be transported on a personnel carrier unless a storage box is provided.

(7) Engine fuel shall not be used to start a fire or as a cleaning solvent.

History: 1954 ACS 61, p. 61, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974; 1954 ACS 89, p. 86, Eff. Nov. 13, 1976.

PROTECTIVE CLOTHING

R 408.15121 Clothing of workers near moving machinery.

Rule 1521. A person working near moving machinery shall wear close fitting, fastened clothing.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970.

R 408.15122 Hard hats.

Rule 5122. An employer shall provide and an employee shall wear a hard hat on the job site as prescribed in the occupational safety standards commission standard, Part 32. Head Protection Equipment, being R 408.13201 to R 408.13241 of the Michigan Administrative Code.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974.

R 408.15123 Eye protection.

Rule 5123. An employer shall provide, and an employee shall wear, eye protection as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974; 1954 ACS 89, p. 86, Eff. Nov. 13, 1976.

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R 408.15124 Gloves.

Rule 5124. (1) An employee on a logging operation working with a wire rope or sharp object which may cause an injury to his hand shall wear gloves of a suitable type.

(2) Gloves that can be caught and pulled into a pinch point or rotating equipment shall not be worn.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974.

R 408.15125 Foot protection.

Rule 5125. An employee on a logging operation shall wear foot protection as prescribed in the occupational safety standards commission standard, Part 31. Personal Protective Equipment, being R 408.13101 to R 408.13135 of the Michigan Administrative Code.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974.

R 408.15126 Rescinded.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; rescinded 1954 ACS 79, p. 80, Eff. May 16, 1974.

POWER SAWS

R 408.15131 Stop switches.

Rule 5131. A chain saw shall be equipped with a positive type on-off ignition switch conveniently located for the operator to move it into the off position without relinquishing his grip on the saw.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970.

R 408.15132 Manual chain oiler controls.

Rule 5132. A manual chain oiler control, if provided on a chain saw, shall be located so that it can be operated without relinquishing a secure grip on the saw.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970.

R 408.15133 Throttles.

Rule 5133. (1) An engine throttle control, if provided on a chain saw, shall be located so that it can be operated without relinquishing a secure grip on the saw.

(2) A throttle position lock, if provided on a chain saw, shall be self-releasing when the throttle is being operated or shall be within reach of the throttle control hand of the operator for unlatching.

(3) A chain saw shall have a guard that protects the throttle lever from casual contact from brush or other foreign objects.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970.

R 408.15134 Clutch.

Rule 5134. A chain saw shall be adjusted so that the saw chain will not be driven after the throttle control is released.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974.

R 408.15135 Guards; moving parts.

Rule 5135. Guards provided by the manufacturer of a chain saw shall be maintained in place when the saw is in operation.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974.

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R 408.15136 Chain saw operations.

Rule 5136. (1) A chain saw operator shall shut off the saw motor when carrying it for a distance of more than from tree to tree or in a hazardous situation. The saw motor shall be at idle speed even when carried a short distance. A chain saw shall be carried so as to avoid an employee coming in contact with the saw chain or muffler.

(2) A chain saw shall not be started within 10 feet of a refueling area.

(3) A chain saw shall be held by both hands during its use.

(4) Before starting a cut, a chain saw operator shall clear away brush and other items which would interfere with the cutting operation.

(5) A chain saw shall not be used to cut directly overhead or in a position which could cause the operator to relinquish his grip on the saw.

(6) Chain saw operators shall be instructed to follow manufacturer's instructions as to operation and adjustment.

History: 1954 ACS 61, p. 62, Eff. Feb. 16, 1970; 1954 ACS 79, p. 80, Eff. May 16, 1974; 1954 ACS 89, p. 86, Eff. Nov. 13, 1976.

R 408.15137 Slasher saws.

Rule 5137. A slasher saw blade shall be guarded.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970.

LOGGING EQUIPMENT

R 408.15141 Flying particles.

Rule 5141. The working parts of a machine shall be guarded to prevent flying particles from injuring the operator or any other person in the immediate area.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970.

R 408.15142 Operator stands.

Rule 5142. A machine operator stand shall be kept clean and clear of obstructions. A stand shall have means of access such as steps, ladder, footholds and handholds. If the stand is totally enclosed, it shall be ventilated.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970.

R 408.15143 Controls.

Rule 5143. A machine control shall be:

(a) Located within easy reach of the operator.

(b) Easily identified.

(c) Grounded if 110 volt power or more is used.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 81, Eff. May 16, 1974.

R 408.15144 Canopy and cab guards.

Rule 5144. (1) A metal protective canopy guard shall:

(a) Be installed on mobile equipment used in logging.

(b) Be so constructed as to protect the driver from falling overhead hazards such as trees or limbs, or other objects which might enter the compartment side areas.

(c) Be strong enough to support the mobile equipment if it rolls over.

(d) Have a brush guard from the front of the mobile equipment to the top of the canopy.

(e) Be of a height and width that will not impair the driver's visibility, movements or escape in an emergency.

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(f) Have a screen of ¼-inch wire with 1-inch mesh or equivalent covering the opening at the rear of the canopy and an overhead covering of solid material extending the full width of the canopy.

(2) The lower portion of a cab of mobile equipment shall be enclosed with solid material, except at an entrance, to prevent objects entering the cab. The entrance shall be not less than 52 inches in vertical height.

(3) Open mesh shall extend forward from the rear corners of the cab sides to prevent branches entering the cab.

(4) Where glass is used on a cab, it shall be safety glass or an equivalent. An additional metal screen shall be used where there is exposure to falling or flying objects. Provision shall be made to clean glass to assure adequate visibility.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 81, Eff. May 16, 1974; 1954 ACS 89, p. 87, Eff. Nov. 13, 1976.

R 408.15145 Refueling and servicing.

Rule 5145. The engine of a gasoline powered machine shall be shut off while being refueled, serviced or adjusted except where operation is required for adjustment.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 81, Eff. May 16, 1974.

R 408.15146 Equipment and operations.

Rule 5146. (1) If an operator leaves the seat of any logging equipment whose engine is running, he shall place the transmission in neutral and set the brakes. If equipment is to be left unattended, the operator shall apply the brake locks, ground moving elements and turn power off.

(2) Equipment shall be operated only from the position or seat intended for that purpose. A seat belt shall be provided on mobile equipment, and shall be worn by the employee as prescribed by the employer.

(3) No person, except the operator, shall ride on mobile equipment unless the equipment is provided with a passenger seat located under a canopy meeting the requirements of R 408.15144.

(4) An equipment operator shall:

(a) Operate the equipment within the rated capacity and stability limitations.

(b) Insure, before start up and during operation of equipment, that employees and other objects are not in danger of being struck. Movable objects, such as a boom, grapple or load, shall not be moved close to or over an employee.

(c) Check all controls for function and response before starting a work shift.

(d) When a signalman is used, operate the equipment only on a clearly understood signal by the designated signalman.

(e) When operating near other employees, signal his intent before moving.

(f) Dismount from operating his unit, stand clear and be visible when forest products or equipment are being loaded or unloaded on or from his unit by other equipment.

(g) Not place undue shock loads on wire rope.

(h) Position or secure all movable elements not in use for safe operation.

(5) When transporting equipment from 1 job location to another, the carrying vehicle shall be capable of sustaining the load and the load shall be secured against movement.

(6) Equipment originally equipped with a muffler shall have the muffler maintained when the equipment is in operation.

(7) Guy lines shall be arranged so that not less than 2 will receive the imposed stress. A stump used for anchoring guy lines shall be chosen for strength and

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position. Guy lines shall be tied back, if necessary. A standing tree shall not be used for this purpose.

(8) Any overhead electrical distribution or transmission line shall be considered energized until the owner or utility indicates otherwise and the line has been visibly grounded. Where such a line cannot be deenergized, the following clearances shall be observed:

	Clearance	
Voltage	Boom Raised	Boom Lowered and No Load
to 50 kv	10 feet	4 feet
50 to 345 kv	10 feet plus .4 inch per kv over 50 kv	10 feet
346 to 750 kv	10 feet plus .4 inch per kv over 50 kv	15 feet

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 81, Eff. May 16, 1974; 1954 ACS 89, p. 87, Eff. Nov. 13, 1976.

R 408.15147 Hand tools.

Rule 5147. (1) Hand tools and implements used by a logger shall be of quality material, used for the job they were designed for, and kept in a safe condition.

(2) A hand tool transported in the same compartment of a vehicle with an employee shall be secured to the vehicle.

(3) When a hand tool is not being used, it shall be stored in a storage facility at a designated location.

(4) All hand tools shall be visually inspected before each daily use for defects which would cause injury. Such defective tools shall be repaired or replaced.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 82, Eff. May 16, 1974.

FELLING, LIMBING, BUCKING, AND SKIDDING

R 408.15151 Felling.

Rule 5151. (1) An employee, except the faller, shall not be closer to a felling operation than twice the height of the tallest tree being cut.

(2) Before a cut is started, a faller shall check for the location of other employees, dead limbs, angle of tree, wind condition, location of other trees and other hazards, and plan and prepare his path of retreat.

(3) If a tree falls on a power line, the utility shall be notified immediately and all employees shall remain clear until the utility advises that conditions are safe.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 82, Eff. May 16, 1974.

R 408.15152 Working alone.

Rule 5152. A faller or bucker shall not work beyond hearing range of another employee unless a procedure has been established for periodically checking on the faller or bucker during the course of the work day.

History: 1954 ACS 61, p. 63, Eff. Feb. 16, 1970; 1954 ACS 79, p. 82, Eff. May 16, 1974.

R 408.15153 Lodged tree removal.

Rule 5153. A person shall not work under a lodged tree. A lodged tree shall be pulled down as soon as possible by mobile equipment or draft animal in a manner which keeps an employee from being struck by the tree.

History: 1954 ACS 61, p. 64, Eff. Feb. 16, 1970; 1954 ACS 79, p. 82, Eff. May 16, 1974.

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R 408.15154 Dangerous trees and snags.

Rule 5154. A dead, rotten or broken limb or tree, that is a hazard to road traffic, woods operations, landings or camps, shall be felled. Where such a tree may fall on a public road, a flagman shall direct traffic during felling operations.

History: 1954 ACS 61, p. 64, Eff. Feb. 16, 1970; 1954 ACS 79, p. 82, Eff. May 16, 1974.

R 408.15155 Springpoles.

Rule 5155. (1) A person shall stand clear of a springpole being cut.

(2) An employee shall check for springpoles before making a bucking cut or limbing.

History: 1954 ACS 61, p. 64, Eff. Feb. 16, 1970; 1954 ACS 79, p. 83, Eff. May 16, 1974.

R 408.15156 Undercut; back cut; hinge wood.

Rule 5156. (1) An undercut shall be large enough, about ⅓ the diameter, to safely guide the tree and reduce the possibility of the tree splitting. (See figure 1.)

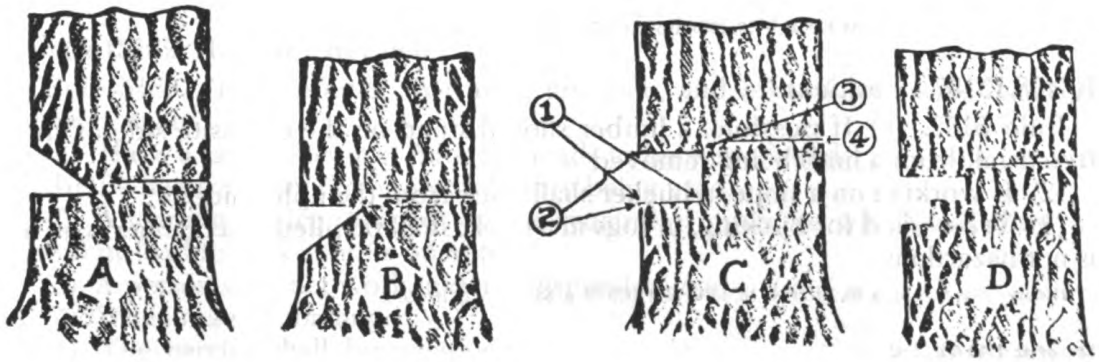
(2) A back cut shall leave sufficient hinge wood to guide the tree's fall in the desired direction and to hold the tree to the stump during most of its fall. A back cut shall be about 2 inches above the undercut and as level as possible. (See figure 1.)

(3) Before starting a back cut, a faller shall determine that the impact area is clear of other employees.

(4) The saw chain shall be stopped before the faller starts his retreat.

(5) Where a tree is likely to slide or roll, a faller shall cut from the uphill side and keep uphill from previously felled trees.

FIGURE 1
Approved Undercuts



A. Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.

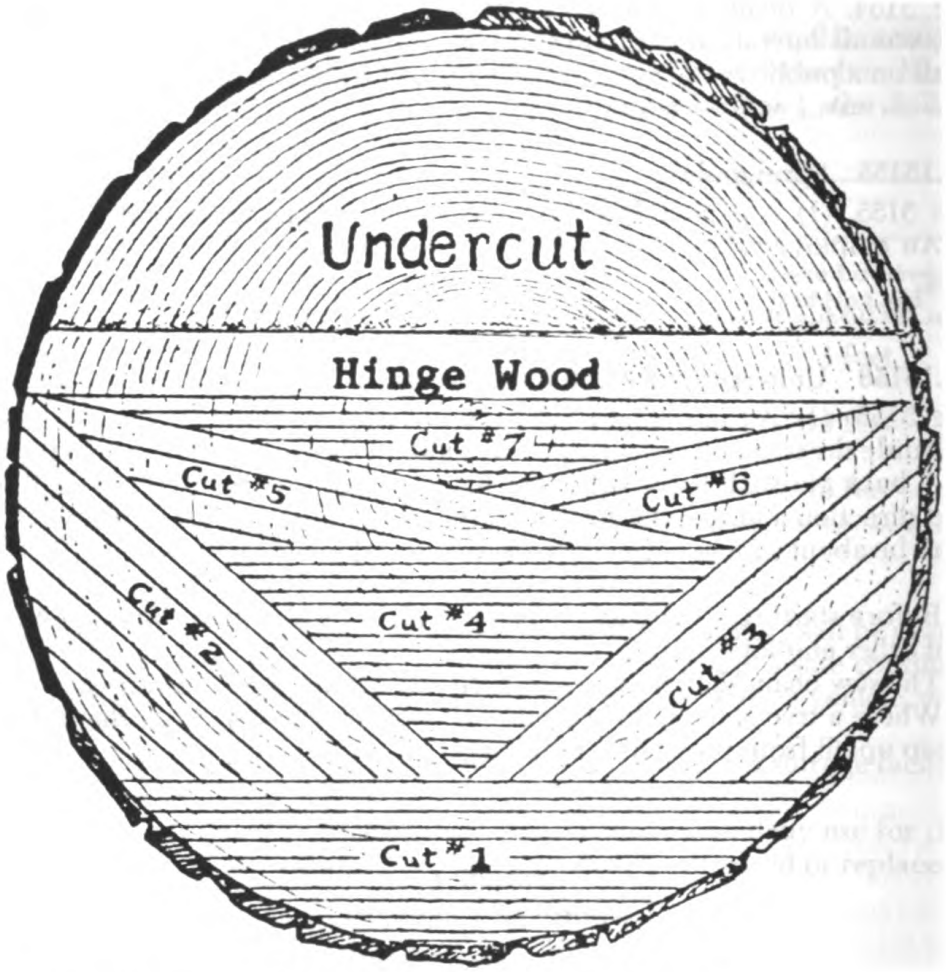
B. Both cuts made with the saw. Leaves square-end log. Same as "A," except that waste is put on the stump.

C. Two parallel cuts with the saw. The material between the cuts is chipped out with an axe-adze (pulaski) combination. Used on trees over 30 inches in diameter.

D. Three parallel cuts with the saw, leaving a step. Same in principle as above. Used on trees of very large diameters.

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Corner Cutting



Note: The number of cuts to be made is dependent upon tree diameter.

History: 1954 ACS 61, p. 64, Eff. Feb. 16, 1970; 1954 ACS 79, p. 83, Eff. May 16, 1974.

R 408.15157 Positions.

Rule 5157. (1) If possible, a limber should stand on the opposite side of the tree trunk from a limb being removed.

(2) If working on a slope, a bucker shall buck from the uphill side.

(3) Trees piled for bucking, or logs in a deck, shall be piled in a manner which is not hazardous.

History: 1954 ACS 61, p. 65, Eff. Feb. 16, 1970; 1954 ACS 79, p. 83, Eff. May 16, 1974.

R 408.15158 Skidding.

Rule 5158. (1) A person shall not ride on a log being skidded.

(2) A skidder operator shall use caution if operating near another person.

(3) If on a hill, a skidder shall not be operated parallel to the contour of the slope.

(4) Skidding equipment equipped with blades shall carry the blades high enough to avoid objects when moving. If parked, blades on skidding equipment shall be lowered to the ground.

(5) A person shall not hook, adjust or cross winch lines which are under tension.

(6) A choker setter shall:

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(a) Work on the uphill side of a log.

(b) Position the choker near the end of the log or tree length to allow turning of the prehaul or skidding vehicle, to prevent the penetration of the operator station, and to reduce the possibility of striking the wheel or track.

(7) When winching, the equipment shall be positioned so that the winch line is near alignment with the long axis of the equipment.

(8) A loaded pallet shall not be pushed. Stakes shall not be added to allow loading beyond the rated capacity of a pallet.

History: 1954 ACS 61, p. 65, Eff. Feb. 16, 1970; 1954 ACS 79, p. 83, Eff. May 16, 1974; 1954 ACS 89, p. 88, Eff. Nov. 13, 1976.

R 408.15159 Skidding and prehauling equipment.

Rule 5159. (1) Skidding and prehauling equipment shall be designed and constructed to allow a minimum radius vehicle turn without the load contacting the rear wheel or the rear track assembly.

(2) Towed equipment such as pallets and trailers shall be attached in a manner which will allow a full 90 degree turn, prevent overrunning and assure control of the towed equipment.

(3) Animal towed equipment shall be equipped with a hand brake within reach of the driver.

(4) A prehauler shall have:

(a) A means for retaining pallets and logs.

(b) A means for securing the loader during transport.

(5) Only a designated, trained operator shall operate a skid or prehaul machine.

History: 1954 ACS 79, p. 83, Eff. May 16, 1974; 1954 ACS 89, p. 88, Eff. Nov. 13, 1976.

LOADING AND DECKING

R 408.15161 Area lighting.

Rule 5161. If natural light is inadequate during a decking or loading operation, the loader or loading areas shall be artificially lighted.

History: 1954 ACS 61, p. 65, Eff. Feb. 16, 1970.

R 408.15162 Loading devices.

Rule 5162. (1) A jammer, A-frame, gin pole, and other homemade loading devices shall:

(a) Have a safety factor of 5 for the loads to be moved, and

(b) Be inspected by the operator before being used.

(2) A loading device shall not be constructed or operated which will allow a boom or load to pass over its operator.

(3) A person shall not work under a suspended load.

(4) When manual loading:

(a) The carrier shall be positioned to provide an area free of recognized hazards between the carrier and the pile.

(b) The log or pole shall be placed in a manner so that it will not roll or slip.

(c) Manual handling shall be limited to a weight consistent with the physical qualifications of the employee. Proper lifting techniques shall be used.

(5) When machine loading:

(a) The piles shall be located in an area free of recognized hazards.

(b) Only the operator and slingman, when used, shall be in the work area.

(c) The load shall be balanced and secured to prevent slippage and loss.

History: 1954 ACS 61, p. 65, Eff. Feb. 16, 1970; 1954 ACS 79, p. 84, Eff. May 16, 1974; 1954 ACS 89, p. 88, Eff. Nov. 13, 1976.

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R 408.15163 Cranes and clams.

Rule 5163. A crane or clam with a turning house shall have not less than 2 feet of clearance between the turning radius of the house and a fixed object.

History: 1954 ACS 61, p. 65, Eff. Feb. 16, 1970.

R 408.15164 Riding.

Rule 5164. A person shall not ride a crane load, grapple or hook.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.15165 Water.

Rule 5165. A person working in or around water shall wear a life jacket and shall not work alone.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.15166 Storage.

Rule 5166. (1) Logs and poles shall be piled in a stable manner.

(2) When steel banding is used, it shall be capable of containing the imposed load and shall be placed when the bundle is close to the ground.

(3) An employee shall not place his body underneath a bundle of logs or poles.

History: 1954 ACS 79, p. 84, Eff. May 16, 1974.

R 408.15167 Chipping.

Rule 5167. Chipping shall be accomplished as prescribed in R 408.15231(1), (3), and (5) of the occupational safety standards commission standard, Part 52. Sawmills.

History: 1954 ACS 79, p. 84, Eff. May 16, 1974.

TRUCK EQUIPMENT AND OPERATION

R 408.15171 Cab guards.

Rule 5171. A truck shall have a guard that protects the operator in the cab from a load shift.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.15172 Side, end, and trip stakes.

Rule 5172. (1) A side or end stake used in hauling logs shall be made of steel or dense hardwood of sufficient strength to remain at a 90 degree angle from the bed of a loaded truck.

(2) A trip stake shall be released from the side of the truck or trailer opposite the location of the trip stake.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.15173 Equipment.

Rule 5173. A truck shall have:

(a) An approved multi-purpose fire extinguisher of not less than a 1A-4BC rating in its cab.

(b) Flares and flags.

(c) A licensed driver.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970; 1954 ACS 79, p. 84, Eff. May 16, 1974.

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R 408.15174 Load checks.

Rule 5174. (1) Truck mounted loading equipment shall be secured before leaving a loading area. A protruding object on a load shall be removed or caution flags shall be installed.

(2) A truck driver shall stop the vehicle, dismount, check and tighten loose load binders, either just before or immediately after leaving a woods road to enter a public road.

(3) An operator shall use care in driving under limbs, trees and other overhanging obstructions.

History: 1954 ACS 61, p. 66, Eff. Feb. 16, 1970; 1954 ACS 79, p. 84, Eff. May 16, 1974.

PART 52. SAWMILLS
GENERAL PROVISIONS

R 408.15201 Scope.

Rule 5201. This part provides for the safe maintenance and operation of machinery and equipment by the employer and their safe use by the employees for sawmills, including wood pallet and wood box making plants, in or about places of employment in this state.

History: 1954 ACS 72, p. 59, Eff. June 22, 1972.

R 408.15202 Definitions; A, B.

Rule 5202. (1) "A-frame" means a structure made of 2 independent columns fastened together at the top and separated at the bottom for stability.

(2) "Annealing" means heating, then cooling, to soften and render less brittle.

(3) "Binder" means a chain, cable, or rope used to bind loads.

(4) "Blocksetter" means the operator of a rider type carriage.

(5) "Bolt" means a small log which is cut to a predetermined length and is ready for sawing into boards.

(6) "Boom" means logs or timbers fastened together end to end and used to contain floating logs.

(7) "Boom sticks" means logs or timbers used in making up a boom.

(8) "Brow log" means a log placed parallel to a roadway at a landing or dump to protect vehicles while loading or unloading.

(9) "Bunk or dunnage" means a cross support for a load.

History: 1954 ACS 79, p. 84, Eff. May 16, 1974; 1954 ACS 89, p. 89, Eff. Nov. 13, 1976.

R 408.15203 Definitions; C.

Rule 5203. (1) "Cant" means a log slabbed on 1 or more sides.

(2) "Carriage" means a framework mounted on wheels which runs on tracks or in grooves in a direction parallel to the face of a saw and which contains apparatus to hold a log and advance it towards a saw.

(3) "Carrier" means an industrial truck so designed and constructed that it straddles the load to be transported, with mechanisms to pick up the load and support it during transportation.

(4) "Chipper" means a machine which cuts material into chips of predetermined size.

(5) "Chock or bunk block" means a wedge that prevents logs or loads from moving.

(6) "Crotch lines" means 2 short lines attached to a hoisting line by a ring or shackle, the lower ends being attached to loading hooks.

History: 1954 ACS 72, p. 59, Eff. June 22, 1972; 1954 ACS 79, p. 85, Eff. May 16, 1974; 1954 ACS 89, p. 89, Eff. Nov. 13, 1976.

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R 408.15204 Definitions; D to G.

Rule 5204. (1) "Debarker or barker" means a machine which removes the bark from a log.

(2) "Dog" means a steel tooth, 1 or more of which are attached to each carriage knee to hold a log in place on a carriage.

(3) "Drag saw" means a power-driven, reciprocating crosscut saw mounted on a frame and used for bucking logs.

(4) "Edger" means a machine consisting of 2 or more circular saws used to cut boards to width.

(5) "Gang saw" means a machine consisting of 2 or more saw blades used to break down sawmill materials into multiple widths.

(6) "Green chain" means 2 or more endless runs of chain used to carry boards from the final saw.

History: 1954 ACS 72, p. 59, Eff. June 22, 1972.

R 408.15205 Definitions; H.

Rule 5205. (1) "Head block" means a part of a carriage which holds a log and upon which the log rests.

(2) "Head rig" means a combination of head saw and carriage used for the initial breakdown of a log into timbers, cants and boards.

(3) "Head saw" means a saw, either circular or band type, used for the initial breakdown of a log into timber, cant or board.

(4) "Head sawyer" means an operator of a head saw.

(5) "Hog" means a machine used for cutting or grinding slabs, bark and other coarse residue.

(6) "Husk" means the framework of a circular head saw.

History: 1954 ACS 72, p. 60, Eff. June 22, 1972.

R 408.15206 Definitions; L to R.

Rule 5206. (1) "Live rolls" means cylinders of wood or metal mounted on horizontal axes or shafts and rotated by power, which are used to convey slabs, lumber and other wood products.

(2) "Log deck" means a platform on which logs lay awaiting debarking or sawing.

(3) "Log haul" means a conveyor for transferring logs to the mill.

(4) "Log turner" means a device used to turn logs for head sawing.

(5) "Package" means a unit of lumber.

(6) "Personal protective equipment" means the apparel worn by the employee to protect his person from injury.

(7) "Pike pole" means a long pole whose end is shod with a sharp pointed spike.

(8) "Point of operation" means the area of a machine where material is actually worked.

(9) "Reeving" means to pass or thread a rope through a hole or block.

(10) "Resaw" means circular, band, or gang saw used to break down slabs or cants to boards.

(11) "Roll case" means a horizontal or inclined conveyor comprised of cylindrical rolls, which are sometimes powered, and which are used for the transfer of logs or lumber from 1 work station to another.

History: 1954 ACS 72, p. 60, Eff. June 22, 1972; 1954 ACS 79, p. 85, Eff. May 16, 1974; 1954 ACS 89, p. 89, Eff. Nov. 13, 1976.

R 408.15207 Definitions; S.

Rule 5207. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the actual safe load when in use.

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(2) "Safety hook" means a hoisting hook with means to retain a hoisted object on the hook.

(3) "Saw guide" means a device for steadying a circular or band saw.

(4) "Setworks" means a mechanism on a carriage used to move a log into position for another cut.

(5) "Sorting gap" means an area on a log pond enclosed by boom sticks into which logs are sorted.

(6) "Splitter" means a knife type, nonrotating spreader.

(7) "Spreader" means a wheel that separates a board from a log in back of a circular saw to prevent binding.

(8) "Sticker" means a strip of material used in stacking to separate courses of boards.

(9) "Stiff boom" means the anchored stationary boom sticks which are tied together on which boom men work.

(10) "Swifter" means a means of tying boom sticks together to prevent them from spreading while being towed.

History: 1954 ACS 72, p. 60, Eff. June 22, 1972; 1954 ACS 79, p. 85, Eff. May 16, 1974; 1954 ACS 89, p. 90, Eff. Nov. 13, 1976.

R 408.15208 Definitions; T.

Rule 5208. (1) "Tailer" means an employee who stands opposite the feed end of a machine and removes the processed stock.

(2) "Telltales" means a device such as pieces of rope used to serve as a warning for overhead objects.

(3) "Top saw" means the upper of 2 circular saws on a head rig, both being on the same husk.

(4) "Transfer deck" means an area where boards are transferred from head saw or edger to the trim saw.

(5) "Trimmer saw" means a machine consisting of 2 or more circular saws used to cut boards to length.

History: 1954 ACS 72, p. 60, Eff. June 22, 1972.

R 408.15211 Employer responsibility.

Rule 5211. An employer shall:

(a) Provide training to each employee as to the hazards and safe operation of his assigned job.

(b) Maintain machinery, equipment, buildings, ramps, platforms, and aisles in a hazard-free condition. When a hazardous condition develops concerning floors, docks, and passageways that cannot be immediately repaired, the area shall be guarded until adequate repairs are made.

(c) Provide head protection which shall be worn by all employees outside the office, including those in the dry storage area, as prescribed by the occupational safety standards commission standard, Part 32. Head Protection, being R 408.13201 to R 408.13241 of the Michigan Administrative Code.

(d) An employer shall provide, and an employee shall wear, eye protection as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(e) Mark physical hazards as specified in the federal standard 1910.144, safety color code for marking physical hazards, which was adopted by reference by Act No. 154 of the Public Acts of 1974, being §408.1001 et seq. of the Michigan Compiled Laws.

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(f) Install all gas piping and appliances as prescribed in ANSI standard Z21.30-1964, national fuel gas code, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.00 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 72, p. 60, Eff. June 22, 1972; 1954 ACS 89, p. 90, Eff. Nov. 13, 1976.

R 408.15212 Employees' responsibility.

Rule 5212. An employee shall:

(a) Use personal protective equipment when furnished by the employer.

(b) Not use machinery or equipment unless authorized and trained in its use.

(c) Not remove guards from machinery and equipment except when needed for servicing. The guard shall be replaced before restarting the machine.

(d) Report defective machinery and equipment and hazardous conditions, when detected, to the employer.

(e) Conduct himself in a manner which will not endanger himself or other employees.

History: 1954 ACS 72, p. 61, Eff. June 22, 1972.

R 408.15213 Burners.

Rule 5213. (1) If the burner stack is not self-supporting, it shall be guyed or otherwise supported.

(2) The conveyor runway to the burner shall be equipped with a standard handrail. If the runway crosses a roadway or thoroughfare, standard toeboards shall be provided in addition.

History: 1954 ACS 89, p. 90, Eff. Nov. 13, 1976.

R 408.15221 Illumination.

Rule 5221. Illumination shall be provided at the operator's work station to maintain a minimum of 30 footcandle intensity, except at a debarker, head saw or trim saw. A minimum of 30 footcandle intensity shall be provided at the point of operation of a debarker, head saw or trim saw.

History: 1954 ACS 72, p. 61, Eff. June 22, 1972; 1954 ACS 79, p. 85, Eff. May 16, 1974.

R 408.15222 Floors, aisles, roadways, and docks.

Rule 5222. (1) An aisle or floor work area shall be kept free of protruding objects, holes, and loose boards.

(2) A floor at the operator's station of a machine shall be maintained free of any slip or trip hazard.

(3) A floor shall be capable of sustaining the imposed load.

(4) An aisle, passageway, roadway, or dock shall be of such width as to provide safe passage of employees or vehicles, or both. A dock where powered industrial trucks are used shall be provided with a guard or bumper along its perimeter, except at loading or unloading points, to prevent overrun.

(5) A swinging door shall be provided with a window in each section. The window shall be of clear safety glass or equivalent material or protected against breakage.

(6) Where a doorway opens upon a railroad track or upon a tramway or dock over which vehicles travel, a barrier or other warning device shall be placed to prevent workmen from stepping into moving traffic.

History: 1954 ACS 72, p. 61, Eff. June 22, 1972; 1954 ACS 79, p. 86, Eff. May 16, 1974; 1954 ACS 89, p. 91, Eff. Nov. 13, 1976.

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R 408.15223 Power control.

Rule 5223. (1) A machine shall be equipped with an emergency stop device, red in color, which can be activated from the operator's work station.

(2) A machine attended by more than 1 operator shall be equipped with a control for each operator exposed to a point of operation hazard. These controls shall be interlocked to prevent operation until each operator activates his control.

(3) A machine control shall be designed and installed to prevent unintentional activation by contact with objects or part of the body.

(4) A written lockout procedure shall be established by an employer and used by an employee. A power source of any equipment to be repaired, serviced or set up shall be locked out by each employee while doing such work. Any residual pressure shall be relieved prior to and during such work.

(5) Upon power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(6) An electrical repair shall be made only by authorized and qualified personnel.

(7) An overload relay shall be reset by authorized and qualified personnel only.

(8) A passageway to a switch center or panel shall at all times be kept free from obstruction. Not less than 3 feet of clear space shall be maintained in front of switch centers or panels at all times.

History: 1954 ACS 72, p. 61, Eff. June 22, 1972; 1954 ACS 89, p. 91, Eff. Nov. 13, 1976.

R 408.15224 Hydraulic safety.

Rule 5224. (1) A hydraulic system shall have a designed safety factor of not less than 4.

(2) A hydraulic, air or steam line shall be bled before opening it for maintenance work.

(3) Equipment supported by hydraulic, air or steam pressure shall be blocked or otherwise secured before maintenance work is begun.

History: 1954 ACS 72, p. 61, Eff. June 22, 1972.

R 408.15225 Chain, chain slings, and chain fittings.

Rule 5225. (1) A chain and its component parts, other than alloy steel chain having a minimum tensile strength of 125,000 pounds per square inch, shall have a safety factor of not less than 5. Alloy chain shall not be used in excess of the working load in straight tension for its size as prescribed in table 1.

(2) A chain used in load carrying service shall be inspected prior to initial use and weekly thereafter. Chain with bent, twisted or elongated links or a hook which has been opened more than 15% at the throat from the original set or twisted more than 10% from the plane of the unbent hook shall not be used until the defective part is replaced.

(3) A bolt or nail shall not be used to shorten or join links together.

(4) Installation, inspection, maintenance, repair, and testing of chains shall be done only by an employee qualified to do such work.

(5) Proper storage shall be provided for slings while not in use.

(6) Chain shall be normalized or annealed periodically as recommended by the manufacturer.

(7) If, at any time, any 3-foot length of chain is found to have stretched ⅛ the length of a link, it shall be discarded.

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TABLE 1
Working Load—Single Chain

Nominal Size, Chain Bar, in.	Work Load, lb., max.
¼	3,250
⅜	6,600
½	11,250
⅝	16,500
¾	23,000
⅞	28,500
1	38,750
1⅛	44,500
1¼	57,500
1⅜	67,000
1½	80,000
1¾	100,000

History: 1954 ACS 72, p. 61, Eff. June 22, 1972; 1954 ACS 79, p. 86, Eff. May 16, 1974; 1954 ACS 89, p. 91, Eff. Nov. 13, 1976.

R 408.15226 Cable, wire rope, and wire rope slings.

Rule 5226. (1) Cable, wire rope, and wire rope slings shall have a designed safety factor of not less than 5.

(2) Wire rope and cable in load carrying or hoist-service and their fittings shall be visually inspected when installed and once each day thereafter when in use.

(3) Wire rope shall not be used if, within a segment of 8 diameters in length, the total number of visible broken wires exceeds 10% of the total number of wires or if the rope shows other signs of excessive wear, corrosion or defects.

(4) Wire rope and cable removed from service due to defects shall be plainly marked or identified as being unfit for further use on a crane, hoist or other load carrying device.

(5) When "U" type cable clips are applied, they shall comply with figure 1.

(6) Cable clips shall be spaced approximately 6 rope diameters apart.

(7) Wire rope and cable shall be protected at sharp or tight bends by use of corner irons or blocks.

(8) A safety hook shall be used where there is a hazard created if the tension on the hook could be relieved by fouling or catching.

(9) Installation, inspection, maintenance, repair, and testing of ropes, cables, and slings shall be done only by persons qualified to do such work.

(10) Proper storage shall be provided for a sling while not in use.

(11) Connections, fittings, fastenings, and other parts used in connection with ropes and cables shall be of good quality and of proper size and strength, and shall be installed in accordance with the manufacturer's recommendations.

(12) Hooks, shackles, rings, pad eyes, and other fittings that show excessive wear, or that have been bent, twisted, or otherwise damaged, shall be removed from service.

(13) Running lines of hoisting equipment, located within 6 feet 6 inches of the ground or working level, shall be boxed off or otherwise guarded, or the operating area shall be restricted.

(14) There shall be not less than 2 full wraps of hoisting cable on the drum of cranes and hoists at all times of operation.

(15) A drum shall have a flange at each end to prevent the cable from slipping off.

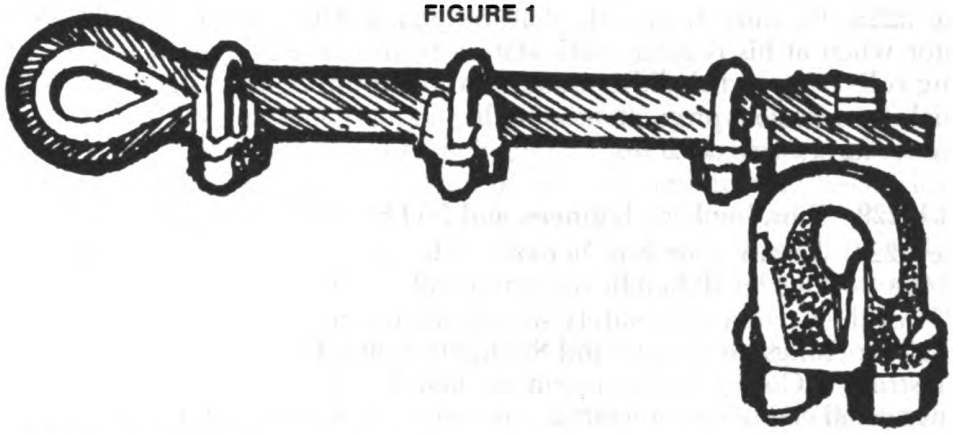
(16) A bottom sheave shall be protected by a close fitting guard to prevent the cable from jumping the sheave.

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(17) The reeving of a rope shall be so arranged as to minimize chafing or abrading while in use.

(18) Multiple-part lines shall not be twisted around each other. If there is a slack rope condition, the rope shall be properly seated on the drum and in the sheaves.

FIGURE 1



Note: There is only one correct method of installing wire rope clips. They should be attached to rope ends as shown in photograph above. The base of each clip should bear against the live, or long rope end, and the U-bolt should bear against the dead or short rope end.

Number and Spacing of Clips for Ropes of Various Sizes

Diameter of rope (in.)	Number of clips	Center-to-center space between clips (in.)	Length of rope turned back exclusive of eye (in.)
¼	2	1½	3
5/16	2	1⅞	4
⅜	2	2¼	5
7/16	2	2⅝	6
½	3	3	9
⅝	3	3¾	12
¾	4	4½	18
⅞	4	5¼	21
1	4	6	24
1⅛	5	6¾	34
1¼	5	7½	38
1⅜	6	8¼	50
1½	6	9	54
1⅝	6	9¾	60
1¾	7	10½	74
1⅞	8	11¼	90
2	8	12	96
2⅛	8	13	104
2¼	8	14	112

History: 1954 ACS 72, p. 62, Eff. June 22, 1972; 1954 ACS 79, p. 86, Eff. May 16, 1974; 1954 ACS 89, p. 92, Eff. Nov. 13, 1976.

R 408.15227 Housekeeping.

Rule 5227. (1) Chips, sawdust and other debris shall be removed from working areas to prevent an accumulation which would constitute a hazard.

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(2) Pipes, beams and other overhead objects in the operating area of a sawmill shall be cleaned off a minimum of once a month to remove dust accumulations.

History: 1954 ACS 72, p. 63, Eff. June 22, 1972.

R 408.15228 Pressure feed rolls.

Rule 5228. Pressure feed rolls shall be guarded to prevent the hands of an operator when at his regular work station from coming in contact with the in-running rolls. A guard shall be made of a minimum of 14 gauge sheet metal or material of equivalent or greater strength.

History: 1954 ACS 72, p. 63, Eff. June 22, 1972.

R 408.15229 Bins, bunkers, hoppers, and fuel houses.

Rule 5229. (1) An open bin, bunker, or hopper extending less than 36 inches above the working level shall be provided with a standard barrier as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 of the Michigan Administrative Code, or the opening shall be covered with a grating with openings small enough to prevent an employee from falling through.

(2) Where wheeled equipment is used to move materials to a bin, bunker or hopper, a bumper stop shall be provided where the bin, bunker or hopper is at floor level. An employee shall be protected from the open side by a standard barrier installed along each side of the wheeled equipment runway.

History: 1954 ACS 79, p. 87, Eff. May 16, 1974.

R 408.15230 Fiber rope.

Rule 5230. (1) Frozen fiber rope shall not be used in load carrying service.

(2) Fiber rope that has been subjected to acid or excessive heat shall not be used for load carrying purposes.

(3) Fiber rope shall be protected from abrasion by padding where it is fastened or drawn over square corners or sharp or rough surfaces.

History: 1954 ACS 89, p. 93, Eff. Nov. 13, 1976.

SPECIFIC EQUIPMENT

R 408.15231 Chippers and hogs.

Rule 5231. (1) A whole-log chipper or a hog shall have the feed system arranged so that the operator does not stand in direct line with the chipper hopper.

(2) To prevent an employee from falling onto a chipper or hog in-feed conveyor, the conveyor shall be guarded for the entire length of the conveyor by an enclosure or standard barrier as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings and Stairways, being R 408.10231 of the Michigan Administrative Code.

(3) A safety belt and lanyard shall be worn by an employee when feeding at or near the hopper of a chipper or hog. The lanyard shall be adjusted to prevent an employee from falling into the chipper or hog.

(4) A board chipper or hog shall have the feed hopper enclosed not less than 40 inches from the blade to the opening or the operator shall wear a safety belt and line. The line shall be short enough to prevent the operator's hands from touching the blade.

(5) Where jamups cannot be cleared with a stick, the in-feed equipment shall be stopped and locked out and the employee clearing the jam shall wear a safety

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belt and lanyard adjusted to prevent contact with the chipper blade before additional clearing is done.

(6) A feed hopper of a chipper or hog shall be baffled or enclosed to prevent wood from being thrown from the hopper.

(7) A chipper on a head rig or edger shall be enclosed to protect the employee.

History: 1954 ACS 72, p. 63, Eff. June 22, 1972.

R 408.15232 Log deck.

Rule 5232. (1) A log deck shall be provided with a stop or other safeguard to prevent logs from inadvertently advancing onto the carriage or its runway.

(2) A barricade or other positive stop of such strength to hold back a log shall be erected between a log deck and a head sawyer.

(3) Drag, swing and circular cut-off saws and spiked rolls shall be so located and guarded to allow access to and from the building without endangering passing employees.

(4) Loose chain from overhead equipment shall not hang over the log deck so as to be struck by an employee.

(5) Logs shall be arranged in a manner to prevent their accidental falling or rolling from the deck.

(6) Overhead protection shall be provided for an employee working below logs being moved to the log deck.

(7) A log well shall be provided with a means to prevent a log from rolling back into the well from the log deck.

History: 1954 ACS 72, p. 64, Eff. June 22, 1972; 1954 ACS 79, p. 87, Eff. May 16, 1974.

R 408.15233 Debarkers.

Rule 5233. (1) A debarker shall be guarded by an enclosure or by location so as to protect an employee from flying bark and other debris. The enclosure shall have a window between the operator and debarker of ⅜-inch Plexiglas or material of equivalent or greater strength.

(2) Hold down rolls shall be used at the in-feed and out-feed sections of mechanical ring debarkers to control the movement of a log.

(3) Where an elevating ramp or gate is used, a means such as a chain or blocking shall be used to insure its suspension when an employee is required to work under it.

History: 1954 ACS 72, p. 64, Eff. June 22, 1972; 1954 ACS 79, p. 87, Eff. May 16, 1974; 1954 ACS 89, p. 93, Eff. Nov. 13, 1976.

R 408.15234 Carriages.

Rule 5234. (1) A stop or bumper with shock absorptive qualities shall be installed at the ends of carriage runways to prevent its leaving the track limits.

(2) Dogs shall hold a log, cant or board in such manner that the log, cant or board cannot escape from the carriage. Safeguards shall be installed to insure that if the electrical power fails, the pressure of the dog on the log will not release a log until the head saw has stopped.

(3) A carriage track sweeping device shall be used to keep track rails clear of debris.

(4) A barrier shall be provided to prevent entry of employees in the carriage travel area during sawing operations.

(5) A rider type carriage shall be provided with a platform, floor and barriers that will protect the rider at all times. At least 7 feet of clear space measured from the platform shall be provided overhead along the full carriage runway length.

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(6) When a sawyer leaves his operating station, the carriage controls shall be locked out.

(7) When a powered carriage is returned to the end of the runway for maintenance work, a device shall be provided to prevent movement of the carriage.

(8) A means of egress shall be provided from the operator's station.

History: 1954 ACS 72, p. 64, Eff. June 22, 1972; 1954 ACS 79, p. 87, Eff. May 16, 1974.

R 408.15241 Head band saws and band resaws.

Rule 5241. (1) A head band saw and band resaw shall not be operated at a speed in excess of the manufacturer's rating. The rating shall be permanently marked on the wheel.

(2) A band saw blade shall not be used if it has a crack greater than $\frac{1}{10}$ of the blade width.

(3) A head band saw and band resaw shall be inspected monthly for defects which would affect its safe operation. A head band saw and band resaw shall not be used if a wheel has a loose hub, loose spokes or a cracked rim. A head band saw and band resaw shall have both wheels enclosed, except for that portion where the blade leaves and returns to the wheel. Materials used to enclose the wheels shall be at least 14 gauge sheet metal or material of equivalent or greater strength.

(4) A head band saw shall be provided with a saw catcher contructed to catch a runaway blade.

(5) An operator's work station for a head band saw shall have an enclosure to protect him from flying debris. The enclosure shall have a window between the operator and the saw of $\frac{3}{8}$-inch Plexiglas or material of equivalent or greater strength.

(6) If an elevating ramp or gate is used, it shall be provided with a safety chain, hook, or other means of suspension while an employee is underneath.

History: 1954 ACS 72, p. 64, Eff. June 22, 1972; 1954 ACS 79, p. 88, Eff. May 16, 1974; 1954 ACS 89, p. 94, Eff. Nov. 13, 1976.

R 408.15242 Circular head saws.

Rule 5242. (1) A circular head saw shall not be operated at a speed in excess of the manufacturer's rating which shall be etched on the blade. A circular head saw shall be equipped with guides to prevent blade wobble.

(2) Horizontal distance from a circular head saw blade to the nearest vertical husk part shall be at least 1 inch greater than the distance from the blade collar to the tip of the blade.

(3) Where live rolls are not used behind a circular head saw blade, the saw shall be equipped with a spreader wheel or a splitter.

(4) Where a splitter is used, it shall be constructed of tempered steel or its equivalent, and shall be thinner than the saw kerf and slightly thicker than the saw disk.

(5) The work station of an off-bearer shall not be within reach of the saw blade. The work station of an operator shall be enclosed as prescribed in R 408.15241(5).

(6) A portable circular saw mill shall have an enclosure on 3 sides of a sawyer to a height of at least 36 inches with the open side away from the carriage. Above this enclosure there shall be a piece of $\frac{3}{8}$-inch Plexiglas or material of equivalent or greater strength and of such height between the sawyer and the saw blade to protect the sawyer from flying objects.

History: 1954 ACS 72, p. 64, Eff. June 22, 1972.

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R 408.15243 Double circular head saws.

Rule 5243. A double circular head saw shall comply with R 408.15242 and in addition have a movable guard or hood made of a minimum of 14 gauge sheet metal or material of equivalent or greater strength over the upper blade.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972.

R 408.15244 Self-feed circular gang saws.

Rule 5244. (1) A bank of circular gang saws and their feed rolls, if so equipped, shall be enclosed by a cover over the top, front, and open ends, except where guarded by location. A drive mechanism to feed rolls shall be enclosed. The cover shall be made of a minimum of 14 gauge sheet metal, or material of equivalent or greater strength, and the bottom of the cover shall come within ⅜ inch of the plane formed by the bottom of the working surfaces of the feed rolls.

(2) A circular gang saw shall be equipped with an anti-kickback device. A circular gang saw shall be equipped with a live roll or other tailing device on the offside or shall be provided with a splitter as prescribed in R 408.15242(4).

(3) The carriage cradle of a whole log sash gang saw shall be of such height as to prevent a log from kicking out while being loaded.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972; 1954 ACS 79, p. 88, Eff. May 16, 1974; 1954 ACS 89, p. 94, Eff. Nov. 13, 1976.

R 408.15245 Trimmer saw.

Rule 5245. (1) A trimmer saw shall be guarded by a barrier made of 11 gauge metal, or material of equivalent or greater strength, to contain the trimmings flying from the point of operation and to prevent an employee from coming in contact with any saw blade on the trimmer. The barrier shall be securely bolted to a substantial frame. This guard for a series of saws shall be set as close to the top of the trimmer table as practical.

(2) An automatic trimmer saw shall be provided with a safety stop or hanger to prevent saws from dropping on the table.

(3) The rear of a trimmer saw shall have a guard the full width of the saws and as much wider as practical.

(4) A trimmer saw shall not be run at peripheral speeds in excess of those recommended by the manufacturer.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972; 1954 ACS 79, p. 88, Eff. May 16, 1974; 1954 ACS 89, p. 94, Eff. Nov. 13, 1976.

R 408.15246 Edger saws.

Rule 5246. (1) An edger shall not be located in the main roll case behind the head saw. Edger saw blades shall be guarded against unintentional contact.

(2) A control device shall be installed and located so that the operator can stop the pressure feed rolls without releasing their tension.

(3) An edger shall be equipped with:

(a) Pressure feed rolls. The rolls shall be guarded as prescribed in R 408.15228.

(b) An anti-kickback device.

(c) Live rolls or other tailing device on the offside which shall operate at a speed not less than the pressure feed rolls.

(4) Where a vertical arbor edger saw is located ahead of the head saw, it shall be so guarded that an employee cannot contact any part of the edger saw from his work station.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972; 1954 ACS 79, p. 88, Eff. May 16, 1974.

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R 408.15247 Bolt and cant saws.

Rule 5247. A bolt or cant saw shall have the point of operation guarded to prevent injury to the operator. A feeding mechanism such as powered live rolls or carriage shall be used. A tailing mechanism or splitter shall be equipped on the offside to remove the cut boards.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972.

R 408.15251 Woodworking machines.

Rule 5251. An employer using machines and equipment more commonly found in a woodworking shop, including but not limited to, jointers, planers, mitre saws and swing cutoff saws, shall follow the occupational safety standards commission standard, Part 27. Woodworking Machinery, being R 408.12701 to R 408.12799 of the Michigan Administrative Code.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972.

R 408.15252 Kilns.

Rule 5252. (1) A kiln door shall have a device to hold it open during a loading or unloading cycle. A counterweight for the kiln door shall be guarded as prescribed in rule 730 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10730 of the Michigan Administrative Code. Installation of a kiln door shall be such that it will not topple if it becomes disengaged from the carriers or hangers.

(2) If procedures require access to a kiln:

(a) The kiln shall be provided with an escape hatch that opens from the inside, swings with the direction of travel and is located in or near the main kiln door.

(b) A passageway shall be provided on not less than 1 side or in the center of an end piled kiln, or on 2 sides of a cross piled kiln.

(3) A steam line less than 7 feet from the floor and in or by a walkway shall be covered with an insulating material or protected by a barrier.

(4) A kiln car shall be blocked by chocks to prevent unintentional movement.

(5) A kiln shall be constructed on a foundation capable of preventing the sagging of the tracks.

(6) Where a pit is provided, it shall be ventilated, drained and lighted and large enough to give the operator safe working space.

History: 1954 ACS 72, p. 65, Eff. June 22, 1972; 1954 ACS 79, p. 88, Eff. May 16, 1974.

R 408.15253 Storage and transfer of lumber.

Rule 5253. (1) Lumber shall be stacked on foundations constructed to support the maximum load without sinking, sagging or permitting the pile to topple. A pile of lumber which is not stable shall be restacked at once or the area guarded by a barrier.

(2) Long packages of lumber shall not be placed on short packages except where a stable pile can be made by use of package separators.

(3) Where necessary to insure stability, a package of lumber shall be provided stickers. A sticker shall extend to within 2 inches, plus or minus, of the full width of the package. Stickers shall be aligned 1 above the other.

(4) A load of lumber shall be built and secured to insure stability during transit.

History: 1954 ACS 72, p. 66, Eff. June 22, 1972; 1954 ACS 79, p. 89, Eff. May 16, 1974.

R 408.15254 Stackers and unstackers.

Rule 5254. (1) A stacker or unstacker shall be blocked whenever an employee goes beneath the hoisting platform.

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(2) The lifting device on a stacker or unstacker shall be constructed or equipped with safety devices to minimize the potential of lumber falling.

(3) Guarding of stacker hoistway openings and lower landing shall be pursuant to R 408.10231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights.

(4) Where an operator has no clear view of the discharge path from a stacker, or in case of a discharge path of an automatic stacker, a barrier guard shall be provided to prevent an employee from entering the discharge path. In either case, a warning device shall be installed to alert an employee of the hazard.

History: 1954 ACS 72, p. 66, Eff. June 22, 1972.

PALLET EQUIPMENT

R 408.15261 Nailers.

Rule 5261. (1) A hand held, power operated nailer or stapler shall be equipped and maintained with a safety switch at the point of operation as well as a finger control switch.

(2) An automatic nailer or stapler shall have the point of operation guarded or enclosed to within ¼ inch of the material.

(3) Where a nailer or stapler has more than 1 operator, each operator shall be supplied with a control which shall be activated concurrently or the machine will not operate.

(4) A foot control shall be provided with a cover or guard to prevent accidental activation. The construction of the cover or guard shall be as prescribed in rule 2351 of the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12351 of the Michigan Administrative Code.

History: 1954 ACS 72, p. 66, Eff. June 22, 1972.

R 408.15262 Pallet notchers.

Rule 5262. A pallet notcher shall be equipped with a hood of such design to contain flying pieces and chips and prevent the hands of the operator from entering the point of operation. A method of feeding shall be provided to prevent kickbacks.

History: 1954 ACS 72, p. 66, Eff. June 22, 1972.

LOG AND MATERIAL HANDLING AND STORAGE

R 408.15271 Hauling trucks, egress, and pickup points.

Rule 5271. (1) A truck used to haul lumber or logs shall have a bulkhead extending to the top of the operator's compartment and capable of containing the movement of the load caused by a sudden stop.

(2) Stakes, stake pockets, binders and tighteners shall be provided on the truck to secure the load against movement. Where rollers are provided, not less than 2 shall be equipped with locks which shall be locked during transit.

(3) An area of restricted width or height shall be posted with a warning sign.

(4) Where accurate spotting is required to load and unload packages of lumber, those points shall be marked and wheel stop provided.

History: 1954 ACS 79, p. 89, Eff. May 16, 1974.

R 408.15272 Securing of truck loads.

Rule 5272. (1) A trip stake shall be released from the side of the truck or trailer opposite the location of the trip stake.

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(2) When the entire load of logs are unloaded by a device or sling from a truck or trailer, in a single operation, the following shall apply:

(a) A binder shall not be released until the unloading lines or other unloading device secures the load.

(b) Binders shall be released only from the side on which the unloader operates, except when released by remote control devices or except when the person making the release is protected by racks or stanchions or other equivalent means.

(c) When a binder is fouled by the unloader, the load shall be secured by an extra binder of equivalent strength or otherwise secured until the fouled binder is removed.

History: 1954 ACS 79, p. 89, Eff. May 16, 1974.

R 408.15273 Log and material handling equipment.

Rule 5273. (1) Equipment used for handling logs and material shall be equipped with a braking system capable of holding the imposed load of equipment and material.

(2) A hydraulic system of log and material handling equipment shall be equipped with a valve capable of preventing uncontrolled descent of the load in case of failure of the system.

(3) Log and material handling equipment shall be equipped with a limit switch to prevent over-travel of the lift arms if the control device is not released in time.

(4) When a fork lift type handling machine is used, a means shall be used to secure a loading attachment to the forks.

(5) Where log and material handling mobile equipment lifts the load higher than an operator's head, overhead protection shall be provided not less than equivalent to that prescribed in R 408.12143 of the occupational safety standards commission standard, Part 21. Powered Industrial Trucks.

(6) An "A" frame and similar log handling devices shall be of such height to enable the load to be swung and provide clearance for crotch lines and spreader bars.

(7) Mobile log and material handling equipment shall be equipped with head and rear running lights when used during periods of darkness.

(8) Unloading devices shall have their movements coordinated by audible or hand signals when the operator's vision is obstructed or when operating near another employee.

(9) Wood pike poles shall be straight grained select material. Defective or blunt poles shall not be used. A handle for a pike pole used near conductors shall be of an insulating type of material.

(10) An ungrounded electrically powered hoist operated by a handheld remote control at grounded locations, such as a log dump or a mill log lift, shall be actuated by not more than 50 volts to ground.

(11) Where the operator is exposed to a hazard from backing the vehicle into objects, an approved platform guard shall be provided and so arranged as to not impede exit of driver from vehicle.

(12) All vehicles shall be equipped with audible warning signals and, where practicable, shall have spark arrestors.

(13) Carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted. Carriers shall be provided with an access ladder or equivalent.

(14) Railroad tracks and other hazardous crossings shall be plainly posted, and appropriate traffic control devices (see American national standard D8.1-1974 for

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railroad-highway grade crossing protection) should be utilized. This standard may be inspected at the Lansing office of the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, and may be purchased at a cost of $2.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

(15) Periodic inspection of cable or dogging lines shall be made to determine when repair or removal from service is necessary.

(16) A vehicle shall not be operated with a load exceeding its safe load capacity.

(17) A vehicle without good operator rearward vision shall be equipped with a backup alarm.

History: 1954 ACS 79, p. 89, Eff. May 16, 1974; 1954 ACS 89, p. 94, Eff. Nov. 13, 1976.

R 408.15274 Log unloading and storage; general.

Rule 5274. (1) A log unloading area and road beds shall be arranged and maintained to allow a safe operation.

(2) Signs prohibiting unauthorized foot traffic shall be posted in the log unloading and storage area.

(3) A brow log or equivalent shall be provided at a water log dump to prevent overrun of mobile equipment.

(4) Except when entire loads are lifted from a transport vehicle, unloading lines shall be arranged so that the employee may attach the lines from the side opposite the dump or pond. Unloading or crotch lines shall be used in a manner to prevent a log from swinging or rolling back.

(5) An employee unloading a log by manual methods shall be provided a means to minimize the hazard of rolling and swinging logs.

(6) An approved life ring with a line shall be provided and maintained in a manner to retain buoyancy where employees work from a boat, floating log, boom stick or walkway along or on water.

(7) Where skids are used, space adequate to clear an employee's body shall be maintained between the top of the skids and the ground.

History: 1954 ACS 79, p. 90, Eff. May 16, 1974; 1954 ACS 89, p. 95, Eff. Nov. 13, 1976.

R 408.15275 Log booms and ponds.

Rule 5275. (1) Walkways and floats shall be installed and anchored to provide a passageway for an employee working on a log boom or at a pond.

(2) A boom stick and foot log shall be straight with no protruding knots or bark; shall be capable of supporting, above the waterline at either end, the employee and equipment and shall be fastened to other boom sticks by crossties or couplings.

(3) Permanent cable swifters shall be so arranged that it will not be necessary to roll the boom stick in order to attach or detach them.

(4) The bank of a log pond around the log haul shall be reinforced, if necessary, to prevent caving in.

(5) An artificial log pond shall be drained, cleaned and refilled when stagnation and pollution occur.

(6) A stiff boom shall be 2 float logs wide, secured by boom chains or other connecting devices, and of adequate width for working needs. The walking surface shall be free of loose material and maintained in good repair.

(7) A raft or float used to support a power donkey or other power driven equipment shall be capable of keeping the deck above water.

(8) A sorting gap shall have a stiff boom on each side.

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(9) The deck of a pond boat shall have a slip-resistant surface. A powered pond boat shall have not less than 1 fire extinguisher as prescribed in the occupational safety standards commission standard, Part 8. Portable Fire Extinguishers, being R 408.10801 to R 408.10839 of the Michigan Administrative Code, and an approved life ring with line attached.

(10) Boat gasoline shall be transported and stored in an approved safety can.

(11) Inspection, maintenance and ventilation shall be provided to prevent accumulation of hazardous fumes in the bilge and cabin areas.

(12) An employee working over water shall wear an approved life jacket.

History: 1954 ACS 79, p. 90, Eff. May 16, 1974; 1954 ACS 89, p. 95, Eff. Nov. 13, 1976.

R 408.15276 Dry deck storage.

Rule 5276. (1) A dry deck storage area shall be maintained in a condition to allow safe operation of mobile equipment.

(2) Logs shall be stored in a safe and orderly manner. Logs shall be piled in the yard and arranged on the deck in a manner to prevent rolling.

(3) Roadways shall be maintained at such width that log and material handling equipment can move without creating a hazard to employees.

History: 1954 ACS 79, p. 91, Eff. May 16, 1974; 1954 ACS 89, p. 96, Eff. Nov. 13, 1976.

R 408.15277 Log hauls and slips.

Rule 5277. (1) A walkway along a log haul shall be provided a standard railing on the outer edge as prescribed in R 408.1233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights. Cleats or other means to insure good footing shall be provided to enable an employee to walk clear of the log chute.

(2) A log haul shall be designed, installed and maintained to allow the handling of logs in a safe manner.

(3) Log haul gear and bull chain drive shall be guarded as prescribed in the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10701 to R 408.10763 of the Michigan Administrative Code.

(4) A trough for the return strand of log haul chains shall be provided if it travels over a passageway.

(5) Log haul controls shall be located and identified at a position where the operator will be clear of logs, machinery, lines and rigging. Where the control is by lever exposed to incoming logs, the lever shall be arranged to operate the log haul only when moved toward the log slip or toward the log pond.

(6) A log well shall be provided with a means to prevent a log rolling back into the well from a log deck.

History: 1954 ACS 79, p. 91, Eff. May 16, 1974.

PART 53. TREE TRIMMING AND REMOVAL GENERAL PROVISIONS

R 408.15301 Scope.

Rule 5301. This part covers safety requirements for tools and equipment, their maintenance and repair, and the work practices used in spraying, trimming, pruning, repair and removal of trees by an employer and their use by an employee in, around and about a place of employment, except those operations considered to be logging or the harvesting of logs.

History: 1954 ACS 82, p. 118, Eff. Dec. 31, 1974.

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R 408.15303 Definitions; B to I.

Rule 5303. (1) "Bucking" means to cut a felled tree into lengths.

(2) "Cabling" means to secure a limb into a position by means of a cable from the limb to another limb.

(3) "Chipper" means a mechanical device that reduces limbs and branches to small chips.

(4) "Direct contact" means to touch a conductor with a part of the body.

(5) "Felling" means to cut a tree from its stump.

(6) "Flammable liquid" means a liquid having a flash point below 100 degrees Fahrenheit.

(7) "Indirect contact" means to touch a conductor with a branch, limb, tool or equipment in contact with a body part.

History: 1954 ACS 82, p. 118, Eff. Dec. 31, 1974.

R 408.15304 Definitions; L to T.

Rule 5304. (1) "Limbing" means to cut limbs from a felled tree.

(2) "Qualified line clearance tree trimmer" means an employee trained to work in the proximity of energized conductors such as, but not limited to, an employee for an electric power or communications company.

(3) "Saddle belt or rope saddle" means a personal protective device used to support an employee when connected to a climbing rope or safety strap. The saddle belt or rope saddle encloses the waist and legs or hips of the wearer.

(4) "Safety strap" means a restraining line secured at both ends to a safety belt or saddle to hold an employee to a fixed object.

(5) "Scare line" means a rope used to attach tools or equipment to a safety belt or saddle.

(6) "System operator/owner" means the person or organization that operates or controls the electrical conductors involved.

(7) "Tree worker" means an employee who does tree pruning, trimming, repairing or removal and works with the equipment used in such operations.

(8) "Topping" means to cut off the uppermost parts of a tree.

History: 1954 ACS 82, p. 118, Eff. Dec. 31, 1974.

R 408.15311 Employer responsibility.

Rule 5311. An employer shall:

(a) Provide training to each new employee regarding the requirements of this standard, the job hazards and safeguards before starting his assigned job. A job briefing shall be conducted before any tree job involving unusual hazards is begun.

(b) Not allow a tool or equipment to be used which is not guarded according to state standards, has a defective guard or is otherwise unsafe.

(c) Develop rescue procedures such as, but not limited to, removal of injured, stricken or electrically shocked employees from work positions aloft.

History: 1954 ACS 82, p. 118, Eff. Dec. 31, 1974.

R 408.15312 Employee responsibility.

Rule 5312. An employee shall:

(a) Report to his leader or supervisor any tool, equipment or safeguard which is defective.

(b) Use personal protective equipment prescribed by the state safety standards.

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(c) Not remove a guard except for authorized operational or maintenance purposes. The guard shall be replaced or equivalent guarding provided before the equipment is returned for normal use.

(d) Not operate any equipment unless trained in the operating procedures, hazards and safeguards and authorized to do so.

History: 1954 ACS 82, p. 118, Eff. Dec. 31, 1974.

R 408.15313 Personal protective equipment.

Rule 5313. (1) Eye protection, as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code, shall be worn by an employee working on any operation covered by this part.

(2) Head protection, as prescribed in the occupational safety standards commission standard, Part 32. Head Protection Equipment, being R 408.13201 to R 408.13241 of the Michigan Administrative Code, shall be worn by an employee working on any operation covered by this part.

(3) An approved safety belt, tree trimming saddle belt or rope saddle shall be provided by an employer and used by an employee when working aloft in a tree. A safety strap shall be worn and attached when aloft in the bucket of an aerial device. A saddle or safety belt made unsafe by damage, defect or alteration shall not be used.

(4) The hardware for such a belt shall be forged steel or metal of equivalent strength. The snap shall be the self-closing type and the support ring so designed as to prevent accidental disengagement.

(5) A climbing rope shall be not less than ½ inch (12.7 mm), 3 or 4 strand first grade manila with a nominal breaking strength of 2650 pounds (1202 kg, approx.) or its equivalent in strength and durability. A climbing rope shall not be used to lower tree parts or handle equipment. A climbing rope shall be inspected for defects before each day's use.

(6) When an employee is exposed to vehicular traffic, an orange colored jacket or vest shall be provided by the employer and worn by the employee. At nighttime the vest or jacket shall be reflectorized.

(7) Protective clothing and an approved respiratory device shall be provided by the employer and worn by the employee during tree spraying where necessary to prevent absorption and inhalation of toxic substances which exceed the maximum allowable limits set by the department of public health.

History: 1954 ACS 82, p. 119, Eff. Dec. 31, 1974.

R 408.15314 Fire prevention.

Rule 5314. (1) Flammable liquids shall be stored in an approved safety container equipped with an automatic closing cap and flame arrester.

(2) Equipment shall be stopped while being refueled, serviced or maintained. Restarting of portable equipment such as a chain saw shall be accomplished not less than 10 feet (3.05 M) from the refueling point.

(3) Smoking shall be prohibited while refueling.

History: 1954 ACS 82, p. 119, Eff. Dec. 31, 1974.

R 408.15315 Traffic control.

Rule 5315. Where the fall of a limb or tree would create a hazard for an employee, pedestrian or vehicular traffic, a means such as, but not limited to, a barrier or traffic control director shall be used to prevent injury.

History: 1954 ACS 82, p. 119, Eff. Dec. 31, 1974.

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R 408.15321 Electrical hazards.

Rule 5321. (1) An electric conductor or communication line shall be considered energized unless the systems utility or owner indicates otherwise and they have visibly grounded the conductor or line.

(2) The location of underground utilities shall be determined before any digging or ditching operations are started.

(3) A tree worker or qualified line clearance tree trimmer shall not make a direct contact with an energized conductor.

(4) A tree worker shall maintain his body and tools not less than the distance prescribed in table 1 from an energized conductor. If these clearances cannot be maintained, the systems operator or owner shall be contacted to deenergize the conductor or provide protective measures or devices before the work is started.

(5) A qualified line clearance tree trimmer shall maintain his body and tools not less than the distance prescribed in table 2 from an energized conductor, except the trimmer may remove branches hanging on a conductor using approved insulated tools and equipment when the voltage is below 10 kv.

(6) A branch hanging on a conductor energized at more than 10 kv shall be removed after the line is deenergized or removed by an authorized and trained systems operator employee or owner employee using approved protective tools and equipment.

TABLE 1
Minimum Working Distances for Tree Workers

Voltage	Minimum Distance
0 to 300 volts	1 foot (.305 M)
301 to 750 volts	2 feet (.610 M)
751 to 50 kv	10 feet (3.05 M)
50 kv or more	10 feet (3.05 M) plus .4 inch per 100 volts

TABLE 2
Minimum Working Distances for Qualified Line Clearance Tree Trimmers

Voltage Range (phase to phase)	Minimum Working Distance
0 to 750 v	1 ft. (.305 M)
751 v to 35 kv	2 ft. 4 in. (.711 M)
35.1 kv to 46.0 kv	2 ft. 6 in. (.762 M)
46.1 kv to 72.5 kv	3 ft. 0 in. (.914 M)
72.6 kv to 121.0 kv	3 ft. 4 in. (1.016 M)
138.0 kv to 145.0 kv	3 ft. 6 in. (1.067 M)
161.0 kv to 169.0 kv	3 ft. 8 in. (1.118 M)
230.0 kv to 242.0 kv	5 ft. 0 in. (1.524 M)
345.0 kv to 362.0 kv	7 ft. 0 in. (2.134 M)
500.0 kv to 552.0 kv	11 ft. 0 in. (3.453 M)
700.0 kv to 765.0 kv	15 ft. 0 in. (4.572 M)

History: 1954 ACS 82, p. 119, Eff. Dec. 31, 1974.

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WORK PRACTICES

R 408.15331 Climbing.

Rule 5331. (1) An approved safety belt, tree trimming saddle belt or rope saddle shall be used by an employee when aloft.

(2) A climbing rope shall be crotched as soon as possible after the employee is aloft and located in a crotch, when possible, at a height over the work area as to swing the employee away from any conductor or line in case of a fall.

(3) The climbing employee shall remain tied in until the work is completed and he has returned to the ground.

(4) If it becomes necessary to recrotch, the employee aloft shall retie in or use a safety strap before releasing the previous tie.

(5) An employee shall not climb a tree during a storm or high wind or when covered with ice or snow, except when performing emergency service.

History: 1954 ACS 82, p. 120, Eff. Dec. 31, 1974.

R 408.15332 Pruning and trimming.

Rule 5332. (1) If another employee is present, a verbal warning shall be given by the employee aloft before dropping a limb.

(2) A separate work rope, controlled by an employee on the ground, shall be used to lower limbs which cannot be dropped. The work rope shall not use the same crotch over which the climbing rope is run.

(3) A cut branch or limb shall not be left aloft overnight or for an extended period unless the limb is secured to the tree or the area under the tree is roped off or barricaded.

(4) Whenever an employee is aloft in excess of 15 feet (4.572 M), a second employee or supervisor shall be within vocal hearing distance of the treed employee.

History: 1954 ACS 82, p. 120, Eff. Dec. 31, 1974.

R 408.15333 Limbing.

Rule 5333. (1) When possible, an employee cutting a limb shall work from the side opposite and uphill of the cut.

(2) Branches bent under tension shall be considered hazardous and the situation corrected.

History: 1954 ACS 82, p. 120, Eff. Dec. 31, 1974.

R 408.15334 Topping.

Rule 5334. (1) When topping, equipment such as a crane shall be used to lower branches and limbs if the tree cannot stand the strain.

(2) When lowering large limb sections, the employee aloft shall position himself, whenever possible, above the limb being lowered.

History: 1954 ACS 82, p. 121, Eff. Dec. 31, 1974.

R 408.15335 Cabling.

Rule 5335. When cabling:

(a) The limbs or branches to be connected shall be brought to position by a block and tackle, hand winch or come-along.

(b) Not more than 2 employees shall be aloft working at opposite ends.

(c) An employee on the ground shall not be directly under the work area.

(d) An employee shall be off to 1 side when releasing a block and tackle, hand winch or come-along in case the fasteners let loose.

History: 1954 ACS 82, p. 121, Eff. Dec. 31, 1974.

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R 408.15336 Felling.

Rule 5336. (1) Before a cut is started, a feller shall check for other employees and dead limbs, angle of tree, wind condition, location of other trees and other hazards, and plan his path of retreat.

(2) Each assisting employee on the ground shall be instructed exactly what he is to do. Other employees shall be cleared to a distance of twice the height of the tree being cut.

(3) An undercut shall be large enough, about ⅓ the diameter, to safely guide the tree and reduce the possibility of the tree splitting. (See figure 1.)

(4) A back cut shall leave sufficient hinge wood (the distance between notch and back cut) to guide the tree's fall in the desired direction and to hold the tree to the stump during most of its fall. A back cut shall be about 2 inches (50.8 mm) above the undercut and as level as possible. (See figure 1.)

(5) Before starting a back cut, a feller shall clear the area of other persons or equipment.

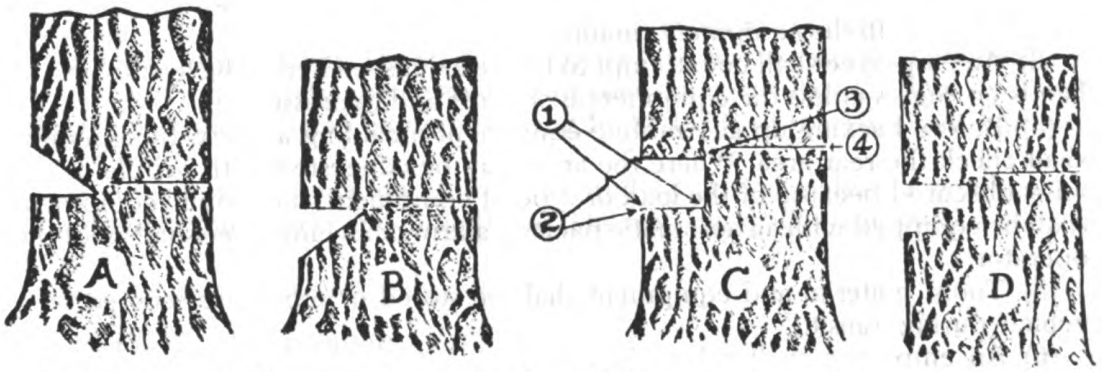
(6) The saw shall be shut off before the feller starts his retreat.

(7) Where a tree is likely to slide or roll, a feller shall cut from the uphill side.

(8) Just before the tree is ready to fall, an audible warning shall be given.

(9) If there is danger of a tree falling the wrong way, such means as wedges, block and tackle or rope shall be used to control the fall.

FIGURE 1
Approved Undercuts



A. Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.

B. Both cuts made with the saw. Leaves square-end log. Same as "A," except that waste is put on the stump.

C. Two parallel cuts with the saw. The material between the cuts is chipped out with an axe-adze (pulaski) combination. Used on trees over 30" in diameter.

D. Three parallel cuts with the saw, leaving a step. Same in principle as above. Used on trees of very large diameters.

History: 1954 ACS 82, p. 121, Eff. Dec. 31, 1974.

R 408.15337 Bucking.

Rule 5337. When bucking:

(a) An employee shall work from the uphill side.

(b) The log or limb shall be blocked to prevent rolling.

(c) Wedges shall be used on trunks and limbs of large trees to prevent binding the saw guide bar or chain.

History: 1954 ACS 82, p. 122, Eff. Dec. 31, 1974.

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R 408.15338 Brush removal and chipping.

Rule 5338. (1) Cut brush and logs shall not be allowed to create a hazard in the work area.

(2) A chipper shall be fed from the side of the center line of the opening and the employee feeding the chipper shall immediately turn away when brush is taken into the rotor chamber. Where applicable, the chipper shall be fed from the curb side.

(3) An employee shall not place any part of the body on the chipper table nor shall the discharge chute be raised while the rotor is turning.

(4) Foreign material, such as stones, bottles, nails or sweepings, shall not be fed into the chipper.

(5) An employee feeding a chipper shall not wear attire such as clothing with loose sleeves, gauntlet gloves, watches or rings. Rings covered by gloves or tape will be considered to be in compliance.

History: 1954 ACS 82, p. 122, Eff. Dec. 31, 1974.

TOOLS AND EQUIPMENT

R 408.15341 Mobile equipment; general.

Rule 5341. (1) The muffler and exhaust pipe of mobile equipment used in tree trimming and removal operations shall be guarded or so located as to prevent contact by an employee during normal use.

(2) Defects or malfunctions of mobile equipment which affect its safe operation shall be corrected before being placed into use. During maintenance, the equipment shall be shut off and at rest, except when necessary to make adjustments with the equipment running.

(3) An employee shall not attempt to locate an unseen hydraulic leak by use of hands or fingers unless the equipment is shut off and depressurized.

(4) Before backing up any mobile equipment including a truck, the operator shall check the rear area. Where the area may be congested with people or the view obscured because of the load or type of equipment, the mobile equipment shall be equipped with an automatic back up alarm or an employee shall assist the operator.

(5) Tools, material and equipment shall be stored or otherwise secured on a vehicle during transit.

(6) An employee shall ride only in a designated seat of mobile equipment which is secured to the equipment, except as prescribed in R 408.15344(1).

(7) Mobile equipment shall not be operated at more than its rated capacity.

(8) Work platforms and steps on mobile equipment shall have a slip-resistant surface.

(9) A pad shall be set under an outrigger foot when it is put on a soft surface. Traction for outrigger feet shall be assured where ice and snow are present.

(10) When outriggers are provided on mobile equipment which is being used to lift or dig, the outriggers shall be extended. An audible warning such as a horn, bell or voice, shall be used when lowering outriggers.

History: 1954 ACS 82, p. 122, Eff. Dec. 31, 1974.

R 408.15342 Aerial lifts.

Rule 5342. (1) An aerial lift used for tree trimming, pruning or removal of a tree shall be used and maintained as prescribed in the occupational safety standards commission standard, Part 58. Vehicle Mounted and Rotating Work Platforms, being R 408.15801 to R 408.15832 of the Michigan Administrative Code.

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(2) A bucket of an aerial lift shall not be depended on to be electrically insulated.

(3) An aerial lift shall not be used to lift or lower materials unless specifically designed to perform such operations.

(4) An employee shall not ride a bucket when the vehicle is moving.

History: 1954 ACS 82, p. 122, Eff. Dec. 31, 1974.

R 408.15343 Brush chippers.

Rule 5343. (1) A brush chipper shall be equipped with a locking device on the ignition system which shall be kept locked with the key removed when the chipper is unattended.

(2) Access panels for maintenance and adjustment shall be closed and secured before the equipment is operated.

(3) The infeed hopper or table of a chipper shall be of such design as to prevent an employee reaching the rotor blades or knives during normal operation.

(4) A trailer type chipper, when detached from a vehicle shall be chocked or otherwise secured.

(5) Flap type guards, designed to prevent kickback of chips, shall be installed at the feed opening of a chipper.

(6) A chipper rotor shall be blocked from turning when performing maintenance on the rotor.

History: 1954 ACS 82, p. 122, Eff. Dec. 31, 1974.

R 408.15344 Sprayers and related equipment.

Rule 5344. (1) An employee required to operate spray equipment from a moving vehicle shall wear a seat belt or be protected by a guardrail if operating from a standing position. The standard barrier shall be as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 of the Michigan Administrative Code.

(2) An employee wearing clothing wetted by a flammable or combustible liquid shall avoid sparks and open flame. The clothing shall be removed as soon as possible.

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

R 408.15345 Stump cutters.

Rule 5345. A stump cutter shall be equipped with enclosure guards to protect an employee from the rotating cutter and flying chips.

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

R 408.15346 Trucks.

Rule 5346. (1) A truck used to haul brush, limbs and logs shall be equipped with a bulkhead that will contain any load shift stress to protect the occupants of the truck cab from load movement due to emergency stops.

(2) Trucks used to pull chippers or to transport logs and limbs shall comply with R 408.15341(4).

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

R 408.15347 Log loaders, cranes and related hoists.

Rule 5347. (1) The operator of a log loader, crane and related hoists, when in use shall perform a daily visual inspection of ropes, wire ropes, gears, chain drives and other parts subject to wear or strain. When a part is found defective, it shall not be used until replaced or repaired.

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(2) The operator shall not leave the controls while a load is suspended.

(3) Riding of a hoisted load shall be prohibited.

(4) The equipment shall have a conspicuously placed sign containing the following or equivalent wording: "Warning—Keep Clear of this Equipment When in Operation."

(5) A crane shall be operated and maintained as prescribed in the occupational safety standards commission standard, Part 19. Locomotive, Crawler and Truck Cranes, being R 408.11901 to R 408.11972 of the Michigan Administrative Code.

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

R 408.15348 Off highway equipment and tracked vehicles.

Rule 5348. (1) An operator of off the highway equipment and tracked vehicles shall be protected by guarding from shifting trees and branches, including roll over protection and seat belts as prescribed in rules 1306 and 1317 of the construction safety standards commission standard, Part 13. Mobile Equipment, being R 408.41306 and R 408.41317 of the Michigan Administrative Code.

(2) The equipment shall be operated in a manner to protect the operator and other employees. The equipment shall be kept in gear when descending grades.

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

HAND AND PORTABLE TOOLS

R 408.15351 Portable electric powered tools.

Rule 5351. (1) A portable electric powered tool shall not be used in a tree near an energized conductor where the tool or cord could possibly come in contact with the conductor.

(2) Unless a tool is powered by a nonelectric power source or is double insulated and so labeled, it shall be grounded.

(3) An extension cord shall have a connected ground wire, be free of defects and have no metal sockets.

(4) A portable electric powered tool operator shall:

(a) Use such a tool as prescribed in the occupational safety standards commission standard, Part 38. Hand and Portable Powered Tools, being R 408.13801 to R 408.13882 of the Michigan Administrative Code.

(b) Prevent the cords from being entangled, damaged or cut by blades and bits.

(c) Not lay an extension cord in water, unless it is not spliced and is waterproof with waterproof connections.

History: 1954 ACS 82, p. 123, Eff. Dec. 31, 1974.

R 408.15352 Power saws and pruners.

Rule 5352. (1) A power saw weighing more than 15 pounds (6.803 kg) that is used in a tree shall be supported by a separate work rope, except when working from an aerial lift.

(2) A scare line used to support a saw weighing less than 15 pounds (6.803 kg) shall be of such such length to allow the saw to swing clear of the operator.

(3) When starting a power saw, the operator shall have secure footing and the saw shall be firmly supported. The saw shall be started and operated when all other employees are in the clear.

(4) A power saw shall be operated and maintained as prescribed in the occupational safety standards commission standard, Part 38. Hand and Portable Powered Tools.

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(5) A power saw shall not be raised to or lowered from a tree with the motor running.

(6) A saw motor shall not be left running when the saw is not use.

(7) Pneumatic or hydraulic tools powered from a bucket of a vehicle mounted and rotating work platform shall:

(a) Be inspected daily before use.

(b) Be secured on or from the bucket when aloft and not in use.

(c) Be disconnected from the power source for sharpening or adjustment.

(d) Have hoses of nonconductive material.

History: 1954 ACS 82, p. 124, Eff. Dec. 31, 1974.

R 408.15353 Back pack units.

Rule 5353. (1) Other employees shall maintain a distance of not less than 10 feet (3.05 M) from an operator of the cutting head of a back pack brush saw.

(2) The operator shall observe the location of all employees while the unit is running.

(3) The power unit shall be equipped with a shutoff switch readily accessible to the operator.

(4) The unit shall be stopped for all cleaning, refueling and repairs.

History: 1954 ACS 82, p. 124, Eff. Dec. 31, 1974.

R 408.15354 Hand tool safety; general.

Rule 5354. (1) An employee climbing aloft shall not carry a tool in his hand. A pole saw or pruner may be raised and hooked ahead of the climber. Other tools shall be raised and lowered by a hand line, carried on a tool belt or in a tool bag.

(2) A hand tool shall not be dropped from aloft.

(3) A hand tool shall be used and maintained as prescribed in the occupational safety standards commission standard, Part 38. Hand and Portable Powered Tools.

History: 1954 ACS 82, p. 124, Eff. Dec. 31, 1974.

R 408.15355 Pruners and saws.

Rule 5355. (1) A pole pruner, pole saw and other similar tool shall be equipped with a nonmetallic handle. The actuating cord shall be of nonmetallic material.

(2) A pole pruner or pole saw shall be hung securely in a vertical position to prevent dislodgement. A pole pruner or pole saw shall not be hung on a utility line or left in a tree overnight. A pole saw shall be hung so that the sharp edge is away from the employee.

(3) An aerial lift shall not be used to lift or lower materials unless specifically designed to perform such operations.

History: 1954 ACS 82, p. 124, Eff. Dec. 31, 1974.

R 408.15356 Herbicide injector tools.

Rule 5356. (1) The bit of a herbicide injector tool shall be covered with a shield and laid flat on the ground when not in use.

(2) The injector shall be carried by the loop handle on the downhill side with the bit shielded and facing the rear.

(3) An employee using a tool shall have firm footing and shall have cleared away all interfering brush.

History: 1954 ACS 82, p. 124, Eff. Dec. 31, 1974.

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R 408.15357 Grub hose, mattocks, and picks.

Rule 5357. (1) The blade eye of a grub hoe, mattock, or pick shall be tight fitting and wedged so that it cannot slide down the handle.

(2) When swinging a tool, the employee shall have a secure grip and firm footing.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15358 Cant hooks, cant dogs, tongs, and carrying bars.

Rule 5358. (1) The hooks of a cant hook, cant dog, tongs, or carrying bar shall be firmly set before applying pressure.

(2) The point of a hook shall be not less than 2 inches (50.8 mm) long and maintained sharp.

(3) Other employees shall be warned and in the clear before a log is moved.

(4) When rolling a log, the employee shall stand to the rear and uphill.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15359 Tackle blocks and pulleys.

Rule 5359. A tackle block and pulley shall be inspected before each use and, if found defective, shall not be used.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15360 Chopping tools.

Rule 5360. A chopping tool shall:

(a) Not be used while aloft.

(b) Not be used as a wedge or to drive a wedge.

(c) Be swung away from the feet, legs and body.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15361 Ropes.

Rule 5361. (1) A rope shall be inspected before each day's use for the following conditions:

(a) Externally for abrasions, cut or broken fibers, decay, burns, lack of strength, softness, variation in size or roundness of the strands.

(b) Internally, by separating the strands at 3 foot (.914 M) intervals, for broken fibers, presence of grit, mildew or mold, color change of the fibers, or powdering, and short loose fibers.

(c) Wear or damage of a work rope where the tautline hitch is used. That section showing wear or damage shall be cut off.

(2) A rope showing any of the defects listed in subrule (1), which would constitute a hazard, shall be replaced.

(3) A rope shall be stored in a dry location in coils or on a reel.

(4) A wet rope shall be dried by placing it in the sunshine or a warm room by hanging loosely over a rounded peg or hook.

(5) A rope shall not be:

(a) Kinked or run over sharp corners.

(b) Used when frozen or left in freezing temperatures when wet.

(6) A climbing rope shall not be spliced.

(7) A climbing rope shall not be left aloft overnight.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15362 Ladders.

Rule 5362. (1) A ladder made of metal or other conductive material shall not be used next to electrical conductors or wires within a distance equal to twice the

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extended length of the ladder. Such ladders shall be marked: "Restricted use; do not use near electrical conductors."

(2) A ladder shall be used and maintained as prescribed in the occupational safety standards commission standard, Part 4. Portable Ladders, being R 408.10401 to R 408.10456 of the Michigan Administrative Code.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

R 408.15363 Climbing spurs.

Rule 5363. (1) Where climbing spurs are used, they shall be the tree climbing type with gaffs of the type and length suitable for the tree being climbed.

(2) Climbing spurs shall be inspected prior to each day's use for sharpness, length of gaff and proper type for the job. The climbing spurs shall be maintained sharp.

History: 1954 ACS 82, p. 125, Eff. Dec. 31, 1974.

PART 54. POWERED GROUNDSKEEPING EQUIPMENT GENERAL PROVISIONS

R 408.15401 Scope.

Rule 5401. This part provides rules for the construction, the maintenance and the safe operation of powered groundskeeping and related equipment and attachments by the employer and their safe use by the employee in, around or about a place of employment.

History: 1954 ACS 81, p. 85, Eff. Nov. 19, 1974.

R 408.15403 Definitions; A to E.

Rule 5403. (1) "Attachment" means detachable equipment, such as, but not limited to, a mower, snow thrower, tiller or sweeper designed for use with a propulsion vehicle.

(2) "Blade enclosure" means the guard around the periphery of the rotary mower blade.

(3) "Braking distance" means the distance traveled between the point of first application of the brake to the point at which the vehicle comes to rest.

(4) "Discharge guide" means the device which directs the snow from the impeller to the deposit area, and which is rotatable to deliver the snow in the desired direction.

(5) "Edger-trimmer" means a walk behind powered machine with a rotary blade designed to edge grass in a vertical position and trim grass when adjusted to a horizontal position.

History: 1954 ACS 81, p. 85, Eff. Nov. 19, 1974.

R 408.15404 Definitions; F to P.

Rule 5404. (1) "Foot protection" means footwear such as, but not limited to, safety shoes or strap on foot guards.

(2) "Grass catcher" means a part or a combination of parts which provides a means for collecting grass clippings and other debris.

(3) "Groundskeeping equipment" means that equipment such as, but not limited to, lawn mowers, lawn and garden tractors, leaf blowers, snow throwers, shredders, compost mills and tillers used to maintain lawns, gardens, walks and drives.

(4) "Impeller" means a final power driven device which imparts energy to discharge the snow.

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(5) "Power reel mower" means a grass cutting machine which uses a power source to rotate 1 or more helically formed blades about a horizontal axis to provide a shearing action with a stationary cutter bar.

(6) "Power rotary mower" means a grass cutting machine which uses a power source to rotate 1 or more blades about a vertical axis.

History: 1954 ACS 81, p. 85, Eff. Nov. 19, 1974.

R 408.15405 Definitions; R, S.

Rule 5405. (1) "Riding garden tractor" means a self-propelled riding vehicle designed for general purpose lawn and garden work by use of attachments and which produces less than 1,500 pounds but more than 500 pounds of draw bar pull.

(2) "Riding lawn tractor" means a self-propelled riding vehicle designed for general purpose lawn work by use of separate attachments.

(3) "Riding mower" means a self-propelled riding vehicle designed specifically for cutting grass.

(4) "Rotary tiller" means a powered machine with steel tines attached to a horizontal shaft which revolves to till soil.

(5) "Shredder bagger" means a machine with a rotating device which breaks up debris such as leaves, twigs and small branches and packs it into a catcher or bag.

(6) "Single stage snow thrower" means a snow thrower which incorporates the impeller into the collector either at the end of the collector or in the middle.

(7) "Snow thrower" means a machine designed to move snow from 1 area to another.

(8) "Snow thrower collector" means an auger or similar device used to collect snow.

History: 1954 ACS 81, p. 85, Eff. Nov. 19, 1974.

R 408.15406 Definitions; T to W.

Rule 5406. (1) "Tip speed" means the distance a rotary blade tip covers in 1 minute, or circumference in feet times revolution during a 1 minute interval.

(2) "Two stage snow thrower" means a snow thrower with the impeller as a separate unit from the collector.

(3) "Walk-behind mower" means a grass cutting machine either pushed or self-propelled, controlled by an operator walking behind the unit.

(4) "Walk-behind snow thrower" means a snow thrower either pushed or self-propelled, controlled by an operator walking behind the unit.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

R 408.15411 Employer responsibility.

Rule 5411. An employer shall:

(a) Provide training to an operator of powered groundskeeping and related equipment regarding the operating procedures, hazards and safeguards of his assigned job.

(b) Require that personal protective equipment necessary to protect the employee from the recognized hazards of the equipment be worn.

(c) Not allow powered groundskeeping and related equipment to be operated which is not guarded as prescribed by this part, or which has a known defect that could affect the safety of the operator.

(d) Not allow powered groundskeeping equipment and attachments to be used for operations other than those for which the equipment was designed.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

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R 408.15412 Employee responsibilities.

Rule 5412. An employee shall:

(a) Use personal protective equipment required by this part.

(b) Report to his supervisor any equipment or safeguard which is found defective.

(c) Not operate, lubricate or provide maintenance of any equipment until he is trained in the operation, lubrication, maintenance procedures, hazards and safeguards and has been authorized to do so.

(d) Not remove a guard except for authorized maintenance purposes. The guard shall be replaced before the machine is returned to operation.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

R 408.15413 Personal protective equipment.

Rule 5413. (1) An operator of powered groundskeeping equipment subjected to a noise level in excess of that established by the department of public health, shall be provided with hearing protection prescribed by the department of public health.

(2) When operating powered groundskeeping equipment an operator shall wear safety glasses in accordance with and as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(3) An operator of a walk-behind power rotary mower shall not wear open toed or canvas type shoes.

(4) An operator of a power rotary mower shall wear foot protection.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

R 408.15414 Lubrication and maintenance.

Rule 5414. Equipment covered by this part shall be shut off or disconnected during lubrication and maintenance, except when it is necessary to make adjustments with the power on.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

R 408.15415 Labeling.

Rule 5415. (1) All positions of an operating control shall be legibly identified by durable labels.

(2) Self-propelled groundskeeping equipment shall have a durable label at the engine starting control point with the wording, or similar wording, "Caution. Be sure the operating control is in neutral before starting engine."

(3) A walk-behind or riding rotary mower shall have labeled warning instructions at or near the discharge opening stating, "Caution. Mower shall not be used unless the opening guard or grass catcher is in place."

(4) A riding mower shall have a durable label installed in a place where the operator can readily see it stating, "Caution:

(a) Keep all guards and shields in place.

(b) Before leaving the operator's position, shift the transmission to neutral, set parking brake and disengage attachment clutch.

(c) Wait for all movement to stop before servicing machine."

(5) A snow thrower shall have a labeled warning instruction on the discharge guide stating, "Warning—Keep hands out of discharge guide while engine is running."

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(6) A labeled warning instruction, "Caution—Keep hands and feet clear of collector while engine is running," shall be placed on the collector housing of a snow thrower.

History: 1954 ACS 81, p. 86, Eff. Nov. 19, 1974.

R 408.15416 Operating rules; general.

Rule 5416. (1) A gas tank shall not be filled:

(a) Indoors, except in an area conforming to the requirements of the state fire marshal, flammable liquids regulations, being R 28.601 to R 28.739 of the Michigan Administrative Code.

(b) While the engine is running.

(c) While a source of ignition is present in the immediate area.

(2) A portable container used for refueling shall be an approved safety can with an automatic closing cap and flame arrester.

(3) Spills of gasoline shall be cleaned up immediately.

(4) The drive mechanism shall be disengaged before starting the motor or engine.

(5) An engine or motor governor adjustment shall not be made or changed to create an overspeed condition.

(6) A rotary mower blade shall be stopped while traveling over loose gravel drives or walks.

(7) An engine or motor shall be stopped and an inspection made after striking a foreign object with a machine or if a vibration develops.

(8) An engine or motor shall be stopped when clearing a clog or a jam or when removing an attachment.

(9) An area to be mowed shall be checked and cleared of any object which might be picked up and thrown by the blade.

(10) The discharge of material shall not be directed at another employee.

(11) Groundskeeping equipment shall not be left running, unattended, if the operator is beyond vision or more than 25 feet away from the equipment.

(12) Groundskeeping equipment, without approved double insulation and powered by 110 volts or more, shall be connected to a grounded service outlet. Extension cords used with such equipment shall be the 3-wire grounded type and shall be of a contrasting color to the foliage such as, but not limited to, orange or yellow.

History: 1954 ACS 81, p. 87, Eff. Nov. 19, 1974.

SPECIFIC PROVISIONS

R 408.15421 Construction; general.

Rule 5421. (1) A foot pedal of groundskeeping and related equipment shall have a slip resistant surface or other means to reduce the likelihood of the foot from slipping off the pedal.

(2) All means of power transmission, such as, but not limited to, rotating shafts, chains, belts, pulleys and sprockets, shall be located or guarded to prevent accidental contact.

(3) Groundskeeping equipment, powered by 110 volts or more, shall be equipped with 3-wire ground cords or have approved double insulation.

(4) A splash shield shall be provided where splash or overflow of gasoline could strike a muffler or other hot surface.

(5) Hot surfaces which could cause burns and are exposed to contact shall be insulated or guarded.

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(6) All guards or shields shall be permanently mounted or detachable only by use of tools.

(7) A shut off device shall be provided on the power unit to stop the operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

History: 1954 ACS 81, p. 87, Eff. Nov. 19, 1974.

R 408.15422 Construction; powered mowers; lawn and garden tractors.

Rule 5422. (1) A new powered lawn mower, lawn or garden tractor and its attachments, purchased after the effective date of this part, shall bear a permanently attached tag or label to show certification with the requirements of ANSI B71.1-1972 standard, safety specifications for power lawn mowers, lawn and garden tractors and lawn tractors, which is incorporated herein by reference. This standard is available for inspection at the Lansing office of the department of labor and may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926, at a cost of $4.50 each.

(2) The maximum tip speed of a rotary lawn mower blade shall be not more than the rated speed, but never more than 19,000 surface feet per minute.

(3) A rotary mower shall be equipped with a blade enclosure except the discharge opening around the tip travel path of the blade and the enclosure shall extend not less than ⅛ inch below the lowest cutting edge of the blade when set at the lowest blade position.

(4) A rotary mower shall be equipped with a guard at the discharge opening which may be removed or folded back only to install a grass catcher assembly. The following shall be accomplished when a grass catcher is installed:

(a) A warning label prescribed in R 408.15415(3) shall be installed.

(b) The grass catcher assembly shall not create a condition which violates the limits prescribed in subrule (3) for the guarded opening.

History: 1954 ACS 81, p. 88, Eff. Nov. 19, 1974.

R 408.15423 Construction; walk-behind mowers.

Rule 5423. (1) A handle for a walk-behind mower shall be secured to the mower to prevent unintentional uncoupling.

(2) A positive upper limit stop or latch shall be provided for the handle of a walk-behind mower at the upper normal position. It shall take a positive action by the operator to release a swing over handle for moving to the opposite side.

(3) A walk-behind rotary mower shall have 1 of the following at the discharge opening:

(a) A minimum unobstructed distance of 3 inches from the end of the discharge chute to the blade tip.

(b) A rigid bar fastened across the discharge opening and secured to prevent removal without tools. The bottom of the bar shall be no higher than the bottom of the blade enclosure.

History: 1954 ACS 81, p. 88, Eff. Nov. 19, 1974.

R 408.15424 Construction; towed rotary mowers.

Rule 5424. A towed rotary mower attachment shall not have a front opening in the blade enclosure.

History: 1954 ACS 81, p. 88, Eff. Nov. 19, 1974.

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R 408.15425 Construction; riding rotary mowers.

Rule 5425. (1) A riding rotary mower shall have 1 of the following at the discharge opening:

(a) A minimum unobstructed distance of 6 inches from the end of the discharge chute to the blade tip.

(b) A rigid bar as prescribed in R 408.15423(3)(b).

(2) A riding rotary mower shall be provided with stops to prevent locking of the steering mechanism.

History: 1954 ACS 81, p. 88, Eff. Nov. 19, 1974.

R 408.15426 Construction; snow throwers; general.

Rule 5426. (1) The speed of the collector shall not be more than the manufacturer's rated speed.

(2) The impeller of a 2-stage snow thrower shall not be more than the manufacturer's rated speed.

(3) A snow thrower collector housing shall extend to the front of the auger travel path on both sides.

(4) The collector shall incorporate a shear bolt or slip clutch protection against a blockage of the collector.

(5) The discharge guide rotating mechanism shall not be capable of delivering snow into the operator's area.

History: 1954 ACS 81, p. 88, Eff. Nov. 19, 1974.

R 408.15427 Construction; walk-behind snow throwers.

Rule 5427. (1) A handle for a walk-behind snow thrower shall be secured to the snow thrower to prevent unintentional uncoupling.

(2) A positive upper limit stop or latch shall be provided for the handle of a walk-behind snow thrower at the upper normal position.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15428 Construction; riding snow throwers.

Rule 5428. (1) A riding snow thrower shall be provided with stops to prevent locking of the steering mechanism.

(2) The snow thrower controls shall be accessible to the operator from the operator's control position.

(3) A snow thrower shall have adjustable skid shoes or gauge wheels to control operating height.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15429 Controls; self-propelled walk-behind mowers and snow throwers.

Rule 5429. (1) The traction drive directional control lever, when provided on a self-propelled walk-behind mower or snow thrower, shall be moved forward to cause the machine to move forward and rearward to move in reverse.

(2) The throttle control of a self-propelled mower or snow thrower, if separate from the directional control, shall be moved forward or upward to increase speed and rearward or downward to decrease speed.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15431 Braking; riding vehicles.

Rule 5431. (1) A riding vehicle and attachment combination shall have a service brake capable of stopping the vehicle in a distance of 2 feet for each mile

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per hour of vehicle velocity. The test shall include an operator weighing not less than 200 pounds and be conducted on a dry, smooth, hard surface.

(2) A parking brake of a riding vehicle shall be capable of holding the vehicle with its heaviest attachment and an operator weighing not less than 200 pounds on a 30%, 16.7 degree slope with the surface smooth, the transmission in neutral, and the motor shut off.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15442 Operating rules; walk-behind mowers.

Rule 5442. (1) A walk-behind mower shall be moved across the face of a slope of more than 17 degrees, never up and down, except by use of a rope to raise and lower the mower while standing at the top of the slope.

(2) An electric powered walk-behind mower shall be shut off and disconnected from the electrical source when cleaning, repairing or adjusting.

(3) The operator shall maintain direct control of a self-propelled, walk-behind mower. The operator shall adjust the ground speed to his gait for proper control.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15443 Operating rules; riding vehicles.

Rule 5443. (1) A riding vehicle shall not carry a passenger other than the operator.

(2) The source of power to an attachment of a riding vehicle shall be disengaged when the attachment is not in use or is being transported.

(3) When a riding vehicle is left unattended, the steps listed in R 408.15415(4)(b) shall be followed.

(4) Riding groundskeeping equipment shall not be operated up or down a slope of more than 26 degrees or move across the face of a slope of more than 17 degrees.

(5) A deviation from the requirement of subrule (4) may be obtained from the department of labor by presenting special design or modification criteria which shows an ability to perform safely on a specific slope of a greater degree without slipping or tipping.

History: 1954 ACS 81, p. 89, Eff. Nov. 19, 1974.

R 408.15444 Operating rules; snow throwers.

Rule 5444. (1) When necessary to operate a snow thrower over graveled areas, the snow thrower shall be placed in its highest operating position.

(2) An area to be cleared of snow shall be checked and cleared of any visible object that might stop the collector or be picked up and then thrown by the impeller.

(3) The collector clutch shall be disengaged when adjusting the deflector guide upward and downward.

(4) An employee shall not attempt to clear the discharge guide with the engine running.

(5) An operator shall maintain direct control of a self-propelled, walk-behind snow thrower. The operator shall adjust ground speed to his gait for control.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

R 408.15451 Shredder baggers and compost mills.

Rule 5451. (1) The power of a shredder bagger or compost mill shall be shut off and all motion stopped before moving it.

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(2) A clog or jam in a shredder bagger or compost mill shall not be cleared until the power has been shut off and all motion stopped.

(3) The hopper feed opening of a shredder bagger or compost mill shall be of such distance from the cutting knives or impeller so that an operator cannot make contact or a guarding means shall be employed. A baffle gate shall be installed at the feed opening of a hopper to reduce hazard of kickbacks.

(4) The discharge opening shall be covered by a guard, container or catcher whenever the shredder bagger or compost mill is under power.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

R 408.15452 Edger-trimmer.

Rule 5452. (1) The cutting blade of an edger-trimmer shall be covered with a guard to prevent foreign objects from being discharged into the operator's area or at an angle above 15 degrees from the ground.

(2) The power shall be shut off when:

(a) Converting from edging to trimming operation or from trimming to edging.

(b) Moving from 1 location to another or when traveling over loose gravel drives and walks.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

R 408.15461 Rotary tillers.

Rule 5461. (1) The power to the tines of a rotary tiller shall not be used as a means to transport the tiller from 1 location to another location.

(2) Rocks or other entanglements shall not be removed from the tines until the power has been shut off and all motion stopped.

(3) The tine area shall be operated or shielded in such a manner as to prevent debris or other missiles from being thrown.

(4) An operator shall maintain direct control of the rotary tiller. The operator shall adjust the ground speed to his gait for control.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

PART 57. OIL AND GAS DRILLING AND SERVICING OPERATIONS

R 408.15701 Scope.

Rule 5701. This part pertains to the construction, operation, and maintenance of equipment and related practices for the safety of employees as they pertain to the drilling and servicing of oil and gas well operations.

History: 1954 ACS 101, p. 59, Eff. Nov. 23, 1979.

R 408.15703 Definitions; A to C.

Rule 5703. (1) "Acidizing" means the act of pumping an acidic solution into a wellbore to remove any materials from the perforations, pipe, and walls of the producing formation and includes the act of pumping the substance into formations to improve permeability.

(2) "Blocks, crown and traveling" mean the fixed upper and movable lower blocks, respectively, of the block and tackle assembly on a rig that raises and lowers the drill string or tubing.

(3) "Blowout" means an uncontrolled flow of well fluids or formation fluids, or both, from the wellbore into the atmosphere or lower pressured subsurface zones (underground blowout).

(4) "Blowout preventer" means a device attached to the wellhead that allows the well to be sealed to confine the well fluids in the wellbore.

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(5) "Casing" means pipe installed in the wellbore and cemented in place to retain the borehole dimension and seal off hydrocarbon and water-bearing formations. The following are types of casing:

(a) Surface casing. Outside and first casing string installed in the wellbore, except for drive pipe or conductor pipe, to seal off surface formations and provide blowout protection, and prevent loss of circulation while drilling deeper.

(b) Protective (intermediate) casing. Pipe string installed inside surface casing in wells of such depth that drilling fluid cannot be balanced because of simultaneous lost circulation and high pressure entry of another zone or in regions where abnormal pressure gradients are encountered.

(c) Production casing. Full length pipe string extending between the wellhead and elevation, at, above, or below pay formation, inside protective surface casing and cemented in place to seal off productive zones and water-bearing formations.

(d) Liner. A string of casing whose top is located below the surface of the ground.

(e) Tubing. Pipe installed in the wellbore inside all casing strings and extending between the wellhead to an elevation below or above the formation through which formation fluids normally are transported to the surface.

(6) "Cathead" means a concave, rotating, pulley-type device mounted on the end of a shaft of the draw works. Catlines are used with a cathead to lift equipment around a rig.

(7) "Catwalk" means an elongated platform to the side of a rig where pipe is laid out and lifted into the derrick. A catwalk is connected to the rig floor by a pipe ramp.

(8) "Cellar" means an excavation around the wellhead to provide space for items of equipment at the top of the wellbore. A cellar serves as a pit to collect drainage of water and other fluids.

(9) "Cementing" means the act of pumping a slurry into a wellbore to perform functions such as supporting and sealing casing, isolating formations behind casing, protecting freshwater formations, and sealing perforations in casing.

(10) "Christmas tree" means the term applied to the valves and fittings assembled at the top of a completed well to control the flow of hydrocarbons and other fluids.

History: 1954 ACS 101, p. 59, Eff. Nov. 23, 1979.

R 408.15704 Definitions; D to F.

Rule 5704. (1) "Derrick," sometimes called a mast, means the steel tower component of a drilling or well servicing rig when used to support the crown block, traveling block, and hoisting lines. Derricks and masts may be stationary structures normally requiring dismantling and disassembly when moved from location to location, or may be portable with the capability of being laid down and raised to and from ground level fully assembled.

(2) "Drill pipe" means a length of steel tube to which special threaded connections called tool joints are attached. Several lengths jointed together are called a drill string.

(3) "Drill stem" means the entire drilling assembly from the swivel to the bit composed of the kelly, drill string, subs, drill collars, and other downhole tools such as stabilizers and reamers. This assembly is used to rotate the bit and carry the drilling fluid into the bit.

(4) "Drilling line," sometimes called a hoisting line, means the wire line used in the main rig hoisting system, 1 end of which is attached to the hoisting drum. This line does not include a tugger line.

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(5) "Drilling rig" means the equipment and machinery assembled primarily for the purpose of drilling or boring a hole in the ground.

(6) "Elevator" means a mechanical device attached to the traveling block that latches around and supports the pipe during hoisting.

(7) "External guylines" means lines that run from some point in the derrick, mast, or pole to ground anchors (deadmen) or to a special substructure or derrick base which provides a substitute for ground anchors to provide stability.

(8) "Freezing operation" means the creation of a plug by freezing a liquid slug in a pipe or fitting to confine the pressure while removing defective or inadequate equipment downstream of the plug.

History: 1954 ACS 101, p. 59, Eff. Nov. 23, 1979.

R 408.15705 Definitions; H to O.

Rule 5705. (1) "Hole" is a term that usually refers to the wellbore.

(2) "Hydraulic fracturing" means the act of pumping fluids into a wellbore and into a specific formation to induce fractures.

(3) "Kelly" means the square or hexagonal shaped steel pipe connecting the swivel to the drill pipe. The kelly moves through the kelly bushing and the rotary table and transmits torque to the drill string.

(4) "Making a connection" means the act of screwing a joint of pipe or rods onto the string suspended in the wellbore.

(5) "Mud box" means a device used to wrap around pipe connections to deflect fluid released when a joint or stand of pipe containing liquid is unscrewed.

(6) "Nip point" means the point where the wire line becomes tangent to a sheave.

(7) "Oil saver" means a pressure sealing gland arrangement used to prevent leakage and waste of gas, oil, or water around a wire line when servicing a well. It may be operated by mechanical or hydraulic means.

(8) "Open hole" means the uncased part of the wellbore.

(9) "Outriggers" means structural extensions of the mast or pole base protruding at approximately 90 degrees from the longitudinal axis of the rig to provide overturn stability.

History: 1954 ACS 101, p. 60, Eff. Nov. 23, 1979.

R 408.15706 Definitions; P to R.

Rule 5706. (1) "Perforating" means the act of making holes in pipe, cement, or formation at desired depths. Perforations are usually formed with an explosive device utilizing bullets or shaped charges.

(2) "Pipe racking board guylines," sometimes called tubing board guylines, means lines that run from racking board to ground anchors or special substructure or base which provides a substitute for ground anchors.

(3) "Pipe tapping," sometimes called hot tapping, means the act of drilling a hole in the side of pipe that is under pressure. A special saddle is used to attach a valve and lubricator to the pipe. The saddle and valve remain on the pipe after the tapping operation is completed.

(4) "Pole mast" means a structure consisting of 1 or more tubular sections, telescoping or not telescoping, which are the load-bearing members. The structure, when erected to working position, usually requires guylines. It may be attached to a carrier, skid base, or substructure. It is used in place of a derrick.

(5) "Pumping unit" means surface equipment assembled for the purpose of mechanically lifting fluids from a well.

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(6) "Qualified employee" means a person who, by possession of a recognized degree, certificate, or professional standing, or who by knowledge, training, or experience, has successfully demonstrated the ability to perform work relating to the subject matter or the subject.

(7) "Rigging up" means the onsite erection and connection of the rig components in preparation for drilling or well servicing operations.

(8) "Rod," sometimes called a sucker rod, means a special steel rod, a number of which are screwed together to make up the mechanical link from the surface pumping unit to the pump in the well.

History: 1954 ACS 101, p. 60, Eff. Nov. 23, 1979.

R 408.15707 Definitions; S.

Rule 5707. (1) "Safety valve" means a valve available for quick installation in the pipe string to prevent flow.

(2) "Snubbing" means pulling or running pipe under pressure through a resilient sealing element where special equipment is used to apply external force to push the pipe into the well or to control the pipe movement out of the well.

(3) "Special services" means those operations requiring specialized equipment and personnel to perform work processes to support well drilling and servicing operations.

(4) "Stabbing a valve" means aligning and screwing a valve onto the end of a pipe.

(5) "Stripping" means pulling or running pipe under pressure through a resilient sealing element.

(6) "Substructure" means a structure that surrounds the wellbore at the surface and provides the working area for certain employees. It may contain the rotary table.

(7) "Swabbing" means the planned lifting of well fluids to the surface using a piston-like device installed on a wireline. Swabbing may inadvertently occur due to piston action as pipe or assemblies are pulled from the well.

(8) "Swivel" means a device at top of the drill stem that permits circulation of fluids and rotation of the drill string.

History: 1954 ACS 101, p. 61, Eff. Nov. 23, 1979.

R 408.15708 Definitions; T to W.

Rule 5708. (1) "Tour" means the work period of a rig crew and is usually pronounced as if it were spelled "t-o-w-e-r."

(2) "Tugger line" means a wire rope line powered by a motor, pneumatic, hydraulic, or other, and used for the controlled lifting and lowering of light loads around a rig.

(3) "Valve drilling operation" means the drilling of a hole through the blocking element of a valve that is stuck in the closed position with pressure on the well side of the valve. The drilling is accomplished through a lubricator that confines the pressure after the valve is penetrated.

(4) "Well servicing rig" means equipment and machinery assembled primarily for the purpose of any well work process, to include, but not limited to, redrilling, completing, recompleting, workover, sucker rod or tubing pulling, and abandoning operations.

(5) "Wireline wiper" means a device used to wipe off oil, mud, or liquid from a wireline as it is pulled out of the well.

History: 1954 ACS 101, p. 61, Eff. Nov. 23, 1979.

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R 408.15711 Employer and employee responsibility.

Rule 5711. (1) The employer shall do all of the following:

(a) Provide training to an employee regarding the operating procedures, hazards, and safeguards of the assigned task, including the safe handling and use of hazardous substances and the personal protective equipment required.

(b) Assure that the employee uses the personal protective equipment as prescribed in this part.

(c) Not permit equipment to be operated that is not guarded according to state standards, has a defective guard, or is otherwise unsafe. A rotary table, cathead, kelly, and kelly bushing need not be guarded.

(d) Assure that vehicles not involved in the immediate rig operation are parked a minimum distance of 100 feet upwind from the wellbore or a distance equal to the height of the derrick or mast, whichever is greater. Equivalent safety measures shall be taken where terrain, location, or other conditions do not permit this spacing.

(e) Telephone numbers, location, and other relevant information pertaining to the availability of medical personnel and facilities shall be posted at all drilling and well servicing sites by the well drilling contractor or the well service contractor.

(2) An employee shall do all of the following:

(a) Not use equipment until trained in its operating procedures, hazards, and safeguards and until authorized to do so.

(b) Report to the supervisor any equipment or safeguard that is defective.

(c) Use personal protective equipment prescribed by this part.

(d) Replace any guard or safeguard removed for inspection, maintenance, or set up before operating the equipment.

History: 1954 ACS 101, p. 61, Eff. Nov. 23, 1979.

R 408.15712 Personal protective equipment and methods.

Rule 5712. (1) An employee shall wear personal protective clothing and shall use personal protective equipment when working under conditions where there is reasonable potential for injury, illness, or death that can be prevented by their use.

(2) Personal protective equipment prescribed in Part 31. Personal Protective Equipment; Part 32. Head Protection; and Part 35. Face and Eye Protection, being R 408.13101 et seq., R 408.13201 et seq., and R 408.13501 et seq. of the Michigan Administrative Code, shall be worn on the worksite.

(3) Loose or poorly fitted clothing shall not be worn.

(4) An employee shall not work in clothing that is saturated with any flammable, hazardous, or irritating substance. This clothing shall be immediately removed and replaced with suitable clothing after the affected skin area has been thoroughly washed and treated, if necessary.

(5) An employee shall not wear jewelry or other adornments subject to snagging or hanging and causing injury while in the worksite.

(6) An employee with hair of a length as to be a hazard on the worksite shall keep it contained in a suitable manner while working. Hair and beard styles shall not interfere with the wearing of head, eye, face, or respiratory protective equipment.

(7) If chemicals harmful to the skin or eyes are being used, appropriate personal protective equipment shall be provided and worn, and readily accessible facilities shall be available to employees for rapid flushing of eyes and skin areas.

(8) If it is necessary to provide a respirator, it shall be as prescribed by the department of public health in rule OH 3502.

History: 1954 ACS 101, p. 62, Eff. Nov. 23, 1979.

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R 408.15713 Safety belt, lifeline, and lanyard use.

Rule 5713. (1) An employee, when engaged in work 10 feet or more above the rig floor or other working surfaces, shall wear a safety belt with an attached lanyard, except during rig up and rig down.

(2) The safety belt and harness and any lifeline and lanyard shall be used only for safeguarding the employee.

(3) A safety belt, safety harness, lifeline, or lanyard subjected to inservice shock loading, rather than static loading, shall be removed from service and shall not be used again for employee protection.

(4) The safety belt, lifeline, and lanyard shall be constructed, inspected, and maintained as prescribed in rule 3133(2) to (8) of Part 31. Personal Protective Equipment, being R 408.13133 of the Michigan Administrative Code.

History: 1954 ACS 101, p. 62, Eff. Nov. 23, 1979.

R 408.15714 Fire prevention.

Rule 5714. (1) Smoking, open fires, or other potential sources of ignition shall be permitted only in designated areas located at a safe distance from the wellhead or flammable liquid storage areas. Operations or areas which constitute a fire hazard shall be conspicuously posted with a sign, "NO SMOKING OR OPEN FLAME."

(2) Hazardous substances shall be stored in approved containers and properly labeled.

(3) Equipment, cellars, rig floors, and ground areas adjacent to the well shall be kept free from oil or gas accumulations which might create or aggravate fire hazards.

(4) Oxygen, natural gas, or liquefied petroleum gas shall not be used to operate spray guns or pneumatic tools.

(5) Combustible materials, such as oily rags and waste, shall be stored in covered metal containers. The contents shall be disposed of daily.

(6) Gasoline-fueled engines shall be shut down before refueling operations, unless the engine is needed for the control of the operation.

History: 1954 ACS 101, p. 62, Eff. Nov. 23, 1979.

R 408.15715 Fire protection.

Rule 5715. (1) Fire extinguishers shall be located, tagged, inspected, and maintained as prescribed in Part 8. Portable Fire Extinguishers, being R 408.10801 et seq. of the Michigan Administrative Code. In addition to the quantities and locations specified in part 8, the following minimum quantities shall be provided:

(a) Four 20 class B-C rated extinguishers accessible at the drilling rig.

(b) Two 20 class B-C rated extinguishers accessible at the well servicing rig.

(c) One 20 class B-C rated extinguisher at each welding operation.

(2) More or larger extinguishers shall be provided where the type of operation produces greater hazardous conditions.

(3) Fire fighting equipment shall not be tampered with and shall not be removed for other than fire protection and fire fighting purposes.

History: 1954 ACS 101, p. 63, Eff. Nov. 23, 1979.

R 408.15716 Housekeeping.

Rule 5716. (1) Work areas shall be kept reasonably clean and free of debris in order to minimize slip and trip hazards. Hazardous leaks or spills shall be promptly cleaned up to minimize slipping and fire hazards.

(2) Material used for cleaning shall have a flash point of not less than 100 degrees Fahrenheit.

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(3) Means shall be provided to convey any hazardous substances away from the rig floor while pulling wet strings of pipe.

History: 1954 ACS 101, p. 63, Eff. Nov. 23, 1979.

R 408.15717 Wells containing hydrogen sulfide.

Rule 5717. (1) Drilling and servicing of wells shall be as prescribed in the American petroleum institute document, RP49, reissued 1975, recommended practices for safe drilling of wells containing hydrogen sulfide. This document is incorporated herein by reference. The API document may be inspected at the Lansing office of the department of labor. This information may be purchased at a cost of $1.00 from the American Petroleum Institute, 2101 L St., N.W., Washington, D.C. 20037, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) Where hydrogen sulfide or any other unusually hazardous gas is known or suspected to exist, the employer shall advise the employees of the possible exposure involved and shall provide training and personal protective equipment as required in R 408.15711 of this part.

(3) Where it is not necessary to maintain a cellar on wells producing hydrogen sulfide, the cellar shall be filled to eliminate the hazard of accumulation of hydrogen sulfide gas.

History: 1954 ACS 101, p. 63, Eff. Nov. 23, 1979.

R 408.15718 Rig access; ladders, stairways, ramps, platforms, and elevators.

Rule 5718. (1) A rig shall be equipped with stairs, ladders, or ramps. An employee shall not jump from one level to another.

(2) A fixed ladder, stair, ramp, or platform shall be constructed and maintained as prescribed in Part 3. Fixed Ladders and Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10301 et seq. and R 408.10201 et seq. of the Michigan Administrative Code. Where a structural crosspiece of a rig does not allow the required horizontal clearance prescribed in part 3, the clearance may be reduced to not less than 4 inches.

(3) A derrick and mast shall be equipped with a fixed ladder providing access from the rig floor to the crown block platform and to each intermediate platform on the structure.

(4) A minimum of 2 stairways shall be installed to provide alternate exits from the rig floor to ground level when the rig floor height is 6 feet or more.

(5) When a working platform is in the folded (storage) position, the platform shall be secured with not less than 2 fasteners of a safety type that will not vibrate loose or come loose accidentally. Clevis hooks, safety hooks, or other equivalent devices shall be used for this purpose.

(6) When an employee cannot perform necessary duties on a well servicing rig from ground level, a working platform shall be used around the wellhead. The platform shall be of sufficient size and so constructed to allow 2 men to work from it.

(7) Each finger of a finger board shall be bolted, welded, hinged-and-pinned, or attached by other equivalent means to its support beam.

(8) When climbing a rig ladder, tools or other materials shall be properly secured to the employee so that the hands of the employee are free for climbing.

(9) An employee engaged in a well servicing operation may ride an elevator, sometimes called a traveling block, if the employee complies with the following:

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(a) The employee riding the elevator shall wear a safety belt with a lanyard that shall be attached and adjusted to prevent a fall of not more than 5 feet.

(b) The employee shall not ride the elevator when it is under load.

History: 1954 ACS 101, p. 63, Eff. Nov. 23, 1979.

R 408.15719 Auxiliary escape.

Rule 5719. (1) A derrick or mast shall have an auxiliary means of escape for each employee on the platform. The auxiliary means of escape shall be installed as soon as the derrick or mast erection is completed. The auxiliary escape route shall use a specially rigged and securely anchored escape line attached to the derrick or mast so as to provide a ready and convenient means of escape from the derrickman's working platform.

(2) Tension on the escape line shall be periodically checked and adjusted to assure safe landing of the user. Tension shall be such that a person descending on the escape line may stop 20 to 25 feet from the anchor point. The ground anchor point of the escape line shall be located a minimum lateral distance from the derrick or mast equal to the height above the ground where the connecting point of the escape line is secured to the derrick or mast.

(3) To facilitate escape, the ground level area of not less than 10 feet from the derrick floor shall be maintained clear of equipment and supplies not in use or not a part of the drilling or servicing operations.

History: 1954 ACS 101, p. 64, Eff. Nov. 23, 1979.

CONSTRUCTION

R 408.15721 Construction of derricks and masts.

Rule 5721. (1) A derrick, mast, and auxiliary parts shall be substantially constructed to conform to good engineering practice and shall be maintained in safe condition.

(2) A derrick and mast manufactured subsequent to the effective date of this part shall have a permanent nameplate attached to the structure indicating the following:

(a) Name of manufacturer.

(b) Model number and serial number.

(c) Rating including maximum static hook load capacity with number of lines.

(d) Whether guying is applicable and the recommended guying pattern. If guying requirements do not appear on the nameplate, the derrick or mast shall be guyed as prescribed by API SPEC 4E-1974, specification for drilling and well servicing structures, which is herein incorporated by reference and may be inspected at the Lansing office of the department of labor. The specification may be purchased at a cost of $1.50 from the American Petroleum Institute, 2101 L St., N.W., Washington, D.C. 20037, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(3) An employee qualified in procedures for raising and lowering the mast shall be in charge of raising or lowering operations and shall do both of the following:

(a) Visually inspect the raising or lowering mechanism.

(b) Assure that all tools and materials not secured are removed from the mast.

(4) Only an employee required to carry out the operation shall be allowed in or under the mast, unless it is in the fully raised or lowered position.

(5) The mast shall be level and properly positioned before raising, lowering, scoping the structure, or tightening guylines.

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(6) Before imposing any load on a derrick or mast, all required load guys shall be properly tightened.

(7) Mast crown sheaves shall be guarded to prevent the hoisting line from being displaced from the grooves during all operations.

(8) A derrick and mast platform shall be constructed, maintained, and adequately secured to the structure to withstand the weight of employees and other stresses placed upon the platform.

(9) An unguarded opening large enough to permit a person to fall through shall not exist between the beams or main supports of the crown block.

(10) If bumper blocks are used under the crown block beam, a safety cable or strap shall be fastened along their full length with both ends secured to the derrick.

(11) All counterweights above the rig floor, when not fully encased or running in permanent guides, shall have a safety chain or wire rope safety line anchored to the derrick or mast to secure them. The chain and wire rope shall be capable of sustaining the drop load and shall limit the drop of the counterweight to not less than 7 feet from the floor.

(12) Load-bearing hydraulic leveling jacks shall have a safety lock device, double valves, or equivalent.

History: 1954 ACS 101, p. 64, Eff. Nov. 23, 1979.

R 408.15722 Derrick and mast foundations and guying.

Rule 5722. (1) Where necessary to avoid exceeding the safe bearing capacity of soils on the location, supplemental footing capable of distributing the gross weight under maximum anticipated hook load and loads imposed during raising and lowering of the structure shall be provided to distribute to the ground concentrated loads from the derrick or mast and mast mount.

(2) Foundation pads for drilling and well servicing rigs shall be graded and adequately drained. Location sites shall be constructed and maintained so that oil, water, drilling fluid, and other fluids are kept away from the working area but retained at the location site.

(3) Guyline ground anchors shall be the expanding-type anchor, concrete deadmen, or any other type that satisfies the requirements of subdivision (a). Soil conditions, terrain, and use of surrounding land determines the most applicable type of anchor. All anchors shall satisfy the following requirements:

(a) An installed ground anchor, permanent or temporary, shall meet the pullout requirements for the conditions of service. The anticipated climatic conditions, including wind forces, for the geographic area shall be a prime consideration in determining the anchor pullout requirements and pattern spacing. Anchor breaking strength and pullout safety factors shall be in accordance with API SPEC 4E-1974, specification for drilling and well servicing structures, which is incorporated herein by reference in R 408.15721(2) of this part.

(b) Where soil is corrosive, metal components of permanent ground anchors shall be galvanized or otherwise protected against corrosion.

(4) For permanent-type ground anchors, the well operator shall make representative pull tests for the geographical area and size and type anchor involved. Representative pull tests shall be conducted along the anchor working plane. Records of representative anchor pull tests for the area shall be maintained.

(5) Permanent anchors shall be inspected before each use by visually checking. If damage or deterioration is apparent upon inspection, anchors shall be pull tested.

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(6) Temporary ground anchors shall be of such type and so installed to provide pullout strengths which exceed the maximum anticipated guyline pull for the equipment to be used and the conditions of service. Records of representative anchor pull tests for the area and size and type of anchor shall be maintained.

(7) A portable mast, either structural or pole type, that requires use of external guylines to assure stability shall have the external guylines in place immediately following raising and telescoping of the mast.

History: 1954 ACS 101, p. 65, Eff. Nov. 23, 1979.

R 408.15723 Traveling blocks and crown blocks.

Rule 5723. (1) A traveling block and its component parts shall be designed, constructed, and maintained as prescribed in API SPEC 8A-1976, specifications for drilling and production hoisting equipment, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The specifications may be purchased at a cost of $1.50 from the American Petroleum Institute, 2101 L St., N.W., Washington, D.C. 20037, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) A traveling block, crown block, or related equipment shall not be subjected to any load in excess of their designed rating.

(3) A hook for use with a traveling block to which equipment is either directly or indirectly attached shall be equipped with a safety latch to prevent accidental release of the load.

(4) A traveling block exposed to contact shall be guarded at the running nip point of the sheave and shall not be operated unless the guard is in place.

History: 1954 ACS 101, p. 65, Eff. Nov. 23, 1979.

R 408.15725 Electrical installations.

Rule 5725. (1) Except as required in this rule, electrical installations and equipment shall be as prescribed in the national electrical code, NFPA 70-1978, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This code may be purchased at a cost of $5.50 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) Electrical equipment such as, but not limited to, lighting, power tools, and other electrical motors used in hazardous locations shall be designed for such locations and, where practicable, listed by a nationally recognized testing laboratory. All wiring components and electrical equipment shall be maintained in accordance with the original design. Because of exposure to vibration and frequent rig moves, maximum use shall be made of flexible electrical cord intended for hard usage and with inherent resistance to dampness and petroleum products.

(3) Except when used on a well servicing rig, a portable lighting plant not rated for use in class I locations shall be located not less than 100 feet from the wellhead.

(4) A light plant generator shall have an overload safety device to provide protection from arcing in a hazardous area or from a burnout of the generator.

(5) Rig lighting equipment, except that used in a cellar, shall be classified as class I, division 2.

(6) Cellar lighting equipment shall be classified class I, division 1.

(7) The following area classifications shall determine the type of maintenance requirements for electrical equipment on a rig under normal operating conditions.

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When special service operations are being performed, the requirements for electrical installations under the conditions of service listed below shall be followed:

(a) When the derrick or mast is not enclosed or is equipped with a windbreak (open top and V-door) and the substructure is open to ventilation, the areas shall be classified as shown in figure 1 and shall provide not less than 12 complete air changes per hour.

(b) If the rig floor and substructure are enclosed and, as such, provide not less than 12 complete air changes per hour, the areas shall be classified as shown in figure 2.

(c) Where appropriate, the area surrounding a drilling fluid tank located outdoors shall be provided with ventilation of not less than 12 complete air changes per hour and shall be classified as shown in figure 3.

(d) If the drilling fluid tank is enclosed or located so as to provide not less than 12 complete air changes per hour, the areas shall be classified as shown in figure 4.

(e) The areas surrounding a shale shaker with ventilation of not less than 12 complete air changes per hour shall be classified as shown in figure 5.

(f) When the shale shaker is enclosed, the area within the enclosure shall be classified as class I, division 1.

(g) If an open fluid ditch or trench is used to connect between drilling fluid tanks, or between the drilling fluid tank and shale shaker, or open drilling fluid pits, and if ventilation of not less than 12 complete air changes per hour is provided, the areas shall be classified as shown in figure 3 for tanks.

(h) The area surrounding the drilling fluid pump shall not be considered hazardous unless it is so classified due to proximity of another hazardous component or facility.

(8) Motors and other electrical equipment shall be classified as prescribed in figures 1 to 5 in subrule (7).

(9) Direct current (DC) rotary, draw works, cathead, and pump motors in a classified area shall have an enclosed cooling system or shall be purged with air from a safe source. Air units supplying purged air shall be located at the input end of the system to provide positive pressure on the ducting and motors.

(10) All electrical extension cords shall be properly insulated with both male and female plugs, and the cord shall be in good condition.

(11) Lamps and reflectors shall be kept clean to provide illumination.

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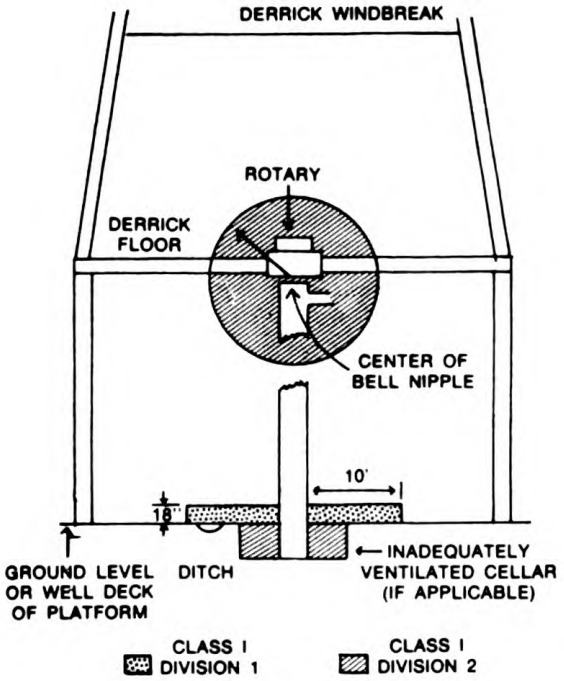


FIGURE 1

Derrick and Substructure
With Adequate Ventilation
(Open Top and V-Door Area)

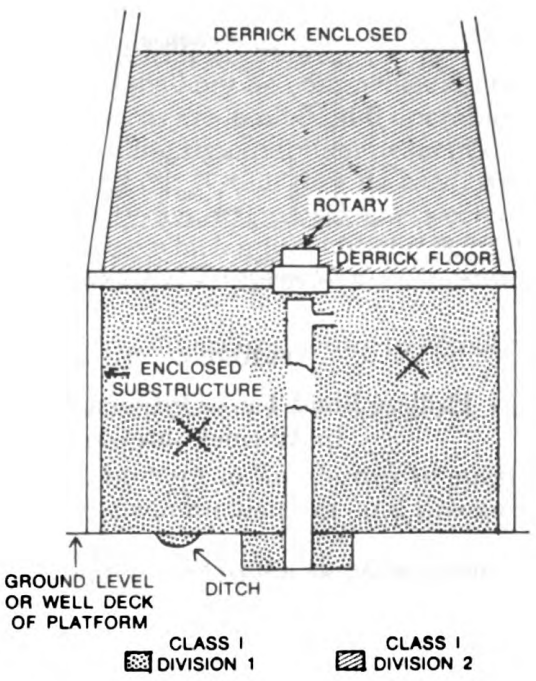


FIGURE 2

Enclosed Derrick (Open Top)
Inadequately Ventilated
Substructure

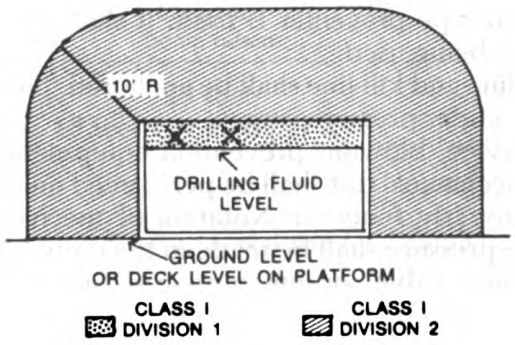


FIGURE 3

Drilling Fluid Tank Or Open Sump
With Adequate Ventilation

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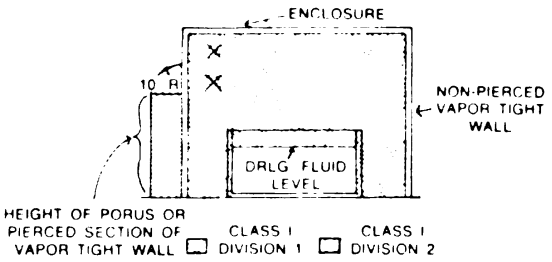


FIGURE 4

Drilling Fluid Tank Or Open Sump In An Enclosure

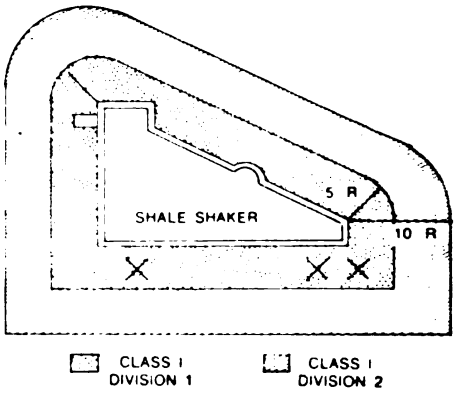


FIGURE 5

Vibrating Shale Shaker With Adequately Ventilated Area

History: 1954 ACS 101, p. 66, Eff. Nov. 23, 1979.

R 408.15726 Blowout prevention equipment.

Rule 5726. (1) Before drilling out under surface casing, blowout prevention equipment shall be installed and maintained throughout the drilling operation.

(2) The blowout prevention equipment shall be as prescribed in the API RP53-1976 document, recommended practices for blowout prevention equipment systems, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This information may be purchased at a cost of $2.50 from the American Petroleum Institute, 2101 L St., N.W., Washington, D.C. 20037, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(3) Where a ram-type preventer is used, it shall contain pipe rams to enable closure on the pipe being used.

(4) The choke line and kill line shall be anchored, tied, or otherwise secured to prevent whipping under pressure surges.

(5) While in service, blowout prevention equipment shall be inspected daily and a preventer mechanical test shall be performed on each tour to insure that the preventers will properly function. Notation of mechanical tests and the anticipated well surface pressure shall be made in the daily log book.

(6) A pipe fitting, valve, or union placed on or connected with blowout prevention equipment, well casing, casinghead, drill pipe, or tubing shall have a working pressure rating suitable for the maximum anticipated well surface pressure.

(7) Pressure testing of each component of the blowout preventer equipment shall be conducted before drilling out any string of casing, except conductor pipe. Drilling shall not proceed until blowout prevention equipment is found upon testing to be serviceable.

(8) If a blind ram is closed for any purpose, the valve on the choke line or relief line below the blind ram shall be opened before opening the ram to bleed off any pressure.

(9) Each rig employee shall have adequate training and understanding of, and be able to operate, the blowout preventer system.

History: 1954 ACS 101, p. 68, Eff. Nov. 23, 1979.

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EQUIPMENT

R 408.15731 Machinery, tools, and equipment generally.

Rule 5731. (1) Well operations involving the rig shall not be commenced until the rig is rigged up in a safe manner and the safeguards are in place and operable.

(2) A lockout system shall be established for drilling rig equipment, except on draw works, slush pumps, and rotaries where a tag out system may be used. An employee shall be trained in the use of a lockout system to prevent unexpected energizing of any equipment from any energy source which might inflict injury to personnel. A lock or tag shall not be removed without the approval of the person who installed it or his authorized replacement.

(3) A maintenance employee shall report to the rig supervisor before beginning repairs and when repairs are completed.

(4) Rig power shutdown devices shall be checked at least once each week to determine that they are in proper working condition.

(5) Tools, parts, and other materials shall not be kept in the derrick or mast above the rig floor unless there is occasion for their immediate use and precautions are taken to prevent them from falling.

(6) Every rig shall be equipped with a safety valve with connection suitable for use with each size and type of tool joint or pipe coupling being used on the job. A means shall be provided to circulate the well.

(7) Any overhead wire shall be considered an energized line until a representative of the owner or utility has checked and indicated otherwise. Before any equipment is erected or moved near a power line, the owner or utility representative shall be notified. Except where electrical power lines and equipment have been de-energized and visibly grounded at the point of work, or where an insulating barrier, not a part of the equipment, has been erected, or where the employee is insulated or isolated from the equipment, clearances shall be maintained pursuant to the following:

Voltage	Clearance boom raised	Clearance in transit with boom lowered and no load
To 49 KV	10 feet	4 feet
Over 50 KV	10 feet + .4 inch per KV	
50 to 345 KV		10 feet
346 to 750 KV		16 feet

(8) A gin pole truck used in preparing and during a drilling operation shall be as prescribed in R 408.15745.

History: 1954 ACS 101, p. 68, Eff. Nov. 23, 1979.

R 408.15732 Guylines and hoisting lines.

Rule 5732. (1) A guyline shall be maintained in good condition and shall be of a strength, including auxiliary devices such as chains, boomers, and clamps, capable of withstanding loads for the anticipated service conditions. A guyline shall have a safety factor of 3.

(2) Each guyline shall be visually inspected before each rig up. A guyline shall be removed from service and replaced if in any length of 10 diameters the total number of visible broken wires exceeds 10% of the total number of wires in the line or if the guyline shows other signs of excessive wear, corrosion, or defect.

(3) Wire rope used for hoisting purposes shall be of a strength to safely lift and otherwise handle anticipated loads under the conditions of service. The maximum

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allowable hoisting line working load shall be based on a minimum safety factor of 3 for normal operations. A minimum safety factor of 2 is allowed when setting casing, pulling on stuck pipe, or while engaging in similar infrequent operations.

(4) A damaged portion of a hoisting line shall be removed from service when any of the following conditions exist:

(a) Three broken wires are found in 1 lay of 6 by 6 wire rope.

(b) Six broken wires are found in 1 lay of 6 by 19 wire rope.

(c) Eight broken wires are found in 1 lay of 8 by 19 wire rope.

(d) Nine broken wires are found in 1 lay of 6 by 37 wire rope.

(e) Wire ropes not covered herein are found to have 4% or more of the total number of wires composing such rope broken in 1 lay.

(f) Marked corrosion appears.

(g) Corroded or broken wires are noted at end connections.

(h) End connections are corroded, cracked, bent, worn, or improperly applied.

(i) Evidence is noted or kinking, crushing, cutting, or unstranding.

(5) When the hoisting line is placed on the hoisting drum, the end shall be securely fastened and there shall be not less than 7 line wraps remaining on the drum at the lowest operating position of the traveling block.

(6) A deadline anchor for a hoisting line shall be so constructed, installed, and maintained that its strength equals or exceeds the working strength of the hoisting line.

(7) When a ton-mile calculation indicates or an inspection reveals that the hoisting line safety factor has been materially reduced, the line shall be slipped, cut, or replaced.

(8) A hoisting line under load shall not be allowed to come in contact with any part of the derrick or mast, stationary equipment, or material in the structure, except at the crown block sheaves, traveling block sheaves, a turnback roller, and a line stabilizer, when needed.

(9) The hoisting line shall not be removed from the hoisting drum until the traveling block is rested on the rig floor or held suspended by a separate wire rope or chain.

History: 1954 ACS 101, p. 69, Eff. Nov. 23, 1979.

R 408.15733 Draw works.

Rule 5733. (1) A visual inspection of the draw works and its working parts shall be made at least once each day.

(2) The equipment operator shall not leave the draw works brake without tying the brake down or securing it with a catch lock, unless the draw works is equipped with an automatic feed control.

(3) An emergency shutdown switch for a draw works engine or motor shall be located at the draw works drum control console.

(4) A draw works used for well drilling shall be equipped with a device which actuates an emergency stop of the drum and engages the brake when the maximum wraps on the drum have been reached or shall be equipped with a crown safety device which achieves equal or better protection. Either device shall be tested at rigup and at least once each week thereafter when in use or when the hoisting line system is changed.

(5) Tension shall be applied by a catline tugger or other means when running the initial wraps on the draw works.

History: 1954 ACS 101, p. 70, Eff. Nov. 23, 1979.

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R 408.15734 Catheads.

Rule 5734. (1) A cathead on which a rope is manually operated shall have a rope guide to hold the onrunning rope in alignment with its normal running position against the inner flange. Clearance of the rope guide shall be a maximum of ⅜ inch from the cathead.

(2) The fasteners for the guides and housing shall be secured against loosening by safety wires or other equivalent means.

(3) Precautions shall be taken to prevent entanglement of other lines with a line in use on a cathead.

(4) When a cathead is unattended, a rope or line shall not remain wrapped on or in contact with the cathead.

(5) A qualified employee shall attend the draw works control when a manually operated cathead is in use.

(6) A cathead shall be checked for grooves and rebuilt and turned when necessary to prevent fouling. Cathead groove depth shall not exceed ¼ inch.

(7) A headache post or guard shall be provided for protection of the employee at the draw works controls when the line is in close proximity of the operator during operation of a catline, jerkline, or spinning line.

(8) An automatic cathead and its mechanism shall be maintained in safe working condition.

(9) A splice shall not be allowed to contact the cathead friction surface, with the exception of endless rope properly spliced.

History: 1954 ACS 101, p. 70, Eff. Nov. 23, 1979.

R 408.15735 Drill collars.

Rule 5735. Safety clamps used on a drill collar, flush-joint pipe, or similar equipment to prevent the collar, pipe, or equipment from falling in the well when not held by the elevators shall be removed from such equipment before hoisting continues.

History: 1954 ACS 101, p. 70, Eff. Nov. 23, 1979.

R 408.15736 Weight indicators.

Rule 5736. (1) A weight indicator shall be installed on the drilling line and used on all operating drilling and well servicing rigs. It shall be so constructed, installed, and maintained as to register an indication ± 5% at maximum hook loading of the suspended load.

(2) The weight indicator shall be checked monthly for calibration by comparing its reading with the calculated drill string or tubing string weight with adjustments made as necessary.

(3) The weight indicator shall be mounted so the gauge is easily visible to the operator standing at the brake position.

(4) When the weight indicator is installed at a position of 6 or more feet above the work floor, it shall be secured to the derrick or mast by a separate safety line.

History: 1954 ACS 101, p. 70, Eff. Nov. 23, 1979.

R 408.15737 Drilling fluid tanks.

Rule 5737. (1) A pit or tank used to circulate flammable materials shall be located not less than 100 feet from the well. Equivalent safety measures shall be taken where terrain and location conditions do not permit maintaining such distance.

(2) A fixed drilling fluid gun used for jetting shall be pinned or hobbled when in use and unattended.

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(3) When necessary for an employee to enter a drilling fluid tank, the requirements of R 408.15725 of this part, if applicable, and rule 16 of Part 1. General Rules, being R 408.10016 of the Michigan Administrative Code, shall be followed.

(4) An electric motor-driven blower used for ventilation shall be of an appropriate electrical classification for the area in which the blower is located.

History: 1954 ACS 101, p. 71, Eff. Nov. 23, 1979.

R 408.15738 Pipe racks.

Rule 5738. (1) Pipe shall be handled at the ends during manual pipe loading and unloading operations and during transfer between pipe racks.

(2) An employee shall not go between the pipe rack and a pipe truck or trailer during loading, unloading, or transfer operations.

(3) Provision shall be made to prevent pipe from accidentally rolling off a pipe rack or truck.

(4) During transfer operations between the truck and the pipe rack, temporary supports for skidding or rolling the pipe shall be so constructed, placed, and anchored to support the load to be placed on them.

(5) Pipe and drill collars racked in the derrick or mast shall be secured to prevent them from falling across the derrick or mast.

History: 1954 ACS 101, p. 71, Eff. Nov. 23, 1979.

R 408.15739 Pressure equipment.

Rule 5739. (1) An air receiver shall be designed, installed, and used as prescribed in MIOSHA standard 1910.169, air receivers, which was adopted by reference by section 14 of Act No. 154 of the Public Acts of 1974, as amended, being §408.1014 of the Michigan Compiled Laws.

(2) A relief valve discharge shall be located and anchored so as to prevent a hazardous condition due to sudden discharge or piping movement.

(3) In normal operation, pumps, piping, hoses, valves, and other fittings shall not be operated at pressures greater than their rated working pressure and shall be maintained in good operating condition. Test pressures shall not exceed the design test pressure. Pumps, piping, hoses, and safety relief valves shall be of a design that meets the requirements of the operating conditions to be encountered.

(4) The shale shaker motor shall be of a type approved for class I, division 1 service and shall be properly maintained.

(5) Repairs to electrically driven pressure equipment shall not be performed unless the energy source has been interrupted at the switch box and the control has been locked.

History: 1954 ACS 101, p. 71, Eff. Nov. 23, 1979.

R 408.15740 Rotary tables and tongs.

Rule 5740. (1) The operator shall not engage the rotary clutch until the rotary table is clear of all employees and materials.

(2) Rotary table power shall not be used to accomplish initial breakout of tool joint, but may be used for spinning out once initial breakout is effected.

(3) A tong shall be:

(a) Securely attached and anchored with wire rope or stiff arm.

(b) Properly maintained and repaired when excessive wear occurs. All tongs and tong heads, including dies shall be inspected for size and condition, repaired, and greased before every trip.

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(4) A fitting used to attach a back-up line to the derrick or back-up post shall have a minimum breaking strength equal to the breaking strength of the cable attached to the fitting.

(5) A power tong:

(a) Shall be backed up with a device able to withstand the maximum torque of the power tool.

(b) With front openings shall have the front doors in proper working order.

(6) When working on a power tong head, the power input pressure line shall be disconnected as prescribed in rule 32 of Part 1. General Rules, being R 408.10032 of the Michigan Administrative Code.

(7) A tong pressure line shall be equipped with a safety relief valve, and pressure shall never be set higher than the rated capacity of the tong.

History: 1954 ACS 101, p. 71, Eff. Nov. 23, 1979.

SPECIAL SERVICES

R 408.15741 Special services generally.

Rule 5741. (1) The supervisor of the special service shall hold a pre-job meeting with his crew to review responsibilities for the operation to be performed.

(2) Each tubing string of multiple-completion wellheads shall be identified by marking.

(3) Welding shall not be performed in the immediate wellhead area during wireline operations.

(4) Wherever possible, the service unit shall be located on the upwind side of the wellhead and spotted where the crew has optimum visibility and can work unobstructed.

(5) Any discharge of large quantities of oil or gas to the atmosphere shall be to a safe area, preferably on the downwind side of the well and a minimum of 100 feet from the wellhead, an open flame, and other sources of ignition.

(6) A frozen flow line shall not knowingly be flexed or hit.

(7) A gin pole truck used in special services for oil and gas wells shall be as prescribed in R 408.15745.

History: 1954 ACS 101, p. 72, Eff. Nov. 23, 1979.

R 408.15742 Special services equipment; tanks, pump units, and communications.

Rule 5742. (1) A service unit engine shall be equipped with an emergency shutdown device, the control of which shall be located at the operator's console.

(2) A tank for flammable material shall be set so that if tanks leak, fluid will drain away from the well and equipment, or provisions shall be made to contain any leaked fluid.

(3) Electric power to the pumping unit shall be de-energized and locked out such a distance from the wellhead as to eliminate potential electrical hazards during well servicing operations. In confined locations, overhead electric power to the pumping unit control panel shall be de-energized.

(4) When operations are to be conducted around a pumping unit, the brake shall be set; if the pumping unit is stopped with counterweights in other than the down position, additional means shall be effected to prevent any movement of the counterweights or beam.

(5) After well servicing operations are completed, precautions shall be taken before energizing the power source to determine that all personnel and equipment are clear of weight and beam movement.

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(6) Brake systems on all pumping units shall be maintained in safe working order.

(7) All equipment shall be located so that equipment operators can see the employee in charge during operations so that alternate specific arrangements can be made to assure adequate communication.

(8) Signals between supervisors and employees shall be agreed upon and fully understood before initiation of operations. Where more than 1 employer is involved in a drilling or service operation, coordination of activities and communication shall be accomplished so that the employees are protected at all times.

(9) Communications equipment shall be in good working order before commencing operations.

(10) Employees shall be out of the derrick and cellar and stand clear when a subsurface pump is being unseated or when the initial pull on tubing is made.

History: 1954 ACS 101, p. 72, Eff. Nov. 23, 1979.

R 408.15743 Treating and cementing discharge lines.

Rule 5743. (1) Before initiating well servicing operations, the well shall be checked for pressure and proper steps shall be taken to remove the pressure or to ensure safe operation under pressure.

(2) A treating or cementing discharge line shall not be placed under any mobile equipment nor shall any mobile equipment be spotted over any such line.

(3) A discharge pressure line shall include sufficient flexible joints to avoid line rigidity and minimize vibration at the wellhead.

(4) When using an open-ended flow discharge line to flow or bleed off a well, the line shall be secured at the wellhead, at the end of the flowline, and at intermediate intervals along the line to secure each joint. The flow discharge line shall be anchored before opening the wellhead control valve.

(5) All pressure shall be bled from a discharge line before breaking out or rigging down the line.

(6) After a hazardous substance has been pumped, all discharge lines shall be properly flushed before breaking out.

History: 1954 ACS 101, p. 72, Eff. Nov. 23, 1979.

R 408.15744 Lubricator operations.

Rule 5744. (1) A lubricator, including the swages and unions, shall be visually inspected for defects before use. Any defects that may affect safe operations shall be corrected before installation.

(2) All valves and gauges shall be checked to be certain that there is no pressure on the lubricator before working on or removing it.

(3) When a lubricator is installed on a wellhead, an outlet below the lubricator shall be provided for well control operations.

(4) When downhole tools are being run on a wireline in wells where surface pressure is suspected, a lubricator or other equivalent control device shall be used to allow removal of the tools under pressure.

(5) Only employees essential to the conduct of ongoing operations shall be permitted near the pressurized lubricator, flow lines, and wellhead.

(6) Wellhead adapters, wireline valves, and lubricating equipment shall be operated within their working pressure rating.

(7) Hammering or otherwise striking on a lubricator or connection shall not be permitted while it is subjected to pressure.

(8) A threaded connection or union on lubricators shall not be loosened or tightened while it is subjected to pressure.

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(9) A lubricator needle valve shall be operated after the pressure has been bled down to ensure that ice or other foreign matter is not plugging off the small needle valve opening.

(10) When handling the lubricator with a rig catline, air hoist, or other type of hoisting equipment, the line shall be snug against a union. The catline or hoist line shall not be tied in the middle of a section of lubricator.

(11) When breaking a quick-thread union that is secured with a single bolt, the bolt shall be left in place with at least 1 full nut of threads engaged until after the union has been knocked loose. After the union has been knocked loose, the connection shall be moved to make certain the ring seal is broken and pressure has been released.

(12) A lubricator, 26 feet or more in length, shall be properly guyed or held vertical when in use.

History: 1954 ACS 101, p. 73, Eff. Nov. 23, 1979.

R 408.15745 Gin pole trucks.

Rule 5745. (1) The hoisting of a gin pole truck used in special services to an oil and gas well shall comply with all of the following:

(a) Have a safety factor of not less than 4. Worn parts that could adversely affect the safety of the operation shall be replaced.

(b) Not be used to lift or pull more than the wire rope rated capacity.

(c) Have the wire rope and connecting pins inspected at least once a month.

(2) Wire rope used on a gin pole truck shall be replaced if the monthly inspection shows any of the following conditions:

(a) In any length of 8 diameters, the total number of visible broken wires exceeds 10% of the total number of wires.

(b) The wire rope has been kinked, crushed, birdcaged, or has sustained other damage which distorts the rope structure.

(c) The rope shows heat or corrosive damage.

(3) There shall be not less than 2 complete wraps on the hoist drum when any load being hoisted is at its lowest point.

(4) An employee shall not be permitted to ride a hoisted load.

(5) The hoist controls shall be located at a point where the operator cannot contact the rope or drive, or the pinch and nip points shall be guarded.

(6) If a wire rope is wrapped around a load, there shall be no undue stress on the rope at the connecting point.

(7) The hoist brake shall be capable of holding 1½ times the rated load.

History: 1954 ACS 101, p. 73, Eff. Nov. 23, 1979.

WIRELINE SERVICE

R 408.15751 Wireline service generally.

Rule 5751. (1) Wireline wipers shall be secured to prevent displacement.

(2) Oil savers shall be adjusted only by remote control while the wireline is in motion.

(3) Except for an employee of the wireline service company, an employee shall not be permitted closer than 6 feet to a moving wireline when working between the wireline unit and the well.

(4) The wireline valve, sometimes called a wireline blowout preventer, shall be visually inspected during opening and closing each time it is installed on a well. It shall be pressure tested monthly in full closed position to the rated working pressure of the valve.

History: 1954 ACS 101, p. 74, Eff. Nov. 23, 1979.

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R 408.15752 Placement and handling of wireline service units.

Rule 5752. (1) If a fracturing or hot oil unit is on the location, the wireline unit shall be located as far away from either unit as is practicable. The unit shall be located so that a means of emergency egress is available facing away from the fracturing or hot oil unit.

(2) A mobile wireline service unit working on land locations shall be properly chocked or spaded. If not spaded, a minimum of 2 chocks shall be used, 1 behind each rear wheel toward the wellhead.

(3) A portable or skid-mounted wireline service unit shall be properly secured to prevent any uncontrolled movement of the unit when a load is taken on the line.

(4) A wireline service unit shall be located in a manner that will not interfere with the entrance or exit of an employee from that unit or other service unit.

History: 1954 ACS 101, p. 74, Eff. Nov. 23, 1979.

R 408.15753 Gin poles and rope falls.

Rule 5753. (1) A gin pole shall be properly attached to the wellhead or christmas tree with a chain and ratchet load binder in a manner that prevents movement when the load is being handled. A chain and ratchet binder used to attach the gin pole to the wellhead or christmas tree shall be of a proper size and strength to support the anticipated load to be handled.

(2) When the gin pole and rope falls are being used to lift the lubricator or any other heavy object, the load shall be pulled from as near a vertical position as practicable.

(3) A splice shall not be permitted in the entire length of rope of a rope fall, except where the dead end is tied off.

(4) The rope shall be inspected at the beginning of each job to assure that it has not been partially cut, frayed, or exposed to chemicals that may weaken it. A rope that has been weakened by being cut or frayed or that has been in contact with damaging chemicals shall be immediately replaced.

(5) The blocks of a rope fall shall be inspected at the beginning of each job for shaft wear, condition of bearings, or damaged or worn sheaves that may cause rope damage. A block showing excess wear or damage shall be immediately replaced.

(6) A wire sling or equivalent that has been inspected for defects before installation shall be used for the purpose of securing the lower wireline sheave. The sheave shall be attached to a primary rig beam, blowout preventer, or permanent stable fixture.

(7) A sheave wheel shall be painted yellow.

(8) A pin used in the makeup of a sheave wheel shall be secured with a cotter or safety type pin.

History: 1954 ACS 101, p. 74, Eff. Nov. 23, 1979.

R 408.15754 Wellheads, wellhead connections, and adapters.

Rule 5754. (1) Except under emergency conditions and with due regard for potential hazard, wireline operations equipment shall not be rigged up on any wellhead if the surface pressure exceeds or is expected to exceed the maximum rated working pressure of the wellhead and wellhead equipment.

(2) In wireline operations where the weight and pull of the tools is to be supported by the lubricator, the swage from the wellhead to the lubricator equipment shall be machined from AISI 4130 steel or better.

History: 1954 ACS 101, p. 74, Eff. Nov. 23, 1979.

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R 408.15755 Lubricator operations for wireline service.

Rule 5755. (1) Lubricator equipment for wireline service, except a swabbing lubricator, shall be manufactured and fabricated pursuant to the applicable provisions of the power piping code for pressure piping, ANSI B31.1-1977, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $50.00 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) A lubricator shall be equipped with a purging device.

(3) A visual pressure test check of all sections of the lubricator shall be made at intervals not to exceed 6 months. The pressure test using cold water shall be made to at least 1½ times the lubricator working pressure, but shall not exceed its rated test pressure. The wireline valve shall be tested in both the open and closed position.

(4) The maximum working pressure of all sections of the lubricator, including the stuffing box, wireline valve, connections, and adapters shall not be exceeded except for purposes of testing.

(5) Each high-pressure lubricator, wireline valve, oil saver, and stuffing box having a working pressure of 5,000 psi or greater shall conform to the following:

(a) A lubricator shall have a minimum of 2 bleeder valves located for convenience of operation. The 2 bleeder valves shall be opened when bleeding pressure from the lubricator.

(b) Radiographic sonic die penetrant or magnetic particle end area inspection for cracks shall be effected on high-pressure lubricators, stuffing boxes, valves, connections, and adapters at least once every 12 months. A record of the inspection shall be kept on file for future reference.

(c) Each section of a 10,000 psi or greater working pressure lubricator shall be marked for identification purposes with a permanent serial number and its maximum rated working pressure. The marking shall not reduce the working pressure.

(d) All pressure tests specified in R 408.15755(3) shall consist of the following 3 sequences:

(i) A primary pressure holding period.

(ii) Reduction of pressure to zero.

(iii) A second pressure holding period.

Both pressure holding periods shall be a minimum of 3 minutes, with the time being started when the test pressure has been reached and the external surfaces have been thoroughly dried. Each pressure test shall be documented.

(6) Equipment used on a well that produces hydrogen sulfide (H_2S) shall be as prescribed in the NACE standard, MR-01-75, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The standard may be purchased at a cost of $5.00 from the National Association of Corrosion Engineers, P.O. Box 986, Katy, Texas 77450, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 101, p. 75, Eff. Nov. 23, 1979.

R 408.15756 Wireline operations.

Rule 5756. (1) When handling a wireline that recoils when extended, the loose end shall not be left unsecured.

(2) If slack line occurs while tools are in the hole, the wireline shall be clamped off at the wellhead before working with the loose line. Rope shall not be used to

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tie off the wireline clamp. The clamp shall be tied off with a chain or soft-laid cable with sufficient strength to withstand any load to which it may be subjected.

(3) Hands, rags, and other objects shall be kept clear of sheave wheels while the line is in motion.

(4) A mast or gin pole truck used in wireline operations shall not be moved from 1 location to another nor driven on public roads with the mast or pole in a vertical or semivertical position.

(5) A gin pole mounted on a truck shall be securely fastened when the poles are in a vertical or semivertical position.

(6) If a top or side opening of a compartment door on a wireline service truck is opened, it shall be securely latched or fastened so that wind or vibration of the truck cannot cause the door to close or fall.

History: 1954 ACS 101, p. 75, Eff. Nov. 23, 1979.

R 408.15757 Perforating.

Rule 5757. (1) Devices containing an explosive, such as a perforating gun or sand line cutter, shall be handled only by a qualified employee.

(2) Electrical grounding between the wellhead, service unit, and rig structure shall be made before operating a tool using an explosive. A periodic check shall be made to ensure that all units are grounded.

(3) All unnecessary employees shall be kept away from a perforating gun while the gun is being armed, placed in the well, removed from the well, and disarmed.

(4) A radar or radio transmitting unit shall not be operated within 500 feet of any perforating operation. Warning signs shall be posted or other appropriate measures taken so that all radio transmitting units will be shut off within 500 feet of perforating operations.

(5) The perforating operation shall be suspended or the loaded gun safely isolated if an electrical storm or severe wind is imminent in the job area.

(6) Only a galvanometer or safety meter approved by the institute of makers of explosives shall be used for checking the continuity of blasting cap circuits.

(7) Shortcuts such as a circuit "jumper" or a wired around switch shall never be used on perforating equipment.

(8) A circuit alteration shall not be made while a perforating gun is attached to the cable head, unless the gun is 100 feet or more down the wellbore.

(9) When checking cable continuity using service unit electric current (AC or DC), the cable head or end of the cable shall be located in the vicinity of the unit where the employee applying the current can see the cable head.

(10) Before arming a bullet or shaped charge gun, the conductor wire and armor shall be temporarily shorted to eliminate any capacitance charge that may exist in the cable.

(11) Primacord shall be separated from a blasting cap before assembly on location. The cap and booster shall be crimped only with an approved crimper. Primacord shall be cut with primacord cutters or a sharp blade and shall never be cut with diagonal cutters.

(12) A blasting cap and unattached booster shall be transported in an approved cap box. Only the cap and booster for immediate use shall be removed from the cap box. The shunt on the cap leg wires shall remain in place until the cap is wired into the circuit.

(13) Upon completion of the perforating operation, the work area shall be inspected and all explosive materials and scraps shall be removed from the site by a qualified employee.

History: 1954 ACS 101, p. 76, Eff. Nov. 23, 1979.

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OTHER SPECIAL SERVICE OPERATIONS

R 408.15761 Stripping and snubbing.

Rule 5761. (1) Stripping a well shall be performed under close surveillance by a responsible supervisor. Reasonable methods of well control shall be employed.

(2) An individual escape line shall be rigged and available for each employee working atop hydraulic snubbing equipment.

(3) Gasoline engines shall not be used on snubbing operations.

(4) Before commencing snubbing operations, the snubbing tower shall be properly guyed if not otherwise supported.

(5) Pumps, power packs, tool boxes, and doghouses shall be located so as not to contact flow lines or bleed-off lines in the event 1 of these lines bursts.

(6) The pump unit shall be located where the pump operator can be seen by the snubbing operator. When this is impossible, 2-way voice communications shall be established.

(7) Well pressure shall be monitored by an employee at all times.

(8) Pipe snubbed into the wellbore shall have at least 1 landing nipple near the lower end of the pipe string to receive a back pressure valve or blanking plug.

(9) Snubbing operations shall not be performed while welding is being done in the immediate vicinity of the wellhead.

(10) The volume of all fluids pumped into or bled from the well during any snubbing or stripping operations shall be measured to assist in well control.

(11) All employees involved in stripping or snubbing operations shall be made aware of the established maximum pressure limit under which safe stripping or snubbing procedures are permissible.

History: 1954 ACS 101, p. 76, Eff. Nov. 23, 1979.

R 408.15762 Drill stem testing generally.

Rule 5762. (1) The supervisor in charge shall hold a crew meeting before going in the hole for a drill stem test.

(2) Measures shall be taken to exclude unauthorized employees from the area before and during drill stem testing operations.

(3) Drilling fluid density and viscosity shall be checked and maintained within specification limitations to minimize blowout possibilities.

(4) Fill up lines shall be installed above the blowout preventer to keep the casing full of drilling fluid and shall be used only for this purpose. Provisions for the kill line shall be made separately.

(5) A test line connection to the control head shall be securely fastened to the elevator bail.

(6) Every test plug used above the rig floor shall be attached to the elevator link by safety cable or chain.

(7) A reversing valve shall be incorporated in the test tool assembly to be able to reverse out in case of an emergency.

(8) The swivel and kelly hose shall not be used as part of the test line.

(9) A safety valve shall be readily available for emergency use on the rig floor while going in and coming out of the hole.

(10) A test line shall be laid to a reserve pit or test tank and securely anchored.

(11) If hydrogen sulfide is suspected or known to be present in the area, the provisions of R 408.15717 shall be followed.

History: 1954 ACS 101, p. 77, Eff. Nov. 23, 1979.

R 408.15763 Performing the drill stem test.

Rule 5763. (1) The fluid level in the casing shall be monitored at all times

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while going in and coming out of the hole during a drill stem test to ensure that the hole is kept full and that swabbing does not occur.

(2) The mud box shall be hooked up and ready for use before the drill stem test tool is pulled out of the hole.

(3) The rig floor shall not be left unattended during the drill stem test.

History: 1954 ACS 101, p. 77, Eff. Nov. 23, 1979.

R 408.15764 Acidizing, fracturing, and hot oil operations.

Rule 5764. (1) During acidizing, fracturing, and hot oil operations, all lines connected from the pumping equipment to the christmas tree or wellhead shall have a check valve installed as near the well as possible. In addition, when a multipump manifold is used, a check valve shall be placed in each discharge line as near the other manifold as possible.

(2) When used, pressure recording equipment shall be located as far as practical from the wellhead and discharge line.

(3) When pumping flammable fluid:

(a) Blending equipment shall be grounded and equipment unloading sand into the hopper shall be bonded to the blending equipment.

(b) The lines containing the flammable fluid shall not be laid under any vehicle.

(4) A pretreatment pressure test on a pump discharge line shall be made at a pressure not less than the maximum expected treating pressure specified by the operator.

(5) An employee not directly involved in the operation shall remain outside a designated minimum distance during all pressure testing and pumping operations.

(6) A qualified employee shall do both of the following:

(a) Check to see that all valves in discharge lines are open before pumping.

(b) See that all flammable fluid spilled on location is cleaned up or covered before initiating pumping operations.

History: 1954 ACS 101, p. 77, Eff. Nov. 23, 1979.

R 408.15765 Pumping operations; acidizing, fracturing, and hot oil operations.

Rule 5765. (1) A pump operator shall remain at the designated position while the pump is in operation, unless relieved by an authorized employee as directed by the qualified employee on that job.

(2) A bleed-off line attached to the well or pump discharge shall be staked down or secured to prevent movement.

(3) While pumping a flammable fluid, all fires, electrical equipment, and internal combustion equipment not used in performance of the job shall be shut down.

(4) A flammable fluid shall not be bled back into open measuring tanks on equipment designed for pumping.

(5) Spilled oil or acid shall be covered or properly disposed of as soon as practicable.

History: 1954 ACS 101, p. 78, Eff. Nov. 23, 1979.

R 408.15766 Cementing operations.

Rule 5766. (1) Unauthorized employees shall remain outside a designated area during all pressure testing and pumping operations.

(2) A pump discharge line shall be tested to a pressure equal to the maximum cementing pressure specified by the qualified employee before commencing operations.

(3) A qualified employee shall check to see that each valve in the pump discharge line is open before pumping.

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(4) The cement head and loops shall be secured to an elevator bail or traveling block.

(5) During operations, each pump operator shall remain at his designated position while the pump is in operation, unless relieved as directed by a qualified employee.

History: 1954 ACS 101, p. 78, Eff. Nov. 23, 1979.

R 408.15767 Training for gas, air, and mist drilling operations.

Rule 5767. (1) Each employee directly involved in gas, air, or mist drilling operations shall receive on-the-job training in the use of emergency shutoff equipment, blowout preventer, and fire fighting equipment.

(2) Each employee shall be familiar with the air or gas supply line system to the stand pipe.

History: 1954 ACS 101, p. 78, Eff. Nov. 23, 1979.

R 408.15768 Procedures for gas, air, and mist drilling operations.

Rule 5768. (1) The stripper rubber in the circulating head shall be inspected by a qualified employee at least once each tour. If any leaks are found, immediate action shall be taken to change out the stripper rubber.

(2) Pipe connections carrying gas or air to or from the wellbore shall be made up leak free. Lines and connections shall be frequently inspected by a qualified employee and maintained free of leaks.

(3) A blooey and bleed-off line shall not be less than 150 feet in length or equivalent safety measures shall be taken. The blooey and bleed-off line shall be located downwind of the rig for the prevailing wind direction. Equivalent safety measures shall be taken for other wind conditions. A blooey or bleed-off line shall be laid as straight and free of sags as practical from the wellbore and shall be securely anchored.

(4) In gas drilling operations, a shutoff valve shall be installed on the main feeder line not less than 150 feet from the wellhead. In air drilling operations, the shutoff valve shall be installed in the main feeder line near the compressors.

(5) An air compressor shall be located not less than 10 feet from the wellbore or equivalent safety measures shall be taken.

(6) The compressor shall be equipped with safety features, such as a pressure relief valve, pressure gauge, engine governor, and fuel shutoff valve.

(7) When making a connection, the standpipe valve shall be closed and the bleed-off line shall be opened before breaking out the tool joint.

(8) A pilot light shall be kept burning at the end of the flow line at all times, except when making trips. The pilot light shall be turned off while making trips.

(9) Upon returning to the bottom of the hole at the conclusion of a trip in gas drilling operations, gas shall be circulated to assure that all air is out of the circulating system before lighting the flare.

(10) Complete equipment and materials for killing the well with drilling fluid shall be on hand and operable before a drilling operation commences.

(11) One B-C fire extinguisher of not less than 150 pounds dry chemical capacity, or equivalent, shall be stationed on the job in addition to those required in R 408.15715.

History: 1954 ACS 101, p. 78, Eff. Nov. 23, 1979.

R 408.15769 Minimizing sources of ignition.

Rule 5769. (1) The rig substructure shall be ventilated either by dependable natural convection or by use of mechanical fans which provide not less than 12 complete air changes per hour.

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(2) A rig engine shall have an adequate heat and spark arresting system for the exhaust.

(3) A gas or gasoline-fueled engine used in gas drilling operations shall be equipped with a shielded low-tension ignition system.

(4) A burning stove, open fire, or other possible source of ignition, such as an electric-powered tool or 2-way radio shall be permitted only in a designated area. Only a safety designed and approved heater shall be permitted on or near the rig floor.

(5) An emergency shutdown device shall be provided for each rig engine, excluding the power plant, and shall be located at the driller's console.

History: 1954 ACS 101, p. 79, Eff. Nov. 23, 1979.

R 408.15770 Procedures for freezing, valve drilling, and pipe hot tapping operations.

Rule 5770. (1) A freezing, valve drilling, or pipe tapping operation shall be under the direct supervision of a qualified person.

(2) The rated working pressure of all equipment used on valve drilling and pipe tapping operations shall be at least 1½ times the maximum wellhead pressure of the well on which work is being performed.

(3) After necessary equipment has been rigged up to perform valve drilling or pipe tapping operations, it shall be pressure tested for a minimum of 3 minutes to at least 1½ times the expected pressure but shall not exceed the rated maximum working pressure of either the equipment being tapped or the tapping equipment. The possibility of pipe collapse may dictate a reduction in test pressure.

(4) Pressure inside the lubricator shall equal the pressure inside the equipment being penetrated during the valve drilling and pipe tapping operations.

History: 1954 ACS 101, p. 79, Eff. Nov. 23, 1979.

R 408.15771 Freezing operations.

Rule 5771. (1) A frozen plug shall be allowed to set a minimum of 1 hour per inch of pipe diameter being frozen.

(2) When possible, a frozen plug shall be pressure tested from above for a minimum of 5 minutes to a pressure greater than the pressure under the plug.

(3) Following the pressure test, all pressure shall be bled off the pipe above the frozen plug and observed for a minimum of 15 minutes before breaking out the pipe and installing a new valve.

(4) After installing the new valve, void space between the frozen plug and valve shall be filled with fluid.

(5) A frozen plug shall be allowed to thaw at a normal rate. Steam or hot water shall not be used to thaw a frozen plug.

History: 1954 ACS 101, p. 79, Eff. Nov. 23, 1979.

PART 58. VEHICLE-MOUNTED ELEVATING AND ROTATING WORK PLATFORMS

GENERAL PROVISIONS

R 408.15801 Scope.

Rule 5801. This part provides for the safe operation and maintenance by the employer and the safe use by the employee of vehicle-mounted elevating and rotating work platforms in, around, and about a place of employment. Fire-fighting equipment and powered industrial trucks are not included in these rules.

History: 1954 ACS 82, p. 126, Eff. Dec. 31, 1974.

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R 408.15803 Definitions; A to I.

Rule 5803. (1) "Aerial device" means any vehicle mounted device, telescoping, articulating or both, which is used to position an employee.

(2) "Aerial ladder" means an aerial device consisting of a single or multiple section extensible ladder.

(3) "Articulating boom platform" means an aerial device with 2 or more hinged boom sections.

(4) "Extensible boom platform" means an aerial device, except ladders, with a telescopic or extensible boom. A telescopic derrick with a personnel platform attachment shall be considered to be an extensible boom platform when used with a personnel platform.

(5) "Insulated aerial device" means an aerial device designed for work on or near energized lines and apparatus.

History: 1954 ACS 82, p. 126, Eff. Dec. 31, 1974.

R 408.15804 Definitions; M to Q.

Rule 5804. (1) "Mobile unit" means a combination of an aerial device, vehicle and related equipment.

(2) "Override" means to transfer or to take away platform control functions by another station.

(3) "Platform" means a personnel carrying device, such as a basket, bucket, stand, or equivalent which is a component of an aerial device.

(4) "Qualified line clearance tree trimmer" means an employee trained to work in proximity of energized power transmission and distribution lines. An employee in a training program is included in this definition.

(5) "Qualified lineman" means an employee trained and authorized to work on or near energized lines. An employee in a training program is included in this definition.

(6) "Qualified telecommunications employee" means an employee trained to work on communication lines in the proximity of energized power transmission and distribution lines.

History: 1954 ACS 82, p. 126, Eff. Dec. 31, 1974.

R 408.15805 Definitions; S to Y.

Rule 5805. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to maximum designed load or stress applied when in use.

(2) "Vehicle" means any carrier that is not manually propelled.

(3) "Vehicle-mounted elevating and rotating work platform" means an aerial device.

(4) "Vertical tower" means an aerial device designed to elevate a platform in a substantially vertical axis.

(5) "Yield point" means the point where material begins to take a permanent deformation.

History: 1954 ACS 82, p. 126, Eff. Dec. 31, 1974.

R 408.15811 Employer responsibility.

Rule 5811. An employer shall:

(a) Provide training to an employee in the operations, hazards, and safeguards concerning an aerial device and R 408.15825 to R 408.15832 of this part before authorizing the employee to operate or ride on it.

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(b) Maintain an aerial device in a condition free of known defects and hazards which could cause an injury.

History: 1954 ACS 82, p. 126, Eff. Dec. 31, 1974.

R 408.15812 Employee responsibilities.

Rule 5812. An employee shall:

(a) Operate an aerial device only after being trained and authorized by the employer.

(b) Report known defects and hazards concerning an aerial device to his supervisor.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974.

CONSTRUCTION, TESTING, AND USE PROVISIONS

R 408.15821 Construction, modification, and remounting.

Rule 5821. (1) An aerial device purchased, modified, or remounted after December 28, 1974, shall be as prescribed in ANSI A92.2-1969, standard for vehicle-mounted elevating and rotating work platforms, which is incorporated herein by reference and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.75 each from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48909. An in-plant industrial type aerial lift designed for use on level surfaces is exempted from paragraph 3.1.6 of ANSI A92.2-1969 for requirements of stability on slopes.

(2) A permanent label or tag shall be affixed to an aerial device purchased, modified, or remounted after March 28, 1975, certifying compliance with subrule (1).

(3) An employer modifying the basic design of an aerial device shall secure approval of the modification in writing from the manufacturer of the aerial device, a firm offering an equivalent service, or a qualified engineer knowledgeable in the aerial device operations. The results of the modification shall be at least as safe as the original design.

(4) An aerial device shall bear a permanent plate stating the designed rated capacity.

(5) An aerial device shall be mounted on a vehicle capable of sustaining, or reinforced to sustain, the imposed load. The vehicle shall be a stable support for the aerial device.

(6) The lifting and outrigger system of an aerial device shall be equipped with a means such as, but not limited to, a pilot operated check valve to ensure that the system will not permit the work platform to drop in a free fall in event of a power or hydraulic line failure.

(7) An aerial device acquired before December 31, 1976, which does not meet the requirements of subrule (1), shall not be used unless it has been inspected and modified as required to conform to the essential stability, structural, electrical insulation, and operational requirements of ANSI A92.2-1969.

(8) In addition to the welding requirements prescribed in ANSI A92.2-1969, an aerial device shall conform to AWS D2.0-69, specifications for welding highway and railway bridges standard, which was adopted by reference by Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws, and is available for inspection at the Lansing office of the department of labor. This standard may be purchased at a cost of $5.00 from the

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American Welding Society, 2501 N.W. 7th Street, Miami, Florida 33125, or the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48909.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974; 1954 ACS 89, p. 96, Eff. Nov. 13, 1976.

R 408.15823 Electrical ratings.

Rule 5823. (1) The rating plate required in R 408.15821 shall include a statement as to whether the aerial device is insulated or noninsulated and, if insulated, the rated line voltage for which the aerial device was designed and tested.

(2) The insulating portion of an aerial device shall not be altered in any manner that might reduce its insulating value.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974; 1954 ACS 89, p. 97, Eff. Nov. 13, 1976.

R 408.15824 Safety factors and yield points.

Rule 5824. (1) The design of the basic structural elements of the aerial device including the platform and its component parts shall have a yield point of not less than 3 times the rated load. Structural materials not having a clearly defined yield or break point shall have a designed safety factor of not less than 5.

(2) The designed safety factor of not less than 4 shall apply to those hydraulic and pneumatic components which would, on failure, permit a free fall, free rotation of the boom or loss of stability.

(3) Noncritical components shall have a bursting safety factor of not less than 2.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974.

R 408.15825 Controls.

Rule 5825. (1) The controls for the operation of an aerial device shall be permanently labeled as to their functions.

(2) Controls for an aerial device shall be designed or guarded to prevent inadvertent actuation.

(3) Articulating, extensible boom platforms, or both, primarily designed as personnel carriers, shall be equipped with both upper and lower controls.

(4) Upper controls shall be located within reach of the operator.

(5) Lower controls shall be capable of overriding the upper controls. Except in case of an emergency, the lower controls shall not be operated unless permission has been obtained by the employee in the basket or on the work platform.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974; 1954 ACS 89, p. 97, Eff. Nov. 13, 1976.

R 408.15831 Inspection and tests.

Rule 5831. (1) An aerial device shall be inspected and tested not less than annually for:

(a) Stability, when used with a manufacturer's specific configuration, shall be capable of sustaining a static load of 1½ times its rated capacity for that specific configuration in every position the load can be placed within the configuration on level ground and 1⅓ times its rated load when the vehicle is on a slope of 5 degrees downward in the direction most likely to cause an overturn. Where the use of outriggers and turntable leveling is a part of the figured specific configuration, then they shall be used in the determination. An in-plant aerial lift, designed for use on level surfaces, is excepted from this subdivision.

(b) Permanent deformation and cracks by using 1½ times the rated load.

(c) Defects by visual inspection during and following the load test.

(2) An electrical test of insulated aerial devices shall be made annually, as prescribed in paragraph A1.6, periodic inspections and tests, of ANSI A92.2-1969,

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standard for vehicle-mounted elevating and rotating work platforms. An equivalent DC voltage test may be used in lieu of the prescribed AC voltage.

(3) Field inspection and tests shall be performed only by an authorized and trained employee or outside service.

(4) Lift controls shall be tested each day before use to determine that the controls are in safe working condition. An aerial device with defective controls shall not be used until repaired.

History: 1954 ACS 82, p. 127, Eff. Dec. 31, 1974; 1954 ACS 89, p. 97, Eff. Nov. 13, 1976.

R 408.15832 Use.

Rule 5832. (1) Any overhead line shall be considered energized until the owner, owner representative, or utility indicates otherwise and the line has been visibly grounded, and they shall be notified and provided with all pertinent information of the job before the commencement of operations near electrical lines.

(2) Except as prescribed in subrules (3) and (4), or where insulating barriers not a part of or an attachment to the aerial device have been erected to prevent physical contact with the lines, an aerial device shall maintain the distances from energized distribution and transmission power lines and equipment prescribed in table 1.

(3) A qualified lineman or qualified line clearance tree trimmer performing work on or near an exposed power transmission or distribution line from an aerial lift, shall maintain distances prescribed in table 2, unless the employee is insulated or guarded from the energized part by gloves or gloves and sleeves or insulated, isolated or guarded from any other conductive part or the energized part is insulated from the employee.

(4) A qualified telecommunications employee shall maintain the distances prescribed in table 3 when working from an aerial lift, unless the employee is insulated, isolated, or guarded from any other conductive part or the energized part is insulated from the employee.

(5) The insulated bucket, gloves, and sleeves used to comply with subrules (3) and (4) shall be rated at more than the voltage to be worked on or that with which they might come into contact.

(6) An in-plant industrial type aerial lift, designed to be used on level surfaces shall not be used on slopes, unless the aerial lift is adjusted to a firm level plane.

(7) A safety belt or harness shall be worn with a lanyard attached to the boom or basket when working from an aerial lift. An in-plant industrial type aerial device used on a level surface and equipped with a platform with approved railings is exempt from this subrule.

(8) A boom platform shall be provided with a rail or other structure around its upper periphery that shall be not less than 38 inches above the floor of the platform and with a toeboard not less than 4 inches high. A basket of a "cherry picker" shall be considered to meet this requirement, or a platform may have the guard rail removed from the working side providing a safety belt and lanyard is worn by the employee on the platform.

(9) The designed rated capacity for a given attitude shall not be exceeded.

(10) A proximity warning device may be used, but not in lieu of meeting the requirements of this rule.

(11) Belting off to an adjacent pole, structure, or equipment while working from an aerial device shall not be permitted.

(12) An employee shall stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket, except that an employee may sit in the basket

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if it is equipped with a specially designed seat. A plank, ladder, or other device shall not be used from a basket.

(13) Climbers shall not be worn while working from an aerial device unless gaff guards are provided.

TABLE 1

Voltage	With Boom Raised	Clearance Boom Lowered and No Load in Transit
To 50 kv	10 feet	4 feet
Over 50 kv	10 feet + .4 inch per each 1 kv over 50 kv	10 feet
50 to 345 kv		10 feet
346 to 750 kv		16 feet

TABLE 2

Minimum Working Distances for Qualified Line Clearance Tree Trimmers and Qualified Linemen

Voltage Range—Phase to Phase (KV)	Minimum Working Distance
2.1 to 15	2′0″
15.1 to 35	2′4″
35.1 to 46	2′6″
46.1 to 72.5	3′0″
72.6 to 121.0	3′4″
138.0 to 145.0	3′6″
161.0 to 169.0	3′8″
230.0 to 242.0	5′0″
345.0 to 362.0	*7′0″
500.0 to 552.0	*11′0″
700.0 to 765.0	*15′0″

*Note: For 345-362 kv, 500-552 kv, and 700-765 kv, the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distances between the energized part and a grounded surface.

TABLE 3

Minimum Approach Distances for Qualified Telecommunications Employees

Voltage Range (Nominal Phase to Phase)	Minimum Approach Distances
300 V and less	12″
Over 300 V, not over 750 V	18″
Over 750 V, not over 2 KV	24″
Over 2 KV, not over 15 KV	36″
Over 15 KV, not over 37 KV	42″
Over 37 KV, not over 87.5 KV	48″
Over 87.5 KV, not over 121 KV	54″
Over 121 KV, not over 140 KV	—

History: 1954 ACS 82, p. 128, Eff. Dec. 31, 1974; 1954 ACS 89, p. 98, Eff. Nov. 13, 1976.

R 408.15833 Vehicles.

Rule 5833. (1) Before a vehicle supporting an aerial ladder is moved for highway travel, the ladders shall be secured in the lower position, and the

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manually operated device at the base of the ladder, or other effective means, shall be used to prevent elevation or rotation of the ladder.

(2) Before a vehicle supporting an aerial lift is moved for travel, the boom shall be inspected to insure that it is properly cradled and the outriggers are in the stowed position, except as provided in subrule (3).

(3) A vehicle supporting an aerial device shall not be moved when the boom is elevated with employees in working position, unless the equipment is specifically designed for this type of operation and meets the requirements of R 408.15821.

(4) Brakes shall be set and outriggers, when used, shall be positioned on pads or a solid surface.

(5) Wheel chocks shall be installed before using an aerial device on an incline.

History: 1954 ACS 89, p. 99, Eff. Nov. 13, 1976.

PART 59. HELICOPTERS

R 408.15901 Scope.

Rule 5901. This part provides for the safe use and maintenance of helicopters in general industry, such as in aerial photography, aerial survey, fire fighting, rescue operations, transportation of personnel to elevated job sites, and delivery of injured persons and emergency supplies.

History: 1954 ACS 88, p. 99, Eff. July 16, 1976.

R 408.15911 External lift operations; qualifications for operator and helicopter.

Rule 5911. (1) An operator of a helicopter or a rotorcraft conducting external lifting operations shall have an operator's certificate for rotorcraft operation covering the type of operation being conducted, issued by the federal aviation administration, which shall be displayed within the craft being operated.

(2) Where required by the federal aviation administration or another governmental agency, the appropriate authority shall be notified that an external lift operation has been planned.

(3) A helicopter shall comply with applicable regulations of the federal aviation administration code, 14 C.F.R. Part 27-1974 and Parts 60 to 199-1975, which are incorporated herein by reference and are available for inspection at the Lansing office of the department of labor. This code may be purchased at a cost of $7.50 from the Government Printing Office, North Capital and H Streets, Washington, D.C. 20401, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48909.

History: 1954 ACS 88, p. 99, Eff. July 16, 1976.

R 408.15914 Briefings; visibility; fires; energized lines or equipment.

Rule 5914. (1) Briefing shall be conducted prior to each day's operation and shall set forth the plan of operation for the pilot in command and ground employees.

(2) The employer shall insure that, when visibility is reduced by dust or other conditions, ground employees are instructed to exercise special caution to keep clear of the main and stabilizing rotors. The employer shall also eliminate, as far as practical, the dust or other conditions reducing the visibility.

(3) Open fires shall not be permitted in areas where they may be spread by the rotor downwash.

(4) A helicopter, or any part of a helicopter, shall maintain the clearances prescribed in table 1 from any energized line or equipment, unless the owner or operator of the line assures that the line is deenergized and visibly grounded.

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TABLE 1

Voltage	Clearance
50 kilovolts or less	15 feet
More than 50 kilovolts	15 feet plus .4 inch per each kilovolt over 50 kilovolts

History: 1954 ACS 88, p. 99, Eff. July 16, 1976.

R 408.15915 Personal protective equipment; loose clothing.

Rule 5915. (1) Except during an emergency operation, eye protection, as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code, shall be worn by a ground crew employee while working on an operation covered by this part when there is exposure to rotor wash.

(2) Except during an emergency operation, head protection, as prescribed in the occupational safety standards commission standard, Part 32. Head Protection Equipment, being R 408.13201 to R 408.13241 of the Michigan Administrative Code, shall be worn and secured by a chin strap by a ground crew employee working on an operation covered by this part when lifting or landing a load.

(3) Loose fitting clothing likely to flap in rotor downwash, and thus be snagged on the hoist line, shall not be worn.

History: 1954 ACS 88, p. 99, Eff. July 16, 1976.

R 408.15916 Housekeeping; loose gear.

Rule 5916. (1) Good housekeeping shall be maintained in the helicopter loading and unloading area. The area shall be kept free of recognized hazards.

(2) The employer shall take all necessary precautions to protect employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting or depositing the load, or within an area susceptible to rotor downwash, shall be secured or removed.

History: 1954 ACS 88, p. 99, Eff. July 16, 1976.

R 408.15921 Approaching craft by employees.

Rule 5921. (1) An employee shall not be permitted to approach within 50 feet of the helicopter when the rotor blades are turning, unless the work duties of the employee require the presence of the employee within that area.

(2) The employer shall instruct employees and shall ensure that, whenever approaching or leaving a helicopter which has its blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. An employee shall not be permitted to work in the area from the cockpit or cabin rearward while blades are rotating, unless authorized by the helicopter operator.

(3) An employee shall not be permitted to perform work under hovering craft except when necessary to hook or unhook a load. A safe means of access shall be provided for an employee to reach the hoist line hook and engage or disengage a cargo sling while under the hovering craft.

History: 1954 ACS 88, p. 100, Eff. July 16, 1976.

R 408.15922 Providing and training ground employees; weight limitation; checking size, weight, and connection of load; tag line, pressed sleeve, hoist wire, or other gear; static charge; rated capacity of load line.

Rule 5922. (1) Ground employees shall be provided, and they shall be properly trained to ensure that helicopter loading and unloading operations can be performed safely.

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(2) The weight of an external load shall not exceed the federal aviation administration rated capacity of the helicopter.

(3) The size and weight of loads, and the manner in which loads are connected to the helicopter, shall be checked by the pilot in command. A lift shall not be made if the helicopter pilot in command determines that the lift cannot be made safely.

(4) A load shall be properly slung. A tag line shall be of a length that does not permit it being drawn up into the rotors. A pressed sleeve, swaged eye, or equivalent means shall be used for a freely suspended load to prevent a hand splice from spinning open or a cable clamp from loosening.

(5) A hoist wire or other gear, except for a pulling line or conductor that is allowed to "play out" from a container or roll off a reel, shall not be attached to any fixed ground structure or allowed to foul on any fixed structure.

(6) The static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, unless protective rubber gloves are being worn when touching the load.

(7) A load line shall have a working load rating of not less than the rated capacity of the helicopter.

History: 1954 ACS 88, p. 100, Eff. July 16, 1976.

R 408.15923 Cargo hooks.

Rule 5923. (1) An electrically operated cargo hook shall have the electrical activating device so designed and installed as to prevent inadvertent operation.

(2) A cargo hook shall be equipped with an emergency mechanical control for releasing the load.

(3) A hook shall be tested prior to operation each day by a competent person to determine that the electrical and mechanical releases function properly.

History: 1954 ACS 88, p. 100, Eff. July 16, 1976.

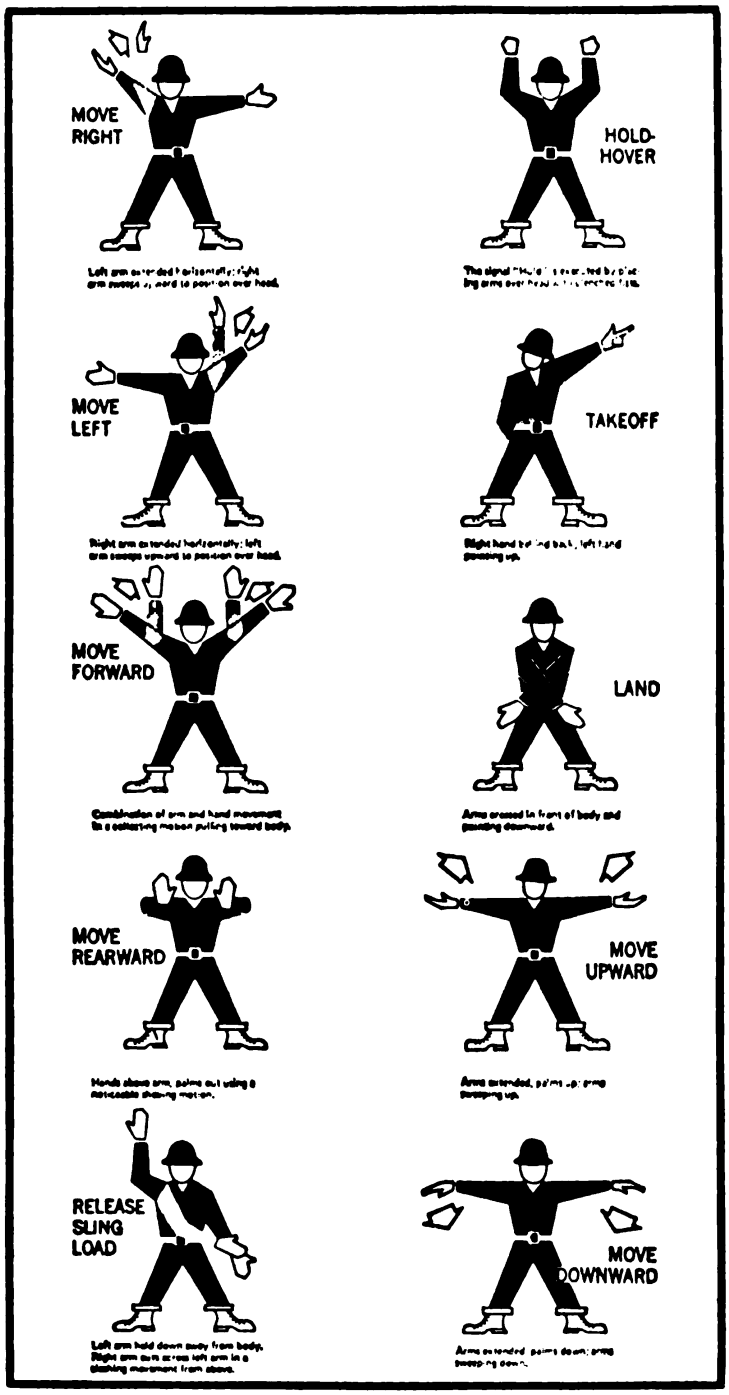
R 408.15931 Communication between pilot and signalman; signal systems.

Rule 5931. (1) There shall be constant, reliable communication between the pilot and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. The signalman shall be clearly distinguishable from other ground employees.

(2) The employer shall instruct the aircrew and ground employees on the signal systems to be used, and shall review the system with the employees in advance of hoisting the load. This applies to both radio and hand signal systems. Hand signals, where used, shall be as shown in figure 1.

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FIGURE 1
Helicopter Hand Signals



History: 1954 ACS 88, p. 100, Eff. July 16, 1976.

PART 62. PLASTIC MOLDING GENERAL PROVISIONS

R 408.16201 Scope.

Rule 6201. This part sets forth safe practices for employees and safeguards for all machinery and equipment used in blow molding, foam molding, compression

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and transfer molding, injection molding, extrusion, expansion molding, rotational molding, vacuum molding, sealing, heating, granulating, welding and processing of plastics.

History: 1954 ACS 76, p. 71, Eff. Aug. 29, 1973.

R 408.16204 Definitions; B to E.

Rule 6204. (1) "Blow molding machine" means a plasticizer and a clamping unit working in conjunction with each other so that the plasticizer produces molten plastic which is blown by air, gas or liquid, and a clamping unit performs the manufacture of hollow products.

(2) "Compression molding machine" means a machine using temperature controlled molds for pressing plastic material into the shape of a mold cavity.

(3) "Dielectric sealing" means a process for bonding plastic films by use of high frequency energy.

(4) "Expansion molding" means to make plastic shapes by expanding polystyrene beads with a heating medium within a mold.

(5) "Extrusion machine" means a plasticizer mounted on a base which takes raw plastic material, changes it into a molten state and extrudes it through a die into a predetermined shape.

History: 1954 ACS 76, p. 71, Eff. Aug. 29, 1973.

R 408.16205 Definitions; H, I.

Rule 6205. (1) "Heat sealing" means the joining of plastic by simultaneous application of heat and pressure to the area of contact.

(2) "Hot plate welding" means the joining of plastic by preheating followed by application of pressure to the plastic pieces.

(3) "Hot-wire cutter" means a machine using electrically resistant wire for heating, spaced at intervals to cut expanded plastic blocks into predetermined sizes.

(4) "Injection molding machine" means a machine using a plasticizer to force a charge of processed plastic material into a closed mold, which produces a molded part.

History: 1954 ACS 76, p. 72, Eff. Aug. 29, 1973.

R 408.16206 Definitions; M to P.

Rule 6206. (1) "Matched metal molding" means a method of molding reinforced plastics between 2 close fitting metal molds mounted in a power press.

(2) "Nip point" means a point at which it is possible to be caught between 2 or more shafts or rolls rotating parallel to each other in opposite directions.

(3) "Pinch point" means a point at which it is possible for an employee to be caught between moving parts of a machine or between moving and stationary parts of a machine.

(4) "Plastic scrap granulator" means a machine with rotating knives which cut plastic articles into particles.

(5) "Point of operation" means the area of a machine where material is actually worked.

History: 1954 ACS 76, p. 72, Eff. Aug. 29, 1973.

R 408.16207 Definitions; R, S.

Rule 6207. (1) "Rotational molding" means a method of making hollow articles by charging a hollow rotating mold with a plastic material. After the heated material covers all surfaces of the mold it is cooled and stripped out.

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(2) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(3) "Ship-lap machine" means a powered machine equipped with feed rolls and milling cutters for the purpose of cutting grooves in the edge of expanded sheet material.

(4) "Spin welding" means a method of fusing 2 objects together by spinning 1 or both until frictional heat melts the interface. The spinning is then stopped and pressure applied to both objects.

History: 1954 ACS 76, p. 72, Eff. Aug. 29, 1973.

R 408.16208 Definitions; T to V.

Rule 6208. (1) "Transfer molding machine," also known as a plunger molding machine, means an auxiliary chamber used to heat plastic to a hot state before transferring it into a closed mold of a compression molding machine.

(2) "Transfer printer" means a machine with rolls which imprints a pattern on material run between the rolls.

(3) "Two-hand controls" means an actuating device with an anti-tie down, anti-repeat feature that requires the concurrent use of both hands of an operator to actuate a machine.

(4) "Ultrasonic welding" means to seal plastic by application of vibratory mechanical pressure which creates localized heat to melt the plastic surfaces which effects the seal.

(5) "Vacuum forming," also known as thermo forming, means forming of pliable sheet plastic into shapes by use of molds and atmospheric or mechanical pressure.

History: 1954 ACS 76, p. 72, Eff. Aug. 29, 1973.

R 408.16211 Employer responsibilities.

Rule 6211. (1) An employer shall provide training to an employee regarding the operating procedures, hazards and safeguards of his assigned job.

(2) An employer shall not allow a machine to be operated which is not guarded as prescribed by this part or where the machine has a known defect which could affect the safety of the employee.

(3) An employer shall establish and maintain a lockout system as prescribed in R 408.16227(3).

History: 1954 ACS 76, p. 72, Eff. Aug. 29, 1973.

R 408.16212 Employee responsibilities.

Rule 6212. (1) An employee shall not operate a machine until he has been trained in its operating procedures, hazards and safeguards and has been authorized to do so.

(2) An employee shall report to his supervisor a machine or safeguard which is defective.

(3) A guard removed for inspection, maintenance, die setting or mold setting shall be replaced before a machine is released for production.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

R 408.16215 Illumination.

Rule 6215. Illumination of not less than 25 footcandles shall be provided at an operator's work station.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

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R 408.16216 Aisles and work areas.

Rule 6216. An aisle or work area shall be kept free of protruding objects, holes, loose boards, oil and water spillage which create a tripping and slipping hazard.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

R 408.16217 Housekeeping.

Rule 6217. Dust, scrap, and spills of plastic materials shall be cleaned up and disposed of daily, or more often if it constitutes an employee hazard.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

EQUIPMENT INSTALLATION AND MAINTENANCE

R 408.16221 Machine installation.

Rule 6221. (1) An electrically powered machine shall be grounded.

(2) A machine installed on a bench, table or stand shall be designed or secured to prevent unintentional movement or tipping.

(3) A machine shall be so located that there will be space for the employee to handle the material and operate the machine with no interference to or from another employee or machine.

(4) A machine shall be so located that it will not be necessary for an operator to stand in an aisle.

(5) A powered gate shall have the leading edge equipped with a return switch and circuit so designed that the gate will retract and not cause an injury if an employee is struck by it.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

R 408.16222 Guards and protective equipment.

Rule 6222. (1) An electrical connection to a heated portion of a ram or screw cylinder shall be covered with a nonconductive guard or a grounded metal barrier to prevent contact with live terminals during normal operation of the machine.

(2) An exposed heated surface which could cause an injury shall be covered or guarded to prevent contact by an employee; this subrule shall apply except in respect to an area requiring accessibility, such as the adapter or gate on an extrusion machine.

(3) A machine using a blade or knife to cut plastic materials shall be guarded by a barrier, by position or by controls to prevent contact by the operator.

(4) An employee, when subject to burns from a heated surface which cannot be covered or guarded, shall be provided and wear heat resistant personal protective equipment.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

R 408.16223 Platforms and ladders.

Rule 6223. Where it is necessary for a production employee to mount a machine to perform his assigned production duties, a platform, ladder or both shall be provided and used. The floor of the platform shall have an open design or slip-resistant surface. A platform shall be as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10201 to R 408.10241 of the Michigan Administrative Code. A fixed ladder shall be as prescribed in the occupational safety standards commission standard, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code. A portable ladder shall be as prescribed in the occupational safety standards commission standard, Part 4. Portable Ladders, being R 408.10401 to R 408.10456 of the Michigan Administrative Code.

History: 1954 ACS 76, p. 73, Eff. Aug. 29, 1973.

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R 408.16224 Hydraulic and pneumatic systems; safety factors.

Rule 6224. Flexible and rigid hydraulic and pneumatic piping and its component parts shall be designed and constructed with a safety factor of not less than 4.

History: 1954 ACS 76, p. 74, Eff. Aug. 29, 1973.

R 408.16226 Controls.

Rule 6226. (1) An operating control shall be guarded against accidental contact. A control button or lever shall be identified as to its function.

(2) A machine requiring more than 1 operator, exposed to a point of operation, shall have controls for each operator which shall be activated concurrently before the machine will operate.

(3) A machine shall be provided at each operator station with an emergency stop device, red in color and readily accessible. A button, if used, shall have a mushroom shape.

(4) A machine shall be provided with a device which, upon power failure, will prevent automatic restarting upon restoration of power. Fire, coolant and sump pumps are excepted.

(5) When used, interlocking devices shall be installed to minimize the possibility of accidental operation or tampering.

(6) Where more than 1 operator is assigned to a plastic molding machine not equipped with interlocked gates and is exposed to a point of operation, each operator shall be provided with a 2-hand control device requiring concurrent action of all controls and located so that an operator cannot reach into the point of operation during the closing cycle.

(7) Two-hand control devices shall be located in a manner to prevent bridging and shall require manual operation of both controls until a point is reached in the cycle where the operator cannot remove his hands and place them within a pinch point or point of operation.

History: 1954 ACS 76, p. 74, Eff. Aug. 29, 1973.

R 408.16227 Lubrication and maintenance.

Rule 6227. (1) Lubrication of a machine shall be accomplished by 1 of the following:

(a) Manually when the machine can be shut off and locked out.

(b) An automatic pressure or gravity feed system.

(c) An extension pipe leading to an area outside of the guards or away from any hazard.

(d) Other means which offer equivalent or better safety than (a), (b), or (c).

(2) In any case rule 732, on lubrication, of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be followed.

(3) A machine or equipment to be repaired or serviced shall have the power source locked out by each employee doing the work if unexpected motion would cause injury. Any residual pressure which would be hazardous shall be relieved before and remain relieved during such work by an employee doing the work.

History: 1954 ACS 76, p. 74, Eff. Aug. 29, 1973.

SPECIFIC EQUIPMENT

R 408.16231 Blow molding.

Rule 6231. (1) A blow molding machine shall be equipped with a safety gate

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designed and so constructed to prevent an employee from reaching into the point of operation when the gate is in a closed position.

(2) The gate shall activate at its final closing at least 1 electrical device which shall be interlocked with an electrical mold closing control. Opening or removal of the gate shall prevent further closing of the mold.

(3) The gate shall also be interlocked with the hydraulic valve governing mold closing or have a mechanical device which will prevent movement of the machine with the gate open or removed.

History: 1954 ACS 76, p. 74, Eff. Aug. 29, 1973.

R 408.16232 Compression, transfer, and matched metal molding machinery.

Rule 6232. (1) A compression, transfer or matched metal molding machine shall be equipped with 1 of the following:

(a) A moving gate guard covering the front opening to the point of operation. An electric interlock on the moving gate guard shall be so arranged to prevent the press from closing until the moving gate guard has covered the opening. When the moving gate guard is opened the press shall stop or reverse.

(b) A 2-hand control device located so that the operator cannot reach into the point of operation during the closing cycle.

(2) The point of operation for a machine which does not require access for an operator shall be guarded by an interlocked removable barrier or a fixed barrier. The toggles on such a machine shall also be enclosed by an interlocked removable or fixed barrier to prevent inadvertent contact by an employee.

(3) Two 2-hand control devices shall be provided and used when operating a transfer molding machine. One set shall close the mold and then the other set shall actuate the transfer plunger. Where the entrance to the plunger is guarded by an interlocked gate, 1 such control device will be acceptable.

History: 1954 ACS 76, p. 74, Eff. Aug. 29, 1973.

R 408.16233 Extrusion machinery and equipment.

Rule 6233. (1) An extrusion machine and floor model controller panel shall be secured to prevent tipping.

(2) When running production, the in-running nip points on a take-off machine pulling extrusions, except sheets, from the extruder shall be guarded by a barrier adjusted to within ¼ inch of the material.

(3) When running production, sheet and film extrusion machinery shall be guarded by a barrier or enclosure at all in-running pinch points exposed to contact.

(4) An extrusion machine having an open feed screw shall have the feed screw covered by an interlocked gate or cover to prevent the operator from being caught in the point of operation.

History: 1954 ACS 76, p. 75, Eff. Aug. 29, 1973.

R 408.16234 Injection molding machinery.

Rule 6234. (1) An injection molding machine, except 1 with a movable table which is covered in subrule (4), shall be equipped with a safety gate designed and constructed to prevent an employee from reaching into the point of operation, except when the gate is open.

(2) A safety gate on such a machine installed after the effective date of this part shall be interlocked with electrical, hydraulic and mechanical devices.

(3) Such a machine installed before the effective date of this part shall have the safety gate interlocked by any 2 of the following:

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(a) Electrical mold closing control.
(b) Hydraulic valves governing mold closing.
(c) Mechanical device preventing molding closing.

(4) Such a machine using a movable table to hold the lower mold shall be provided with a barrier designed and constructed to prevent an employee access to the point of operation.

(5) Such a machine shall be equipped with a fixed or an interlocked removable barrier designed and constructed to prevent an employee from reaching into the clamping mechanism.

(6) When purging such a machine, an employee shall be protected from the purging splatter by a shield that is fixed, portable or worn on the employee. The same guarding shall be used when servicing a heated runner manifold nozzle.

(7) Such a machine using an extruding machine having an exposed feed screw shall have the screw guarded as prescribed in R 408.16233(4).

(8) An electrically interlocked barrier shall be provided to cover the mold area opposite the operator on such a machine purchased after the effective date of this part. Such a machine in operation before the effective date shall be provided with an interlocked or fixed barrier to cover the mold area opposite the operator.

History: 1954 ACS 76, p. 75, Eff. Aug. 29, 1973.

R 408.16235 Expansion molding.

Rule 6235. (1) A ship-lap machine shall have the milling cutters guarded or enclosed at the point of operation to prevent contact with the operator's fingers. A barrier shall be provided in front of the in-running nip points of the feed rollers to within ⅜ inch of the material.

(2) A multiple hot-wire cutter shall have a manual control for setup use only. Any control for the automatic cycle shall be interlocked with the carriage so that the hot-wire cutter is activated before the carriage moves and is shut off when the carriage stops.

(3) A multiple hot-wire cutter shall be equipped on both sides of the moving portion of the machine with a barrier designed to prevent an employee from reaching the hot wires.

(4) An expansion block mold shall have reinforcements necessary to contain the force of the expanding plastic particles. Locking mechanisms shall not be more than 24 inches apart.

(5) A custom expansion block press shall protect the operator by means of an interlocked gate across the mold parting line or 2-hand control devices. When the gate is opened or removed the machine shall cease to function until the gate is closed.

History: 1954 ACS 76, p. 75, Eff. Aug. 29, 1973.

R 408.16236 Vacuum and thermo forming.

Rule 6236. (1) An in-line automatic trim press used to die cut vacuum formed pieces shall have the point of operation and all moving parts enclosed that would otherwise be exposed to contact.

(2) A punch press used to trim or die cut vacuum or thermo formed pieces shall be guarded as prescribed in the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12301 to R 408.12372 of the Michigan Administrative Code.

(3) A trim press using a moving roll to supply pressure to the top die shall be provided with control devices designed to keep both hands of the operator from the point of operation when the die closes.

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(4) Toggles on an automatic vacuum or thermo forming press shall be guarded by a barrier to prevent access to the pinch point.

(5) A rotary vacuum forming machine shall be equipped with a 2-hand control device located and timed as prescribed in R 408.16226(7).

(6) The space around a rotary vacuum forming machine below the level of the lower mold shall be enclosed.

(7) An indexing machine shall be equipped with a stop device, such as a paddle switch, interlocked to stop the indexing operation. The stop device shall be located ahead of the first point of operation or pinch point beyond the work station.

History: 1954 ACS 76, p. 76, Eff. Aug. 29, 1973.

R 408.16237 Rotational molding.

Rule 6237. (1) A pinch point created where the revolving drive wheel of a rotational molding machine meets the driving surface shall be guarded.

(2) The perimeter of the patch of travel of the rotating molds shall be guarded by a standard barrier as prescribed in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10231 of the Michigan Administrative Code. Access into the area shall be by a gate or door. If the gate or door is interlocked to the power source, the guarding required in subrule (1) need not be installed. The interlocked gate or door on the standard barrier shall not be used as an operating control.

(3) Such a machine, having each movement of the mold manually controlled by an operator, may substitute a yellow line 4 inches wide for a standard barrier around the perimeter of the patch of travel of the rotating molds, except the perimeter between the heating and cooling chambers. However, movement of the molds shall be preceded by automatic activation of a warning device, such as a flashing light, bell, horn, or siren for 5 seconds before the movement.

(4) The operating controls for a manually operated machine shall be so located that the operator cannot reach into the path of or be struck by the moving mold.

History: 1954 ACS 76, p. 76, Eff. Aug. 29, 1973.

R 408.16241 Guillotine cutter.

Rule 6241. A guillotine plastic cutter shall have the cutter blade guarded on each side by a barrier constructed in such a manner to prevent contact with the cutter by the operator.

History: 1954 ACS 76, p. 76, Eff. Aug. 29, 1973.

R 408.16242 Hopper filling devices.

Rule 6242. A device used to fill a hopper more than 5 feet above the floor or platform of a plasticizer shall be 1 of the following:

(a) A barrel dumping device for use with a hoist.

(b) A barrel dumping device or an enclosed platform on a powered industrial truck.

(c) A portable stair complete with hand rails and wheel locks.

(d) A platform located not more than 5 feet below the hopper opening.

(e) An automatic feed system.

(f) Other means which do not expose the employee to a hazard.

History: 1954 ACS 76, p. 76, Eff. Aug. 29, 1973.

R 408.16243 Processing plastic.

Rule 6243. (1) A heat sealing press shall be equipped with 2-hand controls which shall be pressed concurrently to activate the machine.

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(2) A punch press used for die cutting plastic shall be guarded as prescribed in R 408.16236(2).

(3) A printing press used for die cutting shall be equipped with an effective device which restricts or removes the operator's hands from the point of operation at each closing.

(4) A machine using rotary cutters to cut and shape plastic shall have the point of operation enclosed.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

R 408.16244 Transfer printer, crush and embossing rolls.

Rule 6244. The in-running rolls of a transfer printer, crush or embossing role shall be guarded by a barrier which will prevent an operator from being caught in the nip point.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

R 408.16245 Hot plate, spin and ultrasonic welding.

Rule 6245. (1) The point of operation on a hot plate, spin or ultrasonic welding machine shall be guarded with 1 of the following:

(a) A movable interlocked gate or fixed barrier designed and constructed to prevent an employee from reaching into the point of operation except when the gate is opened.

(b) Two-hand control devices which shall be located so that the operator cannot reach into the point of operation during the cycle.

(2) Moving parts of such a machine which create a pinch point shall be guarded as prescribed in subdivision (a).

(3) The heated plates of a hot plate welding machine shall be guarded when in a retractable position.

(4) A fixed barrier of solid material shall be installed on a spin welding machine when:

(a) A rotating chuck continues to spin when in the retracted position.

(b) Flash is projected and the machine is guarded by 2-hand control devices.

(c) Fixed orientation is accomplished by an indexing device.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

R 408.16246 Dielectric sealing.

Rule 6246. (1) An electrical power pack or oscillator cabinet shall have the access doors interlocked in a manner which will cut the power when the doors are opened, and a mechanical shorting bar which will automatically ground out the residual energy.

(2) An employee shall be protected by an interlocked and grounded shield constructed to block direct passage of the stray currents moving out of the intended path.

(3) The point of operation shall also be guarded as prescribed in R 408.16245(1). The movable or fixed barrier and the shield required in R 408.16246(2) may be the same device if it accomplishes both purposes.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

R 408.16247 Plastic scrap granulators.

Rule 6247. (1) The opening of a hopper of a plastic scrap granulator shall be of such distance from the cutting knives that the fingers of an employee cannot make contact. A baffle gate shall be installed at the feed entrance of a hopper so that the opening is normally closed except for charging with scrap.

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(2) An access opening for maintenance, cleaning or inspection shall be covered with a solid plate, secured by a fastener which requires the use of a tool to unfasten it.

(3) Before a hopper is removed, a plastic scrap granulator shall have the power source disconnected and locked out.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

R 408.16251 Other machinery.

Rule 6251. Where woodworking machinery is used in the processing of plastics, the machinery shall be as prescribed in the occupational safety standards commission standard, Part 27. Woodworking Machinery, being R 408.12701 to R 408.12799 of the Michigan Administrative Code.

History: 1954 ACS 76, p. 77, Eff. Aug. 29, 1973.

PART 63. PULP-PAPER-PAPERBOARD MILLS

GENERAL PROVISIONS

R 408.16301 Scope.

Rule 6301. This part sets forth rules to protect the life, limb, and health of the employee in, about, or around places of employment where pulp, paper, and paperboard are manufactured and converted.

History: 1954 ACS 77, p. 136, Eff. Dec. 15, 1973.

R 408.16303 Definitions; A, B.

Rule 6303. (1) "Aisle" means a patch of travel for employees and material handling equipment.

(2) "Barker" means a machine which removes the bark from a log.

(3) "Beater" means a vessel used for blending pulp and additives and preparing the pulp for paper making.

(4) "Blow pit" means a vessel used to receive pulp from a digester.

(5) "Boom crane" means a machine with a rotating superstructure, operating machinery and boom mounted on a base, usually self-propelled, and used to lift, lower and swing loads.

(6) "Broke" means recoverable paper.

(7) "Broke hole" means an opening in a floor into which paper scrap is discharged.

History: 1954 ACS 77, p. 136, Eff. Dec. 15, 1973.

R 408.16304 Definitions; C to E.

Rule 6304. (1) "Calender" means a machine having an assembly of rolls for producing a desired finish on paper.

(2) "Chipper" means a machine which cuts wood into chips of predetermined size.

(3) "Chock" means a wedge or block of such design and construction to hold an object in place and to prevent movement.

(4) "Core notcher" means a machine used to punch notches in ends of paper or metal cores.

(5) "Cutter" means a machine used to cut rags and paper to small pieces.

(6) "Digester" means a pressure vessel used to treat pulpwood, rags, straw or other cellulosic materials with chemicals or steam to produce pulp.

(7) "Embosser" means a machine that applies a pattern to a sheet of paper by running it between engraved rolls.

History: 1954 ACS 77, p. 136, Eff. Dec. 15, 1973.

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R 408.16305 Definitions; F to N.

Rule 6305. (1) "Flammable" means to ignite easily and rapidly burn.

(2) "Foot protection" means protective equipment such as, but not limited to, a metal or plastic toe cap or metatarsal device, safety shoes, or boots, worn on an employee's foot and designed to protect against injury.

(3) "Grinder" means a pulpstone wheel for grinding logs to produce wood pulp.

(4) "Guillotine trimmer" means a machine with a shearing knife used to cut sheets to size.

(5) "Hooker" means the employee who hooks the load to the hook.

(6) "Jack ladder" means a conveyor used to transport logs to a barker.

(7) "Knot cleaner" or "woodpecker" means a device used to remove knots from pulpwood.

(8) "Nip point" means that point where a rotating object creates a pinching action with another rotating object.

History: 1954 ACS 77, p. 136, Eff. Dec. 15, 1973; 1954 ACS 89, p. 100, Eff. Nov. 13, 1976.

R 408.16306 Definitions; P.

Rule 6306. (1) "Paperboard mill" means a plant that manufactures paperboard from pulp or recycled paper fibers.

(2) "Paper mill" means a plant that manufactures paper from pulp or recycled paper fibers.

(3) "Pinch point" means a point at which it is possible to be caught between the moving parts of a machine, or between moving and stationary parts of a machine or between material and any part of a machine.

(4) "Pulper" means a machine designed to break up, defiber and dispense dry pulp, mill process broke, commercial waste paper or other fibrous material into slush form for further processing.

(5) "Pulp mill' means a mill which processes pulpwood, wood chips or other such cellulosic material into pulp by cooking, screening and bleaching.

(6) "Pulpwood" means a wood used in making pulp for paper.

History: 1954 ACS 77, p. 136, Eff. Dec. 15, 1973.

R 408.16307 Definitions; R.

Rule 6307. (1) "Rag cooker" means a vessel for reducing rags to pulp by cooking in a liquid.

(2) "Rag duster" means a machine used to remove dust from rags.

(3) "Rider roll" means an idler roll which applies pressure to a roll being rewound.

(4) "Roll splitter" means a guillotine-type cutter used to split rolls of paper parallel to the core.

(5) "Rotary cutter" means a machine with revolving knives which cuts rolled paper into sheets.

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16308 Definitions; S.

Rule 6308. (1) "Shredder" means a machine for reducing rags and paper into fine fibers.

(2) "Slasher saw" means a circular saw through which logs are moved for cutting to length.

(3) "Sole plate" means a base plate on which a machine is mounted.

(4) "Splitter block" means a device used to reduce large wood logs to a smaller size.

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(5) "Stock chest" means a vessel for storage of pulp slurry.

(6) "Sulfur burner" means a furnace used to burn sulfur.

(7) "Super calender" means a machine having an assembly of rolls for producing fine finishes on paper.

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16309 Definitions; T to V.

Rule 6309. (1) "Tipple" means a device by which a loaded railcar or truck is emptied.

(2) "Vessel" means a tank or vat used for storage or mixing of pulp or chemicals.

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16311 Employer responsibility.

Rule 6311. An employer shall:

(a) Provide training to each employee regarding the hazards and safeguards before he starts his assigned job.

(b) Provide personal protective equipment necessary to protect the employee from the hazards of the job as required by R 408.16313.

(c) Not allow a machine to be operated which is not guarded according to state standards, has a defective guard or is otherwise unsafe.

(d) Establish and maintain a lockout procedure as prescribed in R 408.16323(4).

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16312 Employee responsibility.

Rule 6312. An employee shall:

(a) Use personal protective equipment furnished by the employer.

(b) Report to his supervisor any machine or safeguard which is defective.

(c) Not remove a guard except for authorized operational or maintenance purposes. The guard shall be replaced or equivalent guarding installed before the machine is returned to production.

(d) Not operate any machine or equipment until he is trained in the operating procedures, hazards and safeguards and has been authorized to do so.

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16313 Personal protective equipment.

Rule 6313. (1) A deluge shower and eye fountain shall be provided within 25 feet of an area where caustics or acids are used or mixed at a strength which could cause injury to an exposed employee.

(2) An approved life jacket shall be provided and worn whenever an employee works above water where a protective standard barrier or lifeline and safety belt is not provided.

(3) Personal protective equipment used by more than 1 employee shall be cleaned or sanitized after each usage where body contact has been made.

(4) Eye protection shall be worn by employees in areas including, but not limited to, maintenance operations, the wood yard, at barking, knot cleaning, digesting, pulp grinding, banding operations and chemical handling as specified in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code.

(5) Head protection shall be worn by employees in areas including, but not limited to, the wood yard and at barking, maintenance, digesting and pulp

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grinding operations as specified in the occupational safety standards commission standard, Part 32. Head Protection, being R 408.13201 to R 408.13241 of the Michigan Administrative Code.

(6) Foot protection shall be worn by employees including, but not limited to, the wood yard and at the pulp grinding, maintenance and hazardous chemical handling and mixing operations.

(7) Personal protective equipment such as aprons, gloves, rubber boots and metal or plastic toe or metatarsal foot protection shall be provided by the employer and worn by the employee where the possibility of injury dictates.

(8) Respiratory equipment shall be available and maintained in an operable and sanitary condition where toxic fumes may be encountered above the maximum threshold limits prescribed by the state department of public health.

History: 1954 ACS 77, p. 137, Eff. Dec. 15, 1973.

R 408.16321 Illumination.

Rule 6321. (1) Natural or artificial lighting shall be furnished to provide the following:

(a) A minimum of 25 footcandles intensity at the machine operator's work station.

(b) A minimum of 5 footcandles along a means of egress.

(c) A minimum of 2 footcandles in an inside active storage area.

(2) An employee entering a vessel for the purpose of cleaning or inspecting shall be provided with a safety light approved for that particular environment if the vessel lacks the required illumination.

(3) Emergency lighting shall be provided wherever it is necessary for employees to remain at their machines or stations to shut down equipment in case of power failure. Emergency lighting shall be provided at stairways and passageways or aisleways used by employees for emergency exit in case of power failure. Emergency lighting shall be provided in all plant first aid and medical facilities.

History: 1954 ACS 77, p. 138, Eff. Dec. 15, 1973; 1954 ACS 89, p. 100, Eff. Nov. 13, 1976.

R 408.16322 Floor, aisles, and catwalks.

Rule 6322. (1) An aisle or floor work area shall be free of protruding objects, holes and loose boards.

(2) An aisle shall be 3 feet wider than the widest load transported in the aisle and the outline of the aisle marked.

(3) A slip resistant surface shall be provided on platforms, at work stations, on walk ramps, plank walks and catwalks.

(4) A stair tread leading to a catwalk or platform shall have a slip resistant surface.

(5) A catwalk 4 feet or more above the floor, ground or platform shall be guarded by a standard barrier and toeboard on the open side as prescribed in rules 211, 231, and 233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10211, R 408.10231, and R 408.10233 of the Michigan Administrative Code. However, a catwalk, regardless of height, above or adjacent to dangerous equipment shall be guarded with a standard barrier and toeboard.

History: 1954 ACS 77, p. 138, Eff. Dec. 15, 1973.

R 408.16323 Power controls.

Rule 6323. (1) A machine shall be equipped with an emergency stop device, distinguished by its size or color, which can be activated from the operator's or

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crew member's work station. In addition, a rotary cutter, paper machine, and calender shall have an emergency stop device which will provide a braking action to stop the machine quickly in an emergency. This device shall be tested periodically by making use of it when stopping the machine.

(2) A machine attended by more than 1 operator shall be equipped with a control for each operator exposed to a point of operation hazard. These controls shall be interlocked to prevent operation until each operator operates his control concurrently.

(3) A machine control shall be designed and installed to prevent unintentional activation by contact with objects or parts of the body.

(4) A power source of any equipment to be repaired, serviced or set-up shall be locked out by each employee doing the work where unexpected startup would cause injury, except when motion is necessary during set-up or adjustment. Such motion shall be achieved by a manually held constant pressure control device. Residual pressure shall be relieved prior to and during such work when the equipment is locked out.

(5) Upon power failure, provisions shall be made to prevent machines from automatically restarting upon restoration of power.

History: 1954 ACS 77, p. 138, Eff. Dec. 15, 1973; 1954 ACS 89, p. 100, Eff. Nov. 13, 1976.

R 408.16324 Machine installation.

Rule 6324. (1) A machine installed on a bench, table or stand shall be fastened to prevent unintentional movement or tipping.

(2) A machine shall be so placed that it will not be necessary for an employee to stand in an aisle.

(3) An electrically powered machine shall be grounded.

(4) A machine, which because of its type of operation builds up static electricity, shall be equipped with a device to drain the electrical charge away.

(5) A pipe containing surface heat, which can cause burns and which is within 8 feet of a floor or platform or 15 inches of a ladder shall be enclosed by insulation or a barrier to protect an employee from contact.

(6) A sole plate shall have a slip-resistant surface where the plate is crossed by an employee.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973.

R 408.16325 Lubrication.

Rule 6325. (1) Lubrication shall be accomplished by 1 of the following:

(a) Manually, when the machine can be shut off and locked out.

(b) Automatic pressure or gravity feed system.

(c) Extension pipe leading to an area outside of guards or away from any hazard.

(d) A means which would provide equal or greater protection than (a), (b), or (c) for the employee.

(2) In any case, rule 732 of Part 7. Guards for Power Transmission of the occupational safety standards commission standard, being R 408.10732 of the Michigan Administrative Code, shall be followed.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973.

R 408.16326 Hydraulic and pneumatic systems.

Rule 6326. (1) A hydraulic or pneumatic system shall have a designed safety factor of at least 4.

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(2) When hydraulic, air or steam lines are bled, equipment supported by these systems shall be blocked or otherwise secured to provide for the safety of employees working on or about the equipment.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973.

R 408.16327 Maintenance.

Rule 6327. Machinery and equipment in use shall be maintained in safe order.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973.

R 408.16328 Guarding.

Rule 6328. (1) A lever carrying a weight shall have a bolt put through the extreme end of the lever, a safety chain attached to it or the weight shall be enclosed from its extended height to the floor or platform.

(2) When material such as chunks or cants of wood or logs can be thrown from a barker or chipper, a barrier to contain the material shall be erected and maintained.

(3) A foot switch or control shall be guarded as prescribed in rule 2351 of the occupational safety standards commission standard, Part 23. Power Presses, being R 408.12351 of the Michigan Administrative Code.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973.

R 408.16331 Material handling.

Rule 6331. (1) A mechanical lifting device shall be provided and used to place and remove rolls of paper and paperboard from a machine.

(2) An escape hatch shall be provided where doors on an enclosed cab provided on a powered industrial truck may be blocked by special equipment.

(3) A crane, powered industrial truck, or other wood-handling equipment, except over the road vehicles, having a cab with windows shall have all windows protected by a screen made of steel rods not less than 7/16 inch in diameter with openings not more than 4 by 4 inches or 2 by 6 inches.

(4) Where a hooker or hatch tender is used, the operator of a cab style crane shall respond to his signals. The signals for an overhead crane shall be as prescribed in table 1. The signals for a boom-type crane shall be as prescribed in table 2.

(5) A blower used to transport rags shall be provided a feed hopper with the opening not less than 48 inches from the fan. The blower outlet shall not allow material to fall on an employee.

(6) Railroad cars shall not be spotted on tracks adjacent to the locomotive cranes unless a 24-inch clearance is maintained, as prescribed in R 408.16342(1).

(7) The handling and storage of other materials shall conform to R 408.16342(1) and (2) with respect to clearance.

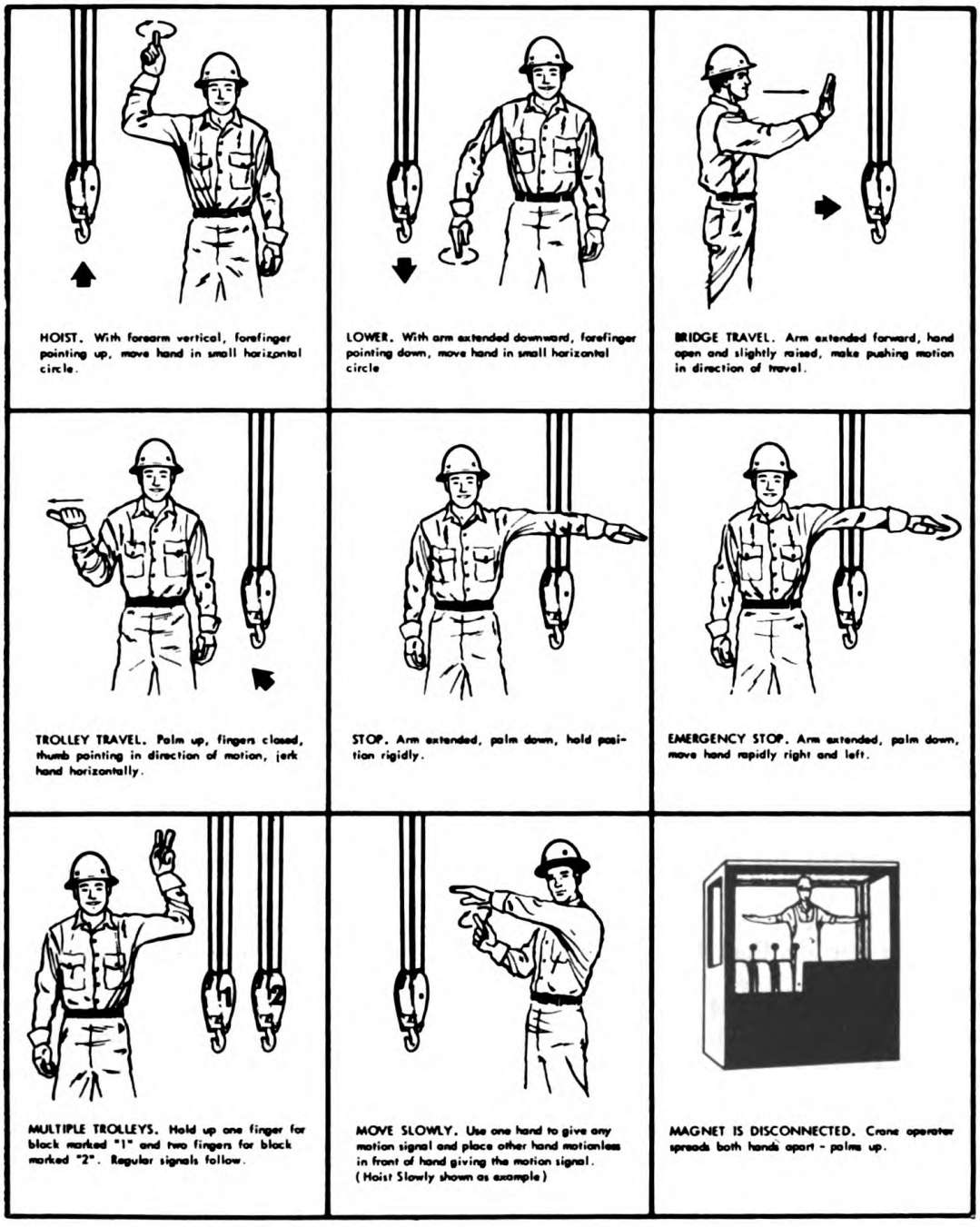
(8) Handles of wood hooks shall be locked to the shank to prevent them from rotating.

(9) An employee shall not be permitted to ride on a powered hand truck unless it is so designed by the manufacturer. A limit switch shall be on operating handle—30 degrees each way from a 45-degree angle up and down beyond which the drive motor is electrically disconnected and braking action commences.

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TABLE 1

Standard Hand Signals for Controlling Overhead and Gantry Cranes



HOIST. With forearm vertical, forefinger pointing up, move hand in small horizontal circle.

LOWER. With arm extended downward, forefinger pointing down, move hand in small horizontal circle

BRIDGE TRAVEL. Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.

TROLLEY TRAVEL. Palm up, fingers closed, thumb pointing in direction of motion, jerk hand horizontally.

STOP. Arm extended, palm down, hold position rigidly.

EMERGENCY STOP. Arm extended, palm down, move hand rapidly right and left.

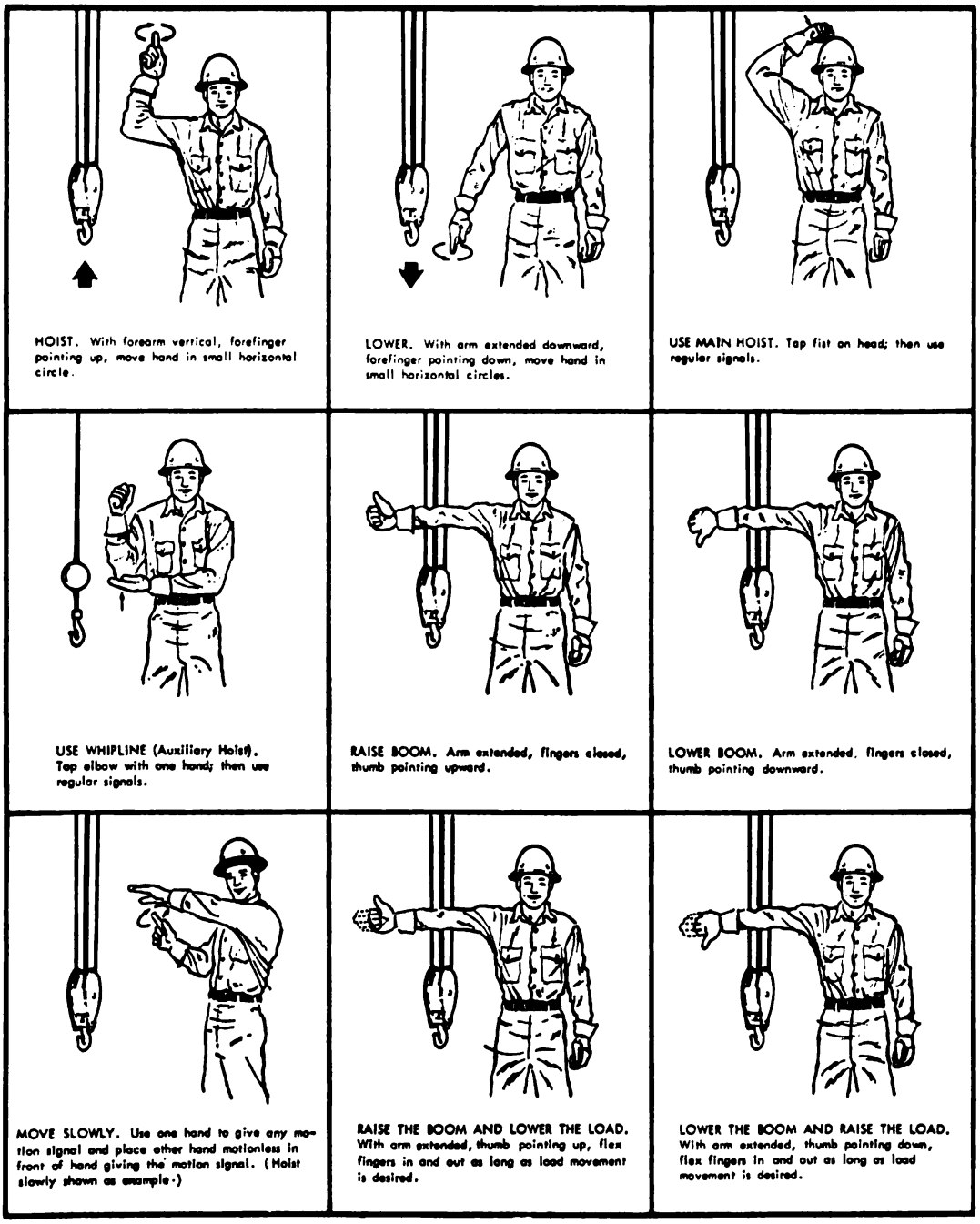
MULTIPLE TROLLEYS. Hold up one finger for block marked "1" and two fingers for block marked "2". Regular signals follow.

MOVE SLOWLY. Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist Slowly shown as example)

MAGNET IS DISCONNECTED. Crane operator spreads both hands apart - palms up.

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TABLE 2
Hand Signals for Boom-Type Cranes



HOIST. With forearm vertical, forefinger pointing up, move hand in small horizontal circle.

LOWER. With arm extended downward, forefinger pointing down, move hand in small horizontal circles.

USE MAIN HOIST. Tap fist on head; then use regular signals.

USE WHIPLINE (Auxiliary Hoist). Tap elbow with one hand; then use regular signals.

RAISE BOOM. Arm extended, fingers closed, thumb pointing upward.

LOWER BOOM. Arm extended, fingers closed, thumb pointing downward.

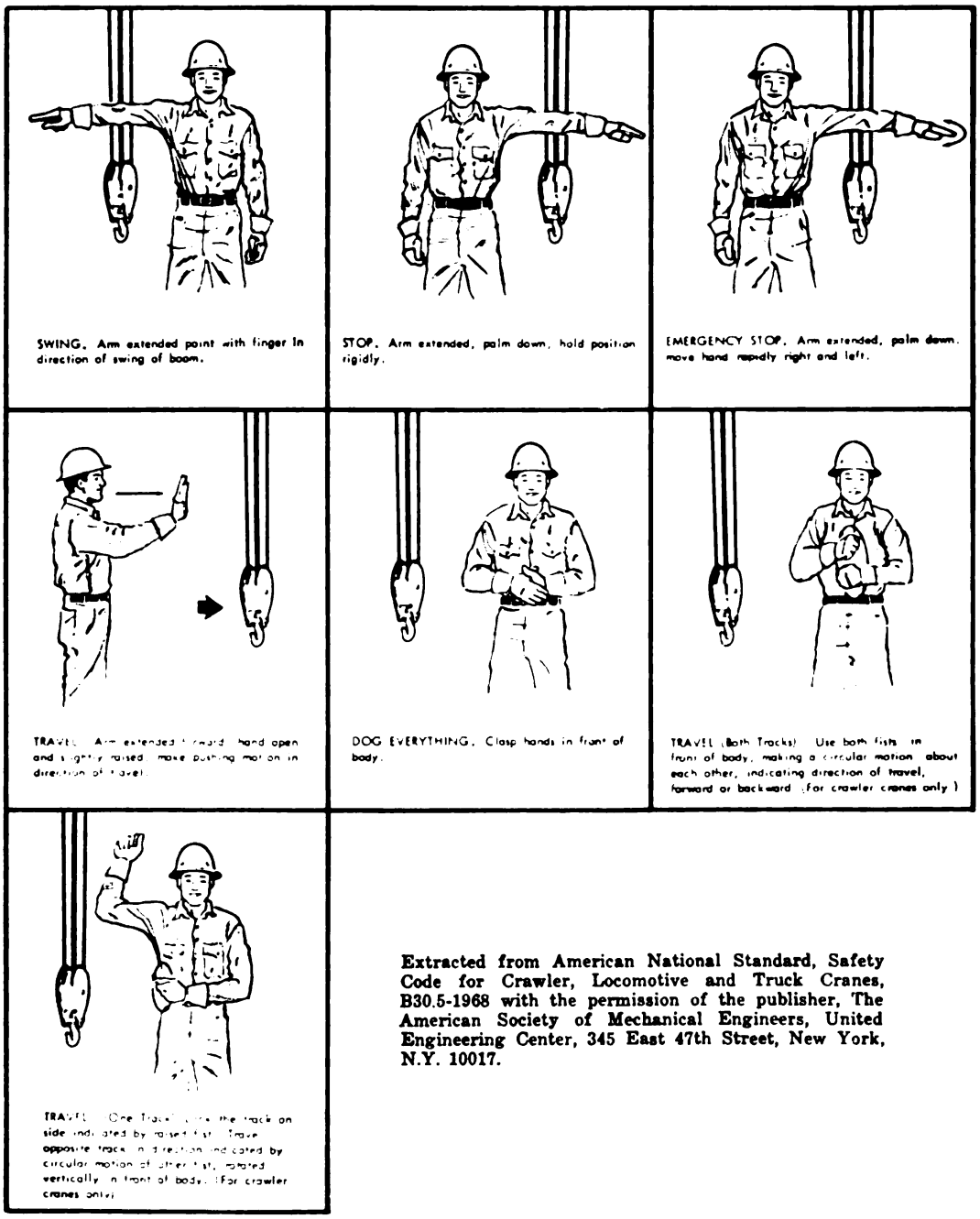
MOVE SLOWLY. Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist slowly shown as example.)

RAISE THE BOOM AND LOWER THE LOAD. With arm extended, thumb pointing up, flex fingers in and out as long as load movement is desired.

LOWER THE BOOM AND RAISE THE LOAD. With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.

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TABLE 2 (Cont.)



Extracted from American National Standard, Safety Code for Crawler, Locomotive and Truck Cranes, B30.5-1968 with the permission of the publisher, The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

History: 1954 ACS 77, p. 139, Eff. Dec. 15, 1973; 1954 ACS 89, p. 100, Eff. Nov. 13, 1976.

R 408.16332 Storage.

Rule 6332. (1) Rolls of paper, finished material, baled paper, or rags stored inside a building shall have a desired clearance of 36 inches but not less than 18 inches from a sprinkler head.

(2) Piles of wet-lap pulp, not palletized, shall be stepped back ½ of the width of a sheet from each end of a pile for each 8 feet of pile height. Pulp shall not be piled over pipelines to jeopardize pipes.

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(3) Hand laid-up sheets of wet-lap pulp shall be interlapped to make the pile secure.

(4) Piles of wet-lap pulp shall not be undermined when being unpiled.

(5) The designed floor capacity of a building shall be posted and not be exceeded.

(6) Rolls of paper stock stored horizontally on the floor shall be chocked at the end of each row and between each roll. Where rolls are pyramided 2 or more high, chocks shall be installed between each roll on the floor. The face of each chock should be formed on a radius to conform to the average roll size in use. When rolls are decked 2 or more high, the bottom rolls shall be chocked on each side to prevent shifting in either direction.

(7) Vertically stacked rolls of paper shall be piled in a stable manner.

(8) Where smooth floors are present the chocks shall be rubber based.

History: 1954 ACS 77, p. 143, Eff. Dec. 15, 1973; 1954 ACS 89, p. 104, Eff. Nov. 13, 1976.

R 408.16333 Vessels, bin, and cooker entry.

Rule 6333. (1) A lifeline and safety harness or safety belt shall be worn by an employee entering a vessel, a tank, digester, bin or cooker without an access door at ground or floor level. An employee shall be stationed outside with a self-contained respirator in a position to handle the lifeline and summon assistance.

(2) The air inside the vessel, tank or bin shall be tested prior to entry. Atmospheres containing toxic gas or vapor, or which are deficient in oxygen shall be purged and fresh air forced inside while the tank or vessel is occupied, or a self-contained or a constant-flow type supplied air respirator shall be worn. An employee shall not enter a vessel or tank containing an explosive atmosphere.

(3) Controls to equipment supplying or operating a closed vessel, tank, digester, bin, or cooker shall be locked out prior to entry pursuant to R 408.16323(4).

(4) Valves to supply pipes for a closed vessel, tank, digester, bin, or cooker shall be closed and locked out or blanked prior to entry by an employee.

(5) Tanks shall be free of acid and shall be washed out with water, and fresh air shall be blown into them, before allowing an employee to enter. An employee entering the tanks shall be provided with a supplied air respirator, lifebelt, and attached lifeline.

(6) Any lines to sewers shall be blanked off to protect workers from air contaminants.

History: 1954 ACS 77, p. 143, Eff. Dec. 15, 1973; 1954 ACS 89, p. 105, Eff. Nov. 13, 1976.

R 408.16334 Flammable and hazardous substances.

Rule 6334. (1) When transferring flammable liquids from 1 container to another, both containers shall be grounded or bonded to drain away any static electricity generated.

(2) Flammable and hazardous substances shall be stored in an approved container at the point of usage only in quantities for not more than 1 day's usage.

(3) Chemicals which are not compatible with each other shall be effectively isolated by distance, curbing, or other means.

(4) Nonsparking tools and grounded hose shall be used when pumping out the turpentine tank. The tank shall be surrounded by a berm or moat.

History: 1954 ACS 77, p. 143, Eff. Dec. 15, 1973; 1954 ACS 89, p. 105, Eff. Nov. 13, 1976.

R 408.16335 Skip hoists.

Rule 6335. A skip hoist, unless completely enclosed, shall be equipped with:

(a) A warning device to announce movement.

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(b) An interlocking gate across the bucket loading opening.

(c) A standard barrier across any open side.

History: 1954 ACS 77, p. 143, Eff. Dec. 15, 1973.

R 408.16336 Chains; cables; wire ropes.

Rule 6336. (1) A chain used for material handling and its component parts, other than alloy steel chain having a minimum tensile strength of 125,000 pounds per square inch, shall have a designed safety factor of not less than 5. Alloy chain shall not be used in excess of the working load in straight tension for its size as prescribed in table 3.

(2) Chain with bent, twisted or elongated links, or a hook which has been opened more than 15% at the throat from the original set or twisted more than 10% from the plane of the unbent hook, shall not be used until the defective links or hook is replaced.

(3) Cable, wire rope and wire rope slings shall have a designed safety factor of not less than 5.

(4) Wire rope or cable shall be inspected when installed and not less than monthly thereafter, when in use.

(5) Wire rope shall not be used if, in any length of 8 diameters, the total number of visible broken wires exceed 10% of the total number of wires, or if the rope shows other signs of excessive wear, corrosion or defects.

TABLE 3
Working Load

Nominal Size, Chain Bar, in.	Work Load, lb. min.
¼	3,250
⅜	6,600
½	11,250
⅝	16,500
¾	23,000
⅞	28,500
1	38,750
1⅛	44,500
1¼	57,500
1⅜	67,000
1½	80,000
1¾	100,000

History: 1954 ACS 77, p. 143, Eff. Dec. 15, 1973.

R 408.16337 Boom cranes.

Rule 6337. (1) A boom crane shall bear a sign or tag in the cab and on the outside showing the maximum rated capacity in pounds or tons as related to the boom angle. The rated capacity shall not be exceeded.

(2) The designed safety factor for all boom crane parts shall be not less than 5.

(3) A boom crane shall be equipped with a warning device which shall be used during lifting and moving of a load if an employee other than the crane crew is in the loading or unloading path.

(4) A boom crane load shall not pass over the head of any employee.

(5) Only 1 member of a boom crane crew shall be authorized to give signals to the crane operator. The signals shall conform to table 2 of R 408.16331.

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(6) A crane boom shall not be operated within 10 feet of overhead power lines unless the power lines have been deenergized. The boom shall be painted a bright yellow from and including the head sheave to a point 6 feet down the boom towards the cab.

History: 1954 ACS 77, p. 144, Eff. Dec. 15, 1973.

R 408.16338 Blue flag warning.

Rule 6338. (1) A locomotive or locomotive crane shall use a blue flag, blue light or derailer when:

(a) An employee may be endangered by railcars being pushed into an area in which they are working.

(b) Loading or unloading railcars, oiling or servicing a railcar, locomotive or locomotive crane.

(2) When it is not possible to place a blue flag or blue light at a switch, it shall be placed at least 50 feet from the end of the last car at both ends of the car or cars. At stub-end tracks a blue flag or blue light is necessary only at the open end.

(3) A blue flag and blue light shall be marked with the name of the department placing it.

(4) A blue flag or blue light shall not be removed except by the person who places it, except if an employee does not remove his blue flag or blue light and cannot be located, his supervisor after making a thorough check of the track area in question, in company with an operating man, may remove the blue flag or blue light.

(5) Where 2 or more groups are working in the same location, a responsible employee or supervisor from each group shall each place a blue flag or blue light as specified in subrules (1) and (2) of this rule.

History: 1954 ACS 77, p. 144, Eff. Dec. 15, 1973.

R 408.16339 Chip and bark piles.

Rule 6339. (1) Mechanical equipment, steam or compressed air lances shall be used to break down overhangs or arches caused by jamming of chips or bark.

(2) Mobile equipment shall not mount a chip or bark pile unless the operator is protected by a rollover protection device.

History: 1954 ACS 77, p. 144, Eff. Dec. 15, 1973.

SPECIFIC PROVISIONS

R 408.16341 Woodyard unloading.

Rule 6341. (1) Where it is necessary to cut stakes holding logs on railway cars and trucks, the stake on the unloading side shall be partially cut through first and then the binder wire cut on the opposite side. The wire cutters shall have long extension handles. No employee shall be permitted on the unloading side after the stakes are cut.

(2) Where steel straps are used without stakes, employees shall stand in a safe area when the straps are cut.

(3) A railcar or truck, except a truck being unloaded or loaded by a locomotive crane, shall have the wheels chocked or the brake set during unloading or loading operations.

(4) Where binder chain and stakes are used, the binder chains shall be released and the stakes tripped from the opposite side of the load spillage.

(5) Where binder chain and crane slings are used, the crane sling shall be in place and taut before the binder chain is released. The hooker shall see that the helper is clear before signaling for the movement of the load.

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(6) Before a railcar, truck, or trailer is unloaded by a tipple-type device, it shall be secured in place and all employees removed from the hazardous area.

(7) Where pulpwood is loaded on flatcars, stakes not less than 4 x 4 inches in dimensional nominal size shall be used to contain the load.

(8) A truck driver shall not remain in the truck during unloading operations.

History: 1954 ACS 77, p. 145, Eff. Dec. 15, 1973; 1954 ACS 89, p. 105, Eff. Nov. 13, 1976.

R 408.16342 Woodyard piling.

Rule 6342. (1) Piling of pulpwood shall allow for a clearance of at least 24 inches between the pile and the crane cab turned at any working position.

(2) Piling of pulpwood along a standard-gage track shall allow for a clearance of 8½ feet from the center line of the track to the pile.

(3) Logs shall not project from a pile into a walkway or roadway.

(4) Ends of a woodpile shall be sloped or crosstiered into the pile.

(5) Mechanical equipment shall be used to knock down wood from a woodpile.

History: 1954 ACS 77, p. 145, Eff. Dec. 15, 1973.

R 408.16343 Flumes, runways, and jack ladders.

Rule 6343. (1) A flume or water runway used to transport logs shall have a standard barrier along the exposed sides. The height of the sides of a flume or runway extending above ground, floor or platform level may be counted as part of the 42 inches prescribed for a standard barrier as in rule 231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10231 of the Michigan Administrative Code.

(2) An inclined walkway along an inclined portion of a jack ladder shall have cleats or a slip-resistant surface and the walkway shall be equipped with a stair railing on both sides as prescribed in rule 221 of the occupational stafety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10221 of the Michigan Administrative Code.

History: 1954 ACS 77, p. 145, Eff. Dec. 15, 1973.

R 408.16344 Log jams.

Rule 6344. Where it is necessary for an employee to stand on a conveyor for the purpose of clearing a log jam, the conveyor shall be stopped and locked out as prescribed in R 408.16323(4) before the work is started.

History: 1954 ACS 77, p. 145, Eff. Dec. 15, 1973.

R 408.16345 Saws.

Rule 6345. (1) A guard shall be provided in front of a slasher saw to protect an employee from thrown pieces.

(2) An employee shall not mount a slasher saw table unless the machine is stopped and locked out as prescribed in R 408.16323(4).

(3) The exposed portion of a slasher saw blade below the table shall be enclosed.

(4) A saw and other equipment more commonly found in a sawmill shall be guarded and used as prescribed in the occupational safety standards commission standard, Part 52. Sawmills, being R 408.15201 to R 408.15256 of the Michigan Administrative Code.

History: 1954 ACS 77, p. 145, Eff. Dec. 15, 1973.

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R 408.16346 Barker.

Rule 6346. (1) An employee shall not hold or have physical contact with the pulpwood during the barking operation.

(2) Barrier guards or enclosures shall be provided to protect an employee in the area from flying particles from the barker.

(3) Two or more continuous barking drums installed side by side shall be provided with a walkway between each set with a standard barrier pursuant to R 408.1231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights.

(4) When a platform or floor allows access to the sides of a drum barker, a standard barrier shall be installed as prescribed in R 408.1231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights.

(5) In-running nip points exposed to contact of trunnion rollers on a drum barker shall be guarded.

(6) An intermittent barking drum shall be equipped with a device which locks the drum while being loaded or unloaded.

(7) The loading and unloading ends of a hydraulic barker shall be equipped with baffles. The operator shall be protected by a barrier of ½-inch Plexiglas or material of equivalent strength. A high pressure hose to a hydraulic barker shall be secured at the hose connection ends to prevent whipping if a connection fails.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973.

R 408.16347 Chippers.

Rule 6347. (1) An employee feeding a chipper shall not have his work station in direct line with the chipper hopper.

(2) The in-feed conveyor shall be guarded for its entire length by an enclosure or standard barrier as prescribed in R 408.1231 and R 408.1233 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights.

(3) The chipper hopper shall be enclosed not less than 40 inches from the blades to the opening and be baffled to prevent wood from being thrown from the hopper.

(4) An employee feeding a chipper within 42 inches of the hopper shall wear a safety belt and line designed to prevent his falling into the hopper.

(5) Where jam-ups cannot be cleared, the in-feed equipment shall be stopped and locked out. The employee clearing the jam shall wear a safety belt and line which will prevent contact with the blades before additional clearing is done. If it is necessary to remove or loosen a blade hook, the power shall be shut off and locked out.

(6) Chipper knives shall be transported on a carrier.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973.

R 408.16348 Splitter block.

Rule 6348. (1) The block upon or against which the wood is rested shall have a corrugated surface or other means provided so that the wood will not slip. Wood to be split, and also the splitting block, shall be free of ice, snow, or chips.

(2) A clear and unobstructed view shall be maintained between equipment and workers around the block and the workers' help area.

(3) Power to activate the splitter shall be controlled by a clutch or valve and shall be designed for single stroke operation only.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973; 1954 ACS 89, p. 106, Eff. Nov. 13, 1976.

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R 408.16349 Knot cleaner.

Rule 6349. A knot cleaner of the woodpecker type shall have the operating area enclosed to protect an employee passing by.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973.

R 408.16351 Acid rooms, acid towers, and acid tanks.

Rule 6351. (1) Personal protective equipment as prescribed in R 408.16313 shall be worn.

(2) Walkways, stairs, and other equipment on acid rooms, acid towers, and acid tanks shall be inspected monthly for corrosion and replaced or repaired where any part shows a defect affecting employee safety.

(3) Where hoops are used on acid tanks, they shall be made of rods rather than flat strip stock and shall be inspected and maintained as prescribed in subrule (2).

(4) Pressure tanks-accumulators shall be inspected semiannually as prescribed in the ASME boiler and pressure vessel code, section VIII, unfired pressure vessels—1968, with addenda, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This code may be purchased at a cost of $40.00 from the American Society of Mechanical Engineers, 345 E. 47th Street, New York, New York, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973; 1954 ACS 89, p. 106, Eff. Nov. 13, 1976.

R 408.16352 Chlorine, chlorine dioxide, and sodium chlorate.

Rule 6352. (1) Only a trained and authorized employee shall be permitted into a chlorine dioxide generating room.

(2) A room used for storage or generating of chlorine gases shall have not less than 2 exits.

(3) Storage facilities and handling operations shall eliminate possible contact of sodium chlorate and chlorine dioxide with wood or other materials which would cause a fire, explosion or other chemical reaction.

(4) Smoking and other sources of fire and spark-producing equipment shall not be permitted in a chlorine dioxide generating room when it is in operation. Warning signs shall be posted.

(5) Liquid chlorine, when stored inside, shall be stored in an unoccupied ventilated room, and the exhaust pickup shall be at floor level.

(6) A water hose and supply shall be available where spills of chlorine and chlorine dioxide may occur.

(7) A tank car containing chlorine and connected to a pipe or hose line shall be protected by a derail device and the blue flag as prescribed in R 408.16338.

(8) A pipe or hose line carrying chlorine, caustic or acid shall be identified by a sign each valve and yellow color banding.

History: 1954 ACS 77, p. 146, Eff. Dec. 15, 1973.

R 408.16353 Sulfur burning and drying.

Rule 6353. (1) A sulfur burning or drying house shall be provided with an exhaust system as prescribed by the state department of public health to reduce the chance of a dust explosion. In addition, pipes, beams, and other overhead objects shall be cleaned off not less than once a month to remove dust accumulations.

(2) Nonsparking tools and equipment shall be used in handling dry sulfur. Smoking shall be prohibited and "No Smoking" signs shall be posted.

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(3) Sulfur melting equipment shall not be located in the burner room.

(4) Explosion proof electric equipment shall be used where dry sulfur burning is done.

History: 1954 ACS 77, p. 147, Eff. Dec. 15, 1973.

R 408.16354 Digesters and blow pits; general.

Rule 6354. (1) A means of egress shall be provided at each end of the room at every floor level of a digester building.

(2) A batch type digester shall have:

(a) A blowoff valve located so it can be operated from another room, remote from safety valve.

(b) Blow valves on rotary digesters pinned or locked in a closed position during the cooking period.

(c) Pipes, valves, and fittings classified as heavy duty between the digester and blow pit. These pipes, valves, and fittings shall be inspected at least semiannually to determine the degree of deterioration, and shall be replaced when necessary.

(d) Through bolts instead of cap bolts on pipe joints.

(3) A side opening to a blow pit is preferred. If the opening is on top, the opening shall be protected by a standard barrier as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights. Access to a blow pit shall be by a ladder designed to keep the door open when the ladder is in place, or an employee is within the pit.

(4) Blow-pit hoops shall be maintained in a safe condition.

(5) Personal protective equipment prescribed in R 408.16313 shall be provided and worn when repairing or removing old brick lining from a digester.

History: 1954 ACS 77, p. 147, Eff. Dec. 15, 1973; 1954 ACS 89, p. 106, Eff. Nov. 13, 1976.

R 408.16355 Blowing a batch type digester.

Rule 6355. (1) A signal device such as a bell, horn, siren, or light shall be installed in a batch type digester or blow pit room and chip bin and used before and during blowing of the digester.

(2) A signal shall be used to warn an employee in a chip bin before loading the batch type digester.

(3) A blow-off valve shall be opened slowly, and the valve shall be left open until the digester cook signals the blow is completed.

(4) A digester cover shall not be removed until the blow has been completed. An employee removing a digester cover shall wear protective equipment to guard against burns from hot stock and steam.

History: 1954 ACS 77, p. 147, Eff. Dec. 15, 1973; 1954 ACS 89, p. 106, Eff. Nov. 13, 1976.

R 408.16356 Safety valves.

Rule 6356. (1) A safety valve shall be installed between the steam regulating valve and the vessel on a separate pipe line for each pressure vessel. The safety device shall conform to paragraph U-2 in the ASME boiler and pressure vessel code, section VIII, unfired pressure vessels—1968, with addenda. See R 408.16351(4) for availability of this referenced code. Also see R 408.4025 of the Michigan boiler rules.

(2) A safety valve shall be checked between each cook to be sure it has not become plugged or corroded to the point of being inoperative.

(3) A safety valve shall be inspected not less than annually and repaired if necessary to insure its ability to operate, and shall be set at not more than the rated capacity of the pressure vessel.

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(4) The vent for a safety valve shall discharge into an area which does not create a hazard for an employee.

History: 1954 ACS 77, p. 147, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

R 408.16357 Smelt tanks.

Rule 6357. A smelt tank shall be equipped with a cover which will be kept closed except during sampling. A smelt tank shall be equipped with a vent stack explosion door.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973.

R 408.16358 Cutters, dusters, and shredders.

Rule 6358. (1) A cutter, duster, or shredder for rags or old paper shall have the rotating heads or cylinders enclosed, except for an opening large enough only to permit feeding of stock. The enclosure shall extend over the top of the feed rolls and prevent contact with moving parts. The enclosure shall be bolted or locked into place.

(2) An employee shall stand not less than 36 inches from feed rolls on a cutter, duster, or shredder for rags or old paper, or be protected by a smooth pivoted idler roll resting on the stock or feed table, or be restrained by a safety belt and lanyard from placing any part of the body in the opening.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

R 408.16359 Tools for rag cutting.

Rule 6359. (1) A hand knife or sharpening steel shall be equipped with a guard between the handle and the blade.

(2) A hand knife or scissors shall have rounded ends on the blade and shall be carried in a sheath or maintained on a table by a cord or chain.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973.

R 408.16360 Pulp grinding and shredding.

Rule 6360. (1) A pulp grinder having a water wheel shall be equipped with a governor to limit the peripheral speed of the grinder to its rated speed.

(2) The cutting heads of a pulp shredder shall be enclosed, except for an opening to permit only the entry of stock. The enclosure shall be made of solid material or mesh with openings not more than ½ inch. The shredder shall be fed from a table extending not less than 36 inches from the opening, or an automatic feeding device shall be used. The enclosure shall be bolted or locked in place.

(3) Doors of pocket grinders shall be arranged so as to keep them from closing accidentally.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

R 408.16361 Pulpers and beaters.

Rule 6361. (1) The top of a pulper vessel or beater tub less than 42 inches from the floor or platform shall have a barrier erected around the exposed edge to a height of 42 inches to guard the opening, or a beater or pulper fed from a floor above by a chute shall have the chute extend to a height of 42 inches or the opening guarded by a standard barrier as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights.

(2) Beater rolls shall be provided with covers.

(3) The floor around a beater shall be provided with sufficient drainage to remove wastes.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

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R 408.16362 Bleaching.

Rule 6362. A bleaching engine, except the Bellmer type, shall have the top covered with the exception of an opening large enough to permit filling but too small to admit a man. This opening shall be covered with a door. The opening and a platform connecting 1 engine with another shall be guarded with standard barriers as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973.

R 408.16363 Guillotine type cutter.

Rule 6363. (1) A guillotine type cutter shall be equipped with controls requiring each operator to use both hands throughout the cutting cycle to operate it.

(2) A guillotine cutter shall be equipped with a nonrepeat device.

(3) A carrier shall be used when transporting a guillotine type cutter knife.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973.

R 408.16371 Paper machine.

Rule 6371. (1) An audible alarm shall be sounded 30 seconds before starting a section of a pulp or paper machine.

(2) A disengaged doctor blade accessible to an employee shall be covered. The sharp edges shall be covered during transportation and storage.

History: 1954 ACS 77, p. 148, Eff. Dec. 15, 1973.

R 408.16372 Dryer.

Rule 6372. (1) A barrier guard or a standard barrier, as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, shall be installed in front of the first dryer of each section of a paper machine, if the area is accessible to an employee.

(2) In starting a dryer section, steam to heat the drums shall be introduced slowly while the drums are turning.

(3) A broken carrier rope shall not be removed from a dryer while the section is running at operating speed.

(4) The end of a "yankee" type dryer exposed to contact shall be guarded by a barrier to prevent entry to the turning drum.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16374 Nip points.

Rule 6374. (1) An inrunning nip point on a roll-type embosser, drum winder or rewinder shall be guarded by a barrier interlocked with the drive mechanism in such a manner that the barrier can be raised only when the rolls have stopped. The interlock system may allow the use of a jog switch when the barrier is open. The barrier shall be constructed so that an employee cannot reach over or around it into the nip point.

(2) A nip point, which is not a feeding point, created at calender or dryer rolls shall be guarded by a barrier.

(3) A nip point, which is a feeding point, shall be fed by a device, such as but not limited to a rope carrier, air jet or a tool, or guarded by a barrier which will keep the employee's fingers from the nip point while feeding. A hand-held device capable of going through the nip point shall not be used.

(4) An employee shall be cautioned as to an unguarded nip point by a warning sign.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

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R 408.16375 Broke hole.

Rule 6375. (1) A broke hole of such dimensions that an employee could fall through shall be guarded on all sides by a standard barrier as prescribed by the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights. Where a broke hole of such dimensions that an employee could fall through is located over a pulper or pulper conveyor system which is manually fed, the employee feeding into the hole shall wear a safety belt and line which will restrict the employee from falling through the hole.

(2) A warning device shall be used to alert an employee working below a broke hole when broke is discharged into the hole.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16376 Rope carrying system.

Rule 6376. The sheave and support brackets of a rope carrying system shall have a designed safety factor of not less than 3.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16377 Calenders and platers.

Rule 6377. (1) A calender roll shall be cleaned on the outrunning side. An alloy steel scraper not less than 3 x 5 inches shall be used to remove deposits from the rolls.

(2) Platers. A guard shall be arranged across the face of the rolls to serve as a warning that the operator's hand is approaching the danger zone.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

R 408.16378 Reels.

Rule 6378. (1) A clearance of not less than 12 inches between reels of paper shall be maintained on stack reels.

(2) A reel shall not be lifted until it has stopped turning.

(3) A reel shaft having a square block end shall have the end guarded against contact.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16381 Winder.

Rule 6381. (1) A winder shall have a guide to align the shaft for entrance into the opened rewind bearing housing.

(2) The crane operator shall ascertain that the reel is properly seated at the winder stand or at the reel arm before he disengages the hooks.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16382 Rider roll.

Rule 6382. A rider roll shall be pinned or secured when it is in the raised position.

History: 1954 ACS 77, p. 149, Eff. Dec. 15, 1973.

R 408.16383 Powered roll ejector.

Rule 6383. A powered roll ejector shall be interlocked to prevent accidental activation until the receiving platform or lowering table is in position to receive a roll.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

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R 408.16384 Roll splitter.

Rule 6384. (1) A roll splitter shall have an interlocked barrier which will cover the point of operation before the blade will descend.

(2) The blade shall be maintained in the down position when not in use.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

R 408.16385 Rotary cutter.

Rule 6385. (1) A single knife rotary cutter shall be guarded to prevent contact with the blade.

(2) On duplex cutters, the protection required for single-knife machines shall be provided for the first knife, and a hood shall be provided for the second knife.

(3) Access to a blade of a rotary cutter shall be provided by means of a catwalk after the machine has been locked out as prescribed in R 408.16323(4).

(4) The nip point at the spreader or squeeze roll shall be guarded as prescribed in R 408.16374(1).

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973; 1954 ACS 89, p. 107, Eff. Nov. 13, 1976.

R 408.16386 Slitter knives.

Rule 6386. A slitter knife shall be guarded to prevent unintentional contact. A carrier shall be used when transporting a slitter knife.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

R 408.16387 Cores.

Rule 6387. (1) A core notcher shall be guarded pursuant to the occupational safety standards commission standard, Part 23. Power Presses.

(2) A core cutter shall be guarded pursuant to the occupational safety standards commission standard, Part 27. Woodworking Machinery, being R 408.12701 to R 408.12799 of the Michigan Administrative Code.

(3) A set screw for securing a core collar to winding and unwinding shafts shall not protrude above the face of the collar. Sharp corners on the collar shall be beveled.

(4) A core shaft weighing more than 50 pounds shall have a mechanical device such as a dolly to support all or part of the weight when removing the shaft from the set of paper and placing it in the dressing brackets on the winder.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

R 408.16391 Carton stitcher.

Rule 6391. A carton stitcher shall be guarded to prevent contact by the operator with the stitching head.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

R 408.16392 Paper baler.

Rule 6392. (1) A manually operated paper baler shall be provided with a device, such as a safety dog, to prevent a kickback by the operating lever.

(2) A powered paper baler shall have the hopper door interlocked to the power source to prevent operation when the door is open.

(3) A powered paper baler producing a bale with a compressed dimension of more than 42 inches shall have hook type door locks that permit a restricted pressure relieving opening of not more than 2 inches before the door can be completely opened.

(4) A hopper opening in the floor above shall be guarded with a standard barrier on all sides as prescribed in R 408.16322.

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(5) Start controls shall be 2-hand constant pressure devices. A down stroke baler shall require 2-hand pressure only until the pressure block has descended past the pinch point.

(6) Limit switches shall be provided to limit the stroke at both ends. A limit switch shall be provided at the top of an upstroke baler to shut off power when the pressure block is out of position.

History: 1954 ACS 77, p. 150, Eff. Dec. 15, 1973.

PART 65. MILLS AND CALENDERS FOR RUBBER AND PLASTIC

R 408.16501 Scope.

Rule 6501. This part provides for the safe maintenance and operation of mills and calenders used in the rubber and plastics trades by employers and their safe use by employees, in, around, and about places of employment.

History: 1954 ACS 77, p. 150, Eff. Sept. 25, 1973.

R 408.16503 Definitions; A to C.

Rule 6503. (1) "Aisle" means a path of designated travel for employees and vehicles.

(2) "Calender" means a machine equipped with 2 or more metal rolls in vertical frames and revolving in opposite directions used for continuously sheeting or plying up rubber and plastic compounds and for frictioning or coating materials with rubber and plastic compounds.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16506 Definitions; M to S.

Rule 6506. (1) "Mill" means a machine consisting of 2 adjacent metal rolls, set horizontally, which revolve in opposite directions and which are used for the mechanical working of rubber and plastic compounds.

(2) "Nip point" means the point where a rotating object creates a pinching action with another rotating object.

(3) "Safety device" means a guard such as, but not limited to, a barrier, enclosure, body bar, safety rod or safety cable used to protect an employee from a hazardous condition.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16511 Employers' responsibilities.

Rule 6511. An employer shall:

(a) Provide training to an employee as to the hazards and safe operation of his assigned job.

(b) Maintain the mills and calenders in a condition free of recognized hazards.

(c) Establish and maintain a lockout procedure as prescribed in R 408.16527.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16512 Employees' responsibilities.

Rule 6512. An employee shall:

(a) Not use a mill or calender unless authorized and trained in its use.

(b) Not remove a guard or safety device from a mill or calender except when necessary for servicing or where equivalent safety is provided. The guard shall be replaced before restarting the machine. All safety devices shall be replaced and tested before a mill or calender is put back into operation.

(c) Report defective machinery, equipment and hazardous conditions, when detected, to his supervisor.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

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R 408.16515 Illumination.

Rule 6515. Illumination shall be provided to maintain a minimum of 20 foot-candles intensity at an operator's work station.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16517 Floors and aisles.

Rule 6517. (1) An aisle or floor area around a mill or calender shall be maintained free of protruding objects, holes, oil, grease, and accumulations of water.

(2) The surface of a platform or floor area at an operator's work station shall be maintained in slip-resistant condition.

(3) An aisle for combined usage of employees and stock moving equipment shall be 3 feet wider than the widest load moved. The outline of the aisle shall be marked or otherwise identified. When an oversized load is moved, pedestrian traffic shall be warned ahead of the load movement. Where stock moving equipment is not used in an aisle, the aisle shall not be less than 3 feet wide.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16521 Installation.

Rule 6521. (1) A mill or calender shall be secured in a manner to prevent unintentional movement.

(2) Such a machine, except where installed in a laboratory, shall not be so placed as to require an operator to stand in an aisle.

(3) A mill installed or moved after the effective date of this part shall be installed so that the top of the operating rolls is not less than 50 inches above the floor or the operator's working level.

(4) Installation of auxiliary equipment, such as but not limited to feeding and stock removing equipment and blending rolls, shall be guarded by location, barriers, or enclosures so as to not create a hazard. The auxiliary equipment shall not interfere with access or operation of a safety device.

(5) A mill or calender shall be electrically grounded.

History: 1954 ACS 77, p. 151, Eff. Sept. 25, 1973.

R 408.16523 Hot surfaces.

Rule 6523. Steam and hot water pipes and surfaces of machinery exposed to contact, except the mill and calender rolls, which would cause burns, shall be covered with an insulating material or guarded by a barrier.

History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16525 Ventilation.

Rule 6525. Materials processed on a mill or calender, which give off noxious or toxic materials that exceed the maximum allowable limits set by the Michigan department of public health, shall be equipped with a ventilation system approved for this use.

History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16527 Maintenance.

Rule 6527. (1) A power source of a mill, calender or their auxiliary equipment to be repaired, serviced or set up shall be locked out by each employee doing the work if unexpected start up would cause injury. Residual pressure shall be relieved before and during such work when maintenance is performed on a pressurized system.

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(2) A braking or safety device for a mill or calender shall be inspected and tested weekly. The stopping distances shall be measured and recorded. Where the braking action does not meet or exceeds the requirements of R 408.16542 and R 408.16546, repairs or adjustments shall be made before operation is resumed.

History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16528 Lubrication.

Rule 6528. (1) Lubrication shall be accomplished by 1 of the following:

(a) Manually when the machine can be shut off and locked out.

(b) An automatic pressure or gravity feed system.

(c) An extension pipe leading to an area outside of guards or away from any hazard.

(d) Other means providing safety equal to or exceeding subdivision (a), (b), or (c).

(2) In any case rule 732 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be followed.

History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16531 Steam pressure procedures.

Rule 6531. (1) Where a pressure reducing valve is used, not less than 1 relief valve, set at not more than the rated pressure of the equipment, shall be provided adjacent to the reducing valve on the low pressure side. The relief valve shall vent to an area which will not create a hazard to an employee.

(2) A steam valve to machinery shall be opened slowly to avoid uneven expansion of a pressure chamber.

(3) A cylinder-type machine shall be in motion before steam is admitted.

(4) The rated operating steam pressure of a machine shall not be exceeded.

History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16541 Mill safety devices.

Rule 6541. (1) Except where an employee cannot come in contact with a roll nip point or be caught between a role and an adjacent object because of a fixed installation, a mill shall be provided with 1 of the following safety trip devices to actuate braking equipment:

(a) A pressure sensitive bar which can be tripped by not more than a 40-pound pressure of an employee's body. The bar shall be installed at the front and back of the mill across the length of the rolls of each mill roll having a height of 46 inches or more. (See figure 1)

(b) A safety rod or safety cable installed at the front and back of a mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The safety rod or cable shall not be more than 72 inches from the floor of the operator's work level and operate with either a push or pull motion.

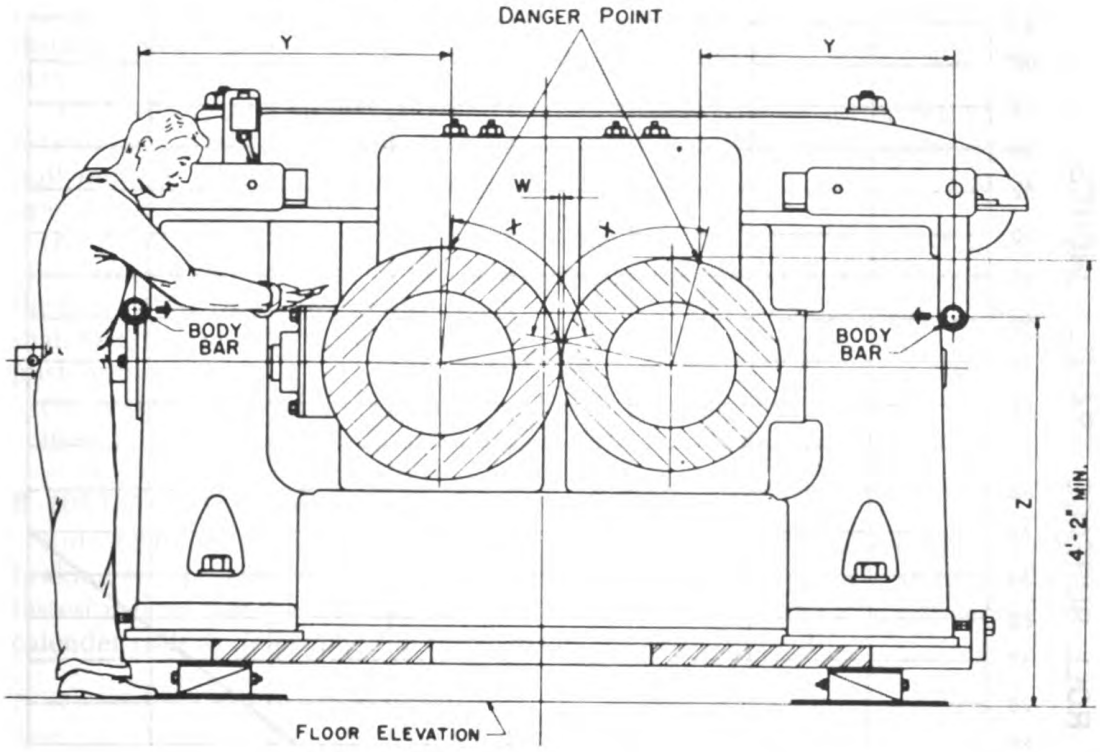
(2) A mill having automatic overhead blending rolls shall have the blender interlocked to the mill so that actuation of the mill safety device will stop the blender.

(3) A safety device, after actuation, shall require manual resetting.

(4) A laboratory mill may be guarded by an interlocked barrier in lieu of the requirements of subrule (1).

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FIGURE 1
Installation of Pressure-Sensitive Body Bar



This illustration shows relative position of a man to the pressure-sensitive body bar and the working roll. The body bar is positioned so that the man cannot reach the danger point on the face of the roll without tripping the safety switch.

The danger point is determined as follows:

W represents the thickness of a man's fingers.

X represents the maximum allowable stopping distance.

Y and Z dimensions are such that the man cannot reach the danger point.

A force equal to approximately 40 lbs. (in the direction of the arrow) is required to actuate the safety switch.

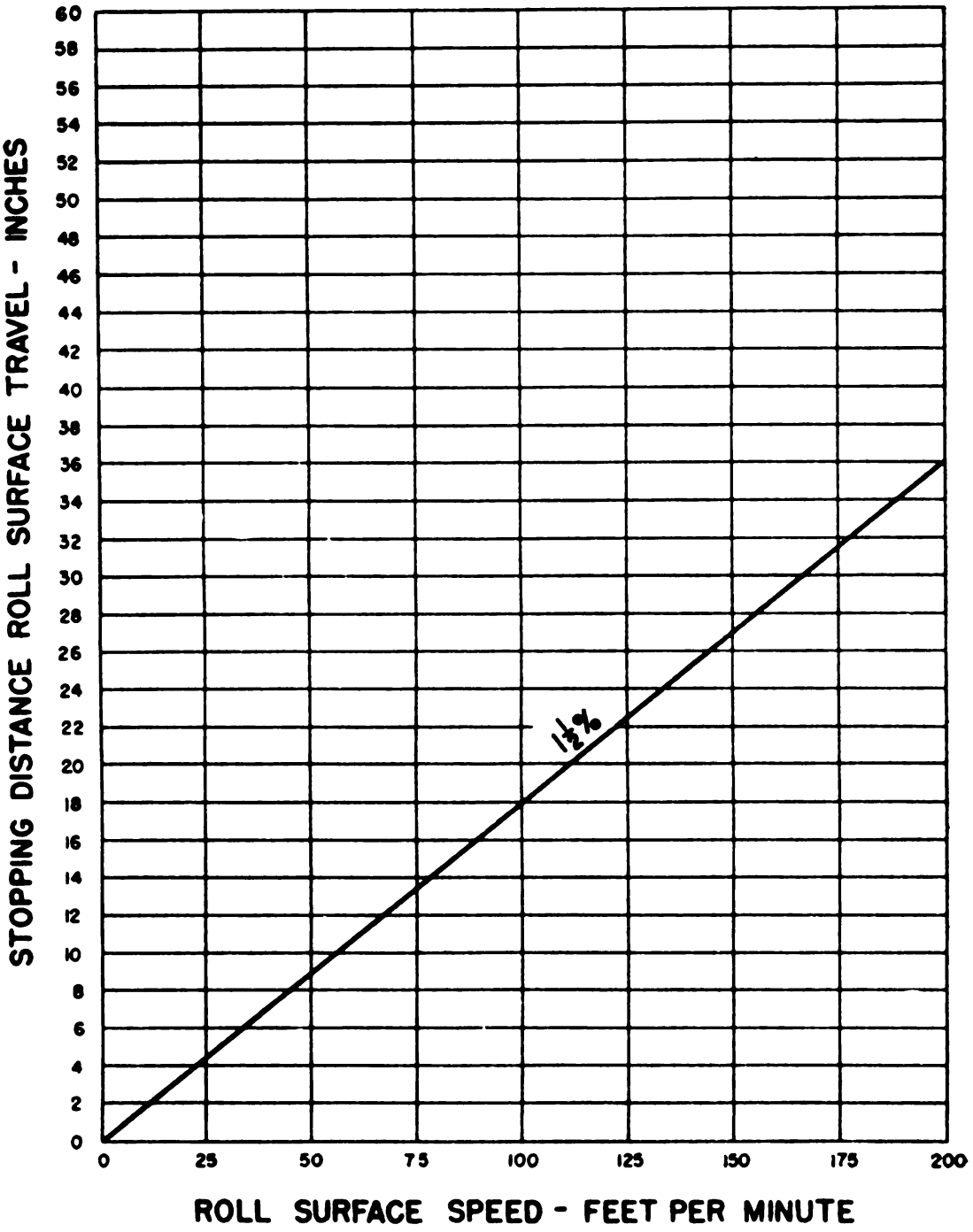
History: 1954 ACS 77, p. 152, Eff. Sept. 25, 1973.

R 408.16542 Mill stopping limits.

Rule 6542. A mill, regardless of roll size or roll arrangement, shall be stopped by braking equipment within a distance, measured in inches of surface travel of the faster roll, of not more than 1½% of the peripheral no-load surface speed of the roll as determined in feet per minute. (See figure 2)

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FIGURE 2
Maximum Allowable Mill Stopping Distances for Various Roll Speeds



All measurements on mills shall be taken with the rolls running empty at maximum operating speed. Stopping distances shall be expressed in inches of surface travel of the faster roll from the instant the emergency stopping device is actuated.

History: 1954 ACS 77, p. 154. Eff. Sept. 25, 1973.

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R 408.16545 Calender safety devices.

Rule 6545. (1) Except where an employee cannot come in contact with a roll nip point or be caught between a roll and an adjacent object because of a fixed installation, a calender shall be provided with the following safety trip devices to actuate breaking equipment:

(a) A safety rod or cable located across each pair of inrunning rolls and extending the length of the rolls. The device shall operate with either a push or pull motion. The safety tripping devices shall be located within reach of the operator at the bite.

(b) A safety cable shall be run vertically on both sides of the calender and connected to the safety switch. The cable shall be not more than 12 inches from the face of the rolls and not less than 2 inches from the calender frame. The cable shall be anchored not more than 6 inches from the floor and operated with either a push or pull motion.

(2) A safety device, after actuation, shall require manual resetting.

History: 1954 ACS 77, p. 154, Eff. Sept. 25, 1973; 1954 ACS 88, p. 102, Eff. Aug. 18, 1976.

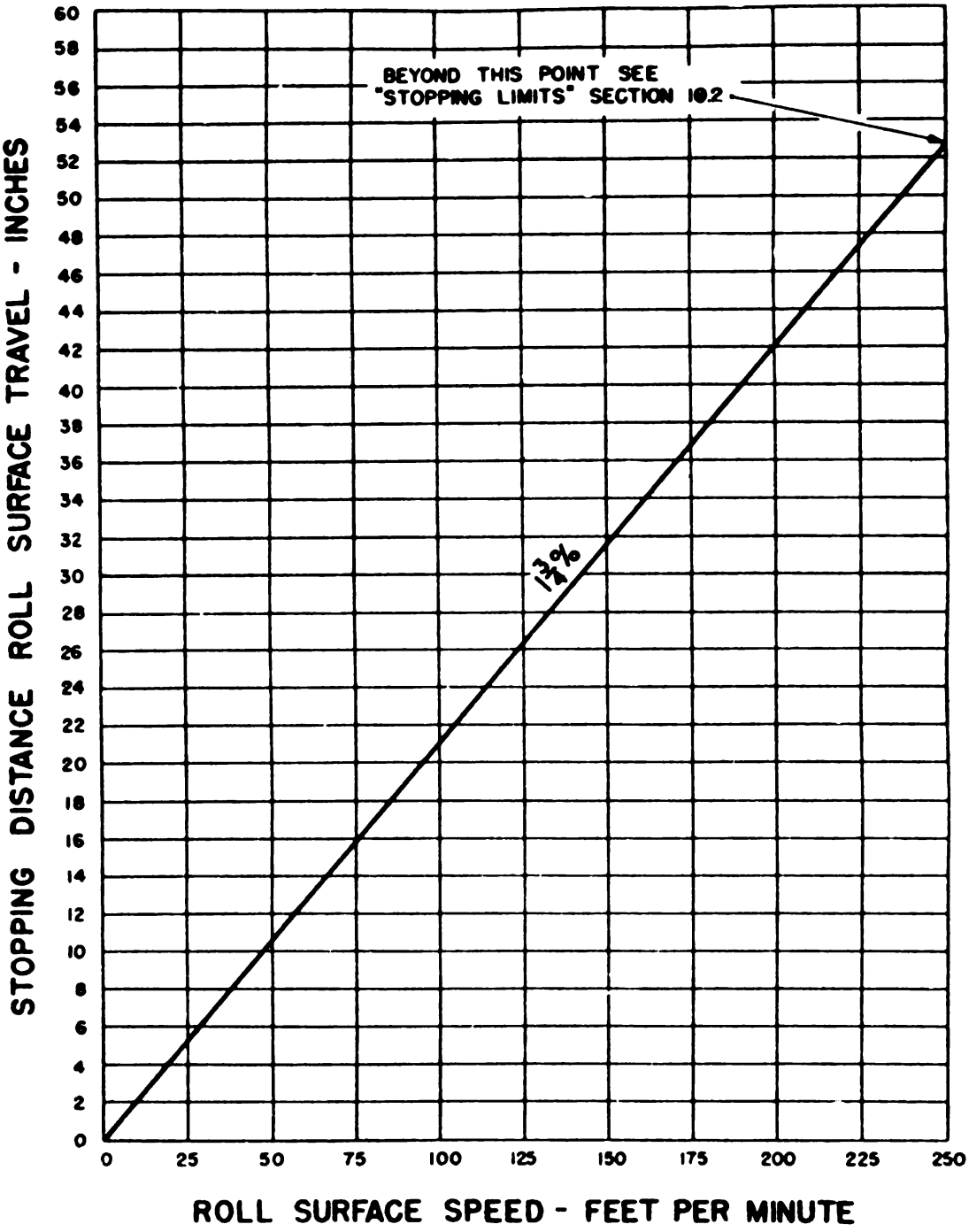
R 408.16546 Calender stopping limits.

Rule 6546. A calender, regardless of size or configuation, shall be stopped by braking equipment within a distance, measured in inches of surface travel of the fastest roll, of not more than 1¾ of the peripheral no-load surface speed of the calender rolls as determined in feet per minute. (See figure 3)

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FIGURE 3

Maximum Allowable Calender Stopping Distances For Various Roll Speeds



All measurements on calenders shall be taken with the rolls running empty at maximum operating speed. Stopping distances shall be expressed in inches of surface travel of the fastest roll from the instant the emergency stopping device is actuated.

History: 1954 ACS 77, p. 155, Eff. Sept. 25, 1973.

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PART 71. LAUNDRY AND DRY CLEANING MACHINERY AND OPERATIONS

GENERAL PROVISIONS

R 408.17101 Scope.

Rule 7101. This part provides for the safe maintenance and operation of laundry and dry cleaning machinery and equipment by the employer and their safe use by an employee in, around, and about a place of employment.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17103 Definitions; A to E.

Rule 7103. (1) "Aisle" means a path of travel for employees and material handling equipment.

(2) "Beater" means a device for relieving wrinkles in fabrics.

(3) "Centrifugal extractor" means a power driven machine used to remove surplus moisture from fabrics by centrifugal action.

(4) "Dampening machine" means a machine for dampening fabrics.

(5) "Dry cleaning" means the process of cleaning fabrics by use of nonaqueous liquid solvents in machines and may include the drying and pressing of them.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17104 Definitions; F to H.

Rule 7104. (1) "Fabrics" means clothing, household items and other articles made from textiles.

(2) "Flammable solvent" means a liquid which has a flash point less than 140 degrees Fahrenheit.

(3) "Folding machine" means a machine which folds fabrics.

(4) "Hot patch machine" means equipment which applies a patch or label to fabric by use of heat and pressure.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17105 Definitions; I to M.

Rule 7105. (1) "Ironer" means a hand or power operated machine with 1 or more rolls or heated surfaces in contact for drying and smoothing fabrics.

(2) "Laundromat" means an establishment having washing machines, drying tumblers, dry cleaning machines, extractors or presses which may be operated by an employee or the public.

(3) "Laundry" means an establishment where the cleaning of fabrics is accomplished by use of water, soaps or detergents in machines and may include the drying, starching and ironing of them.

(4) "Marking machine" means a machine used for marking fabrics.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17106 Definitions; P.

Rule 7106. (1) "pH" means to express numerically the degree of acidity or alkalinity of a solution with neutrality indicated as 7. A number lower than 7 would mean increasing acidity and a number greater than 7 would mean increasing alkalinity.

(2) "Personal protective equipment" means the apparel worn by the employee to protect his person from injury.

(3) "Pinch point" means a point at which it is possible to be caught between the moving parts of a machine or between moving and stationary parts of a machine.

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(4) "Point of operation" means the area of a machine where material is actually worked.

(5) "Power wringer" means a machine with 1 or more rolls used for removing surplus moisture from fabrics.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17107 Definitions; S, T.

Rule 7107. (1) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress when in use.

(2) "Screw conveyor" means a fixed powered rotating device suspended above a floor or platform used to convey fabrics on hangers.

(3) "Squeeze extractor" means a machine which removes excess liquid by a compacting or squeezing action.

(4) "Starching machine" means a power driven machine used for starching fabrics.

(5) "Tying machine" means equipment which automatically ties bundles.

(6) "Tumbler" means a machine used to shake out, condition or dry fabrics by tumbling them in a revolving cylinder.

History: 1954 ACS 77, p. 156, Eff. Nov. 21, 1973.

R 408.17111 Employer responsibility.

Rule 7111. An employer shall:

(a) Provide training to an employee as to the hazards and safe operation of the assigned job.

(b) Maintain machinery, building, ramp, platform and aisles in a condition free of recognized hazards.

(c) Provide face and eye protection, as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569 of the Michigan Administrative Code, aprons, gloves, and other protective equipment where an acid having a pH less than 4.0 and a caustic having a pH greater than 10.0 are handled.

History: 1954 ACS 77, p. 157, Eff. Nov. 21, 1973.

R 408.17112 Employee responsibility.

Rule 7112. An employee shall:

(a) Use personal protective equipment when furnished by the employer.

(b) Not use machinery or equipment unless authorized and trained in its use.

(c) Not remove guards from machinery and equipment except when necessary for servicing. The guard shall be replaced before restarting the machine.

(d) Report defective machinery, equipment and hazardous conditions, when detected, to the employer.

History: 1954 ACS 77, p. 157, Eff. Nov. 21, 1973.

R 408.17121 Illumination.

Rule 7121. Illumination shall be provided at the operator's work station to maintain a minimum of 20 footcandle intensity.

History: 1954 ACS 77, p. 157, Eff. Nov. 21, 1973.

R 408.17122 Floors and aisles.

Rule 7122. (1) An aisle and floor work area shall be maintained free of protruding objects, holes, loose boards, accumulations of water and any slip or trip hazard.

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(2) An aisle for combined usage of an employee and powered stock moving equipment, shall be 3 feet wider than the widest load moved. The outline of the aisle shall be marked or otherwise indicated.

History: 1954 ACS 77, p. 157, Eff. Nov. 21, 1973.

R 408.17123 Power controls.

Rule 7123. (1) A procedure for lockout of machinery and equipment shall be established by an employer and used by an employee. A power source of any equipment to be repaired, serviced or set-up shall be locked out by each employee doing such work if unexpected start up would cause injury. Any residual pressure shall be relieved before and during the work.

(2) Provision shall be made to prevent machinery and equipment from automatically restarting upon restoration of power after a power failure.

(3) Control devices shall be so arranged or guarded as to prevent accidental activation.

(4) Where flammable solvents are used as the primary cleaning agent other than for spotting, the controls shall be explosion proof.

(5) If 2-hand control devices are required, they shall require concurrent activation and shall be so located as to prevent bridging or a device such as a cover or ring guard shall be provided. Where more than 1 operator is stationed on a machine at a point of operation, each operator shall have controls which require concurrent activation with the other operators, and an emergency stop device shall also be provided.

History: 1954 ACS 77, p. 157, Eff. Nov. 21, 1973.

R 408.17124 Machinery installation.

Rule 7124. (1) Machinery and equipment shall be electrically grounded.

(2) Machinery and equipment shall be secured to a floor, foundation, bench, table or stand of such strength and design so as to prevent overturning or unintentional movement.

(3) Machinery and equipment shall not be so placed as to require an operator to stand in an aisle.

(4) The employer shall comply with the provisions of the standards referenced in this subrule, which are hereby incorporated by reference, and which are available for inspection at the Lansing office of the department of labor. These standards may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at the following prices: A13.1-1956—$2.25; B31.1.0-1967—$35.00; and Z21.30-1964—$3.00. In the event of any conflict between this subrule and the other rules of this part, the other rules shall apply. The referenced standards are:

(a) American national standard scheme for the identification of piping systems, ANSI A13.1-1956.

(b) American national standard code for pressure piping—power piping, ANSI B31.1.0-1967. Addenda to the American national standard code for pressure piping—power piping, ANSI B31.1.0a-1969.

(c) American national standard for the installation of gas appliances and gas piping, ANSI Z21.30-1964.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973; 1954 ACS 88, p. 102, Eff. Aug. 18, 1976.

R 408.17125 Lubrication.

Rule 7125. (1) Lubrication shall be accomplished by 1 of the following:

(a) Manually when the machine can be shut off and locked out.

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(b) An automatic pressure or gravity feed system.

(c) An extension pipe leading to an area outside of guards or away from any hazard.

(d) Other means which provide safety equivalent or exceeding subdivisions (a), (b), or (c).

(2) In all instances of lubrication, rule 732 of the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be followed.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17126 Hot surfaces.

Rule 7126. Steam and hot water pipes and surfaces of machinery, except those coming into contact with the fabric being processed, which would cause burns if exposed to contact shall be covered with a heat resistive or insulating material or guarded by a barrier.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17127 Relief valves.

Rule 7127. (1) Where a pressure reducing valve is used, not less than 1 relief valve shall be provided adjacent to the reducing valve on the low pressure side.

(2) The relief valve shall vent to an area which will not create a hazard to an employee. The vent shall be the same size as the relief valve outlet and as short and direct as possible.

(3) The combined discharge capacity of relief valves shall be such that the pressure rating of the lower pressure piping and equipment will not be exceeded if the reducing valve should fail to function.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17128 Steam pressure procedures.

Rule 7128. (1) Steam valves to machinery shall be cracked open for several minutes and then opened slowly to avoid uneven expansion of a pressure chamber.

(2) The rated operating steam pressure of a machine shall not be exceeded.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17129 Hydraulic safety.

Rule 7129. A hydraulic system of piping, hose and their component parts shall have a designed safety factor of 4.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17130 Fire safety.

Rule 7130. (1) Fabrics which contain a combustible vapor or fluid first shall be rinsed in cold water or maintained not less than 25 feet from spark producing equipment or open flame.

(2) Smoking shall be prohibited except in designated areas. "NO SMOKING" signs shall be posted in these prohibited areas.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

R 408.17131 Material handling.

Rule 7131. (1) A mechanism used to tilt tote boxes shall be enclosed by a standard barrier on 3 sides.

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(2) Where a chain or cable sling or metal bale is used in connection with lifting by a powered hoist, the hook of the hoist shall be equipped with a safety latch.

(3) A screw conveyor less than 8 feet from a floor or platform shall be equipped with a barrier on each side the entire length of the conveyor. The barrier shall project not less than 1½ inches above and below the conveyor to prevent hair entanglement.

History: 1954 ACS 77, p. 158, Eff. Nov. 21, 1973.

SPECIFIC PROVISIONS—LAUNDRY

R 408.17141 Marking machine and label remover.

Rule 7141. A marking machine or label remover with an opening of more than ¼ inch shall be guarded by 1 of the following:

(a) A spring compression device designed to prevent injury if the fingers are caught between the marking plunger and the platen.

(b) A control device requiring concurrent use of both hands to operate the machine.

(c) A barrier designed to prevent contact with the marking plunger.

History: 1954 ACS 77, p. 159, Eff. Nov. 21, 1973.

R 408.17142 Washing machines.

Rule 7142. (1) The outer door of a double cylinder washing machine shall be interlocked to prevent the inside cylinder from moving when the outer door is open and also to prevent opening the outer door when the inside cylinder is in motion. The use of an inch control is permissible.

(2) A single cylinder washing machine shall be guarded as prescribed in R 408.17146.

(3) A washing machine shall have a device for holding the outer and inner doors open for loading and unloading.

History: 1954 ACS 77, p. 159, Eff. Nov. 21, 1973.

R 408.17143 Extractors.

Rule 7143. (1) A rotating extractor shall be equipped with a metal cover interlocked in a manner so as to prevent opening it when the basket is in motion or to prevent power operation of the basket when the cover is open.

(2) A rotating extractor shall not be operated at a speed in excess of the rated speed, which speed shall be permanently marked on the machine. Where the rated speed is not available, table 1 shall be followed.

(3) A rotating extractor shall be:

(a) Equipped with a braking device.

(b) Secured to the floor or foundation to prevent lateral movement.

(c) Loaded in a manner to keep the extractor in balance.

(d) Inspected not less than once a year at points of wear such as, but not limited to, the basket, rings and cover, and repaired where defects that are a hazard are found.

(4) A squeeze extractor shall be equipped with:

(a) A cover interlocked to the compacting mechanism which shall prevent the removal of the cover until the pressure has been relieved.

(b) A 2-hand control device which shall be operated concurrently to activate the cover placement.

(5) A steam, hydraulic or pneumatic type squeeze extractor shall be equipped with a pressure relief valve set to open if the applied pressure is 10% more than the

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maximum rated operating pressure. The maximum operating pressure shall be permanently labeled or marked on the machine.

TABLE 1

30-inch diameter extractor—	1,200 r.p.m.
40-inch diameter extractor—	900 r.p.m.
48-inch diameter extractor—	750 r.p.m.
60-inch diameter extractor—	500 r.p.m.

History: 1954 ACS 77, p. 159, Eff. Nov. 21, 1973.

R 408.17144 Combination washer-extractor.

Rule 7144. A combination washer-extractor shall be:

(a) Equipped with a braking device.

(b) Equipped with a steel door interlocked to the drive mechanism which will prevent opening the door while the cylinder is in motion and prevent operation while the door is open. An inch control is permissible for internal door models to aid loading and unloading.

(c) Mounted on a vibration dampening foundation or be equipped with a device which will shut off the power and apply the brake when the machine is out of balance to a hazardous degree.

(d) Equipped to maintain the doors in an open position during loading and unloading.

History: 1954 ACS 77, p. 159, Eff. Nov. 21, 1973.

R 408.17145 Power wringer.

Rule 7145. (1) A power wringer shall be equipped with a safety bar or barrier positioned in front of and across the entire front of the first feed or pressure roll so arranged that if the bar or barrier is struck, either the machine will stop or the pressure on the rolls will be relieved.

(2) The stopping distance of the feed or pressure roll measured on the circumference shall be not more than ½ of the lineal distance measured from the safety bar or barrier to the pinch point.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17146 Starching machine.

Rule 7146. A starching machine shall be guarded by an enclosure or barrier to prevent contact with the moving cylinder or box.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17147 Fans.

Rule 7147. A fan within 8 feet of a floor or platform and exposed to contact shall be guarded on all exposed sides with wire mesh not less than 16 gauge with openings not more than ½ inch.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17148 Tumblers; shake out, conditioning, and drying.

Rule 7148. (1) A tumbler shall be equipped with a safety interlock that will prevent energizing the drive motor unless the door is closed. The interlock shall allow for momentary inching the tumbler cylinder to facilitate loading and unloading.

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(2) A tumbler shall be provided with a means to prevent accidental closing of the door during loading and unloading.

(3) A tumbler designed without a door, where the work is continuously loaded and discharged, is excepted from subrules (1) and (2).

(4) A single cylinder tumbler shall be guarded as prescribed in R 408.17146.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17149 Steam drying box and cabinets.

Rule 7149. A steam drying box or cabinet having access doors shall be equipped with both inside and outside latches.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17150 Dampening machine.

Rule 7150. A roll dampening machine shall be guarded in a manner which will enclose the rolls and prevent an employee's fingers from entering the pinch point.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17151 Beaters.

Rule 7151. A beater on a flat work ironer other than 1 using cloth or canvas beater blades, shall be guarded against accidental contact by the operator.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17152 Folding machine.

Rule 7152. (1) A fixed or interlocked removable barrier shall cover the moving parts of a flatwork folding machine.

(2) A small piece folding machine shall have access openings covered and interlocked to the power source, where an employee would be exposed to a hazard such as a chain or belt drive.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17153 Rollers and unrollers.

Rule 7153. (1) A towel roller shall be equipped with a barrier made of plastic or expanded metal electrically interlocked to the power source or interlocked to the clutch and designed to prevent entry into the pinch point created by the 2 inrunning rollers, or it shall be equipped with a 2-hand constant pressure control device.

(2) A towel unroller shall be equipped with a barrier to prevent entry of the operator's fingers into the pinch point created by the 2 inrunning rolls, or it shall be equipped with a 2-hand constant pressure control device.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17154 Ironers.

Rule 7154. (1) A flatwork ironer shall be equipped with a safety bar or barrier positioned in front of and across the entire front of the first feed or pressure rolls so arranged that striking of the bar or barrier will stop the machine. The stopping distance of the feed or pressure roll measured on the circumference shall be not more than ½ of the lineal distance measured from the safety bar or barrier to the pinch point. The ends of the pressure rolls shall be guarded by an enclosure or barrier which will prevent contact by an employee.

(2) A flatwork ironer shall be equipped with an idler roll, sometimes known as a doffer or finger roll, in front of the safety bar or barrier.

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(3) A body type roll or shoe type sleeve or band ironer shall be guarded as prescribed in subrule (1). The hot roll or shoe shall be covered as prescribed in R 408.17126 to prevent contact with the heated surfaces.

(4) A rotary body and coat ironer shall be equipped with the safety bar or barrier across the entire front of the feed roll or shoe so arranged that striking the bar or barrier will stop the machine. The hot roll or shoe shall be covered as prescribed in R 408.17126 to prevent contact with the heated surface.

History: 1954 ACS 77, p. 160, Eff. Nov. 21, 1973.

R 408.17155 Laundry press.

Rule 7155. (1) A laundry press shall be equipped with a control device requiring concurrent use of both hands until the press has closed and the locking device has taken effect.

(2) A laundry press shall be provided with an emergency release bar or button which will instantly release the locking device of the laundry press head.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17156 Vertical pants presser.

Rule 7156. A vertical pants presser with a fly clamp, except those manually actuated, shall be equipped with a 2-hand control device for the fly clamp and an interlocked door covering the point of operation.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17157 Vertical coverall or shirt press.

Rule 7157. A vertical coverall or shirt press having shoulder or yoke clamps shall be equipped with a 2-hand control device.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17158 Sewing machines.

Rule 7158. A sewing machine shall be equipped with a permanently attached guard which will prevent a finger from passing between the needle and the pressure foot. The guard design shall allow threading of the needle without removing the guard.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17159 Hot patch machine.

Rule 7159. A hot patch machine shall be equipped with a barrier to enclose the point of operation or it shall be equipped with a 2-hand control device.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17160 Tying machine.

Rule 7160. A tying machine shall be equipped with an enclosure guard around the path of the moving arm so designed as to eliminate any pinching between the table and the guard or the guard and the arm.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

SPECIAL FOR DRY CLEANING

R 408.17161 Cover or door interlocks.

Rule 7161. (1) An extractor, washer or tumbler used in a dry cleaning operation shall have the covers or doors interlocked to prevent the inside cylinder from

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moving when the cover or door is open. On an extractor, the interlock shall also prevent the outer door being opened while the inside cylinder is in motion.

(2) A combination dry cleaning machine, wherein the washing and extraction cycles are completed within the same enclosure, shall be equipped with a splashproof cover or door which shall be interlocked as prescribed in subrule (1).

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17162 Extractors.

Rule 7162. An extractor shall not be operated in excess of its rated speed. If the rated speed is unavailable, table 1 of R 408.17143 shall be followed.

History: 1954 ACS 77, p. 161, Eff. Nov. 21, 1973.

R 408.17163 Dry cleaning press.

Rule 7163. (1) A dry cleaning press may be actuated by use of 1 hand, but when pressure is increased or a locking device is actuated, 2-hand controls shall be used concurrently.

(2) A dry cleaning press shall be provided with an emergency release bar or button which will instantly release the ironing press head from its closed position.

History: 1954 ACS 77, p. 162, Eff. Nov. 21, 1973.

PART 72. AUTOMOTIVE SERVICE OPERATIONS

GENERAL PROVISIONS

R 408.17201 Scope.

Rule 7201. This part sets forth rules for safe maintenance and operation of equipment by the employer and their safe use by the employee in, around and about places of employment where vehicles are serviced, repaired and salvaged. Manufacturing, research and development facilities are excluded.

History: 1954 ACS 82, p. 129, Eff. Dec. 31, 1974.

R 408.17204 Definitions; A to E.

Rule 7204. (1) "Automotive lift" means a vehicle lifting device, the purpose of which is to raise an entire vehicle to provide accessibility for convenient under chassis service.

(2) "Class I flammable liquid" means those having a flash point below 100 degrees Fahrenheit. Representative examples of class I liquid are: ether, gasoline, lacquer thinner, acetone, and methyl acetate.

(3) "Combustible" means to be readily ignitible and easily burnable.

(4) "Extractor" means a machine, except a vacuum cleaner, used to remove moisture from fabrics.

History: 1954 ACS 82, p. 129, Eff. Dec. 31, 1974.

R 408.17205 Definitions; F to L.

Rule 7205. (1) "Flammable liquid" means a liquid having a flash point less than 100 degrees Fahrenheit and having a vapor pressure of not more than 40 pounds per square inch (absolute) at 100 degrees Fahrenheit.

(2) "Jack" means a portable mechanical or hydraulic device for lifting or lowering a load by application of a force.

(3) "Lockout" means to lock by key or padlock.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

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R 408.17206 Definitions; P to S.

Rule 7206. (1) "Pinch point" means a point at which it is possible to be caught between the moving parts of a machine, between moving and stationary parts of a machine or between a moving object and a stationary object.

(2) "Safeguard" means a device or part of a product designed for the protection of equipment or an employee.

(3) "Safety factor" means the ratio of the breaking strength of a piece of material or object to the maximum designed load or stress applied when in use.

(4) "Service" means to adjust, install, repair or replace; to wash or wax; to change or exchange; to polish, sand, grind, refinish, paint or coat.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

R 408.17207 Definitions; V to Y.

Rule 7207. (1) "Vehicle" means a powered conveyance operating on 2 or more wheels, including, but not limited to, an automobile, truck or trailer.

(2) "Wet operations" means those operations which involve the drainage, splash or running of liquids such as, but not limited to those found in car washing or dipping of radiators in solutions.

(3) "Yield point" means the point where material begins to take a permanent deformation.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

R 408.17211 Employer responsibility.

Rule 7211. (1) An employer shall:

(a) Provide training to an employee as to the hazards, safe operations of the assigned job and applicable rules of this part.

(b) Assure that job required tools, equipment and the work area are maintained in a manner free of recognized hazards which would cause an injury.

(c) Prohibit smoking, flames and sparks within 15 feet of where class I flammable liquids are dispensed or used, unless separated by an approved wall. "No Smoking" signs shall be posted in these restricted areas.

(d) Maintain a copy of this part for employees' review.

(e) Not circumvent, bypass or make inoperative any safeguard unless required during servicing. The safeguard shall be replaced before resuming operation of the equipment.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

R 408.17212 Employee responsibility.

Rule 7212. An employee shall:

(a) Use personal protective equipment required by this part.

(b) Use tools and equipment only when authorized and trained in their use.

(c) Report employers' defective tools and equipment and hazardous conditions, when detected, to his supervisor.

(d) Maintain his personal tools, equipment and work area in a manner to prevent a hazardous condition.

(e) Not smoke, create a spark or flame within 15 feet of an exposed flammable liquid or articles which have been wetted by a flammable liquid.

(f) Not circumvent, bypass or make inoperative any safeguard or tie down any control unless required during servicing. The safeguard shall be replaced before resuming operation of the equipment.

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(g) Not use any device emitting air or other material in a manner which may inject a foreign material into a human body part.

(h) Use tools and equipment within their rated capacity.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

R 408.17213 Personal protective equipment.

Rule 7213. (1) An employer shall provide and an employee shall wear eye protection in accordance with and as prescribed in the occupational safety standards commission standard, Part 35. Face and Eye Protection, being R 408.13501 to R 408.13569, of the Michigan Administrative Code.

(2) Other personal protective equipment such as, but not limited to, rubber gloves, aprons, boots, welding helmets and respirators shall be provided by the employer and worn by the employee to protect against the hazards of wet operations, welding and cutting, radiator cleaning and battery charging and spray painting.

(3) When respiratory and hearing protection is required by a department of public health rule, the protection shall be provided by the employer and used by the employee.

(4) Where corrosive liquids or other liquid materials that would be harmful to an employee are normally used and where an employee is exposed to splash of the materials, a readily accessible means of flushing with water shall be provided.

(5) Cloth shoes, open sandals and exposed rings and necklaces shall not be worn in the work area. A ring may be worn if covered by gloves or tape.

History: 1954 ACS 82, p. 130, Eff. Dec. 31, 1974.

R 408.17221 Illumination.

Rule 7221. When hazardous work is performed where a hazard could be lessened by adequate lighting, a minimum of 25 footcandles intensity shall be provided.

History: 1954 ACS 82, p. 131, Eff. Dec. 31, 1974.

R 408.17222 Machinery and equipment installation.

Rule 7222. (1) Electrically powered machinery or equipment, other than double insulated equipment, shall be grounded.

(2) Nonportable machinery or equipment shall be secured to the floor, platform, table or bench to prevent displacement or tipping.

(3) Machinery or equipment shall be equipped with a disconnect switch which shall be locked in the off position, unless the machinery or equipment is equipped with a plug-in cord which shall be disconnected and tagged, when the machinery or equipment is repaired or serviced if unexpected motion would cause injury.

(4) When electrical equipment is used within a spray booth and flammable materials are applied, the equipment shall be suitable for class I, division I hazards.

(5) Machinery and equipment equipped with a foot control shall be provided with a cover or guard to prevent unintentional operation of the machinery or equipment where such operation would cause injury. The cover or guard shall be capable of withstanding a static load of 200 pounds without permanent deformation. The edges of the cover or guard shall be rolled, broad or covered to prevent injury or discomfort due to contact by the operator's foot or leg.

History: 1954 ACS 82, p. 131, Eff. Dec. 31, 1974.

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R 408.17223 Housekeeping.

Rule 7223. (1) Until disposal is made, wiping cloths, when soiled from oil, grease, paints, or solvents, shall be placed in their own covered metal container, which shall be labeled or identified as combustible material.

(2) Rubbish shall be placed in containers. The container for combustible rubbish shall be of metal.

(3) Floors shall be maintained free of water, oil, grease, and paint or other accumulations which would cause a slipping, tripping, or falling hazard.

(4) After a vehicle is serviced, tools, loose parts, materials and general debris shall be cleaned up and placed in their designated places.

History: 1954 ACS 82, p. 131, Eff. Dec. 31, 1974.

R 408.17224 Ventilation and air receivers.

Rule 7224. (1) Ventilation shall be provided and used to exhaust toxic vapors or fumes if such vapors or fumes exceed the maximum allowable limits prescribed by a department of public health rule.

(2) The blades of a fan less than 7 feet from a floor, platform or ground shall be guarded on all sides. Openings in a guard shall be not more than 1 inch and the distance shall be not less than the values in table 1.

(3) A fan shall not be located where fumes of flammable liquids can be induced into an area where sparks or flame may be present.

(4) An air receiver shall be equipped with an operable relief valve set at not more than the working load limit of the receiver.

TABLE 1

Smallest dimension in guard (in):	Minimum distance from from guard to blade
Greater than 0 up to ¼ inclusive.	½ in.
Greater than ¼ up to ⅜ inclusive.	1½ in.
Greater than ⅜ up to ½ inclusive.	2½ in.
Greater than ½ up to ¾ inclusive.	4 in.
Greater than ¾ up to 1 inclusive.	6 times the smallest dimension

History: 1954 ACS 82, p. 131, Eff. Dec. 31, 1974.

R 408.17225 Flammables, painting and coating.

Rule 7225. (1) A class I flammable solvent stored inside a building shall be in an approved safety can with an automatic closing cap and flame arrestor or original unopened container having a capacity of not more than 5 gallons. Quantities in excess of 5 gallons shall be stored as prescribed by flammable liquid regulations of the fire marshal promulgated under Act No. 207 of the Public Acts of 1941, as amended.

(2) When pouring a flammable solvent from 1 container to another, continuous contact between the containers shall be maintained or a bonding or grounding strap shall connect the containers.

(3) A class I flammable solvent shall not be used for cleaning tools, parts, floors, or booths.

(4) Application by spraying of paint or coatings with a flammable ingredient to an area of more than 9 square feet shall be made within a booth or room constructed of noncombustible materials. The booth or room shall be ventilated as prescribed by a department of public health rule. Sparks, flame, and spark

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producing equipment and smoking shall be prohibited in the booth or room and the area shall be posted: "No Smoking."

(5) When a flammable liquid is removed from a vehicle tank, an approved pumping device equipped with a ground strap shall be used.

History: 1954 ACS 82, p. 132, Eff. Dec. 31, 1974.

R 408.17226 Belt servicing.

Rule 7226. An employee adjusting or testing the tension of a belt or installing or removing a belt on a vehicle, shall do so when the motor is off and without turning the engine over.

History: 1954 ACS 82, p. 132, Eff. Dec. 31, 1974.

R 408.17227 Air conditioning and refrigeration servicing.

Rule 7227. A check valve shall be used to prevent refrigerant system pressures from flowing back to the refrigerant charging container unless such containers are equipped with a pressure relief valve.

History: 1954 ACS 82, p. 132, Eff. Dec. 31, 1974.

SPECIFICS

R 408.17231 Rescinded.

History: 1954 ACS 82, p. 132, Eff. Dec. 31, 1974; rescinded 1954 ACS 93, p. 36, Eff. Oct. 18, 1977.

R 408.17232 Cranes and winches, hoists, and chain falls.

Rule 7232. (1) A crane, hoist and chain fall or winch, fixed or portable, shall have affixed to it a permanent tag showing the rated capacity and name of manufacturer and, if available, the model and serial numbers.

(2) A crane, hoist and chain fall or winch shall not be used to lift more than its rated capacity.

(3) Wire rope or cable used on a crane, hoist or winch shall be inspected monthly, and shall be replaced if:

(a) In any length of 8 diameters, the total number of visible broken wires exceeds 10% of the total number of wires.

(b) The wire rope or cable has been kinked, crushed or bird caged or sustained other damage which distorts the wire rope structure.

(c) The wire rope or cable shows heat or corrosive damage.

History: 1954 ACS 82, p. 133, Eff. Dec. 31, 1974.

R 408.17233 Wreckers.

Rule 7233. (1) A wrecker cable and boom shall have a designed safety factor of not less than 5.

(2) Wire rope or cable used on a wrecker shall be inspected as prescribed in R 408.17232(3).

(3) A wrecker pulling or lifting a vehicle shall be used within its rated capacity.

(4) When pulling a vehicle with a wrecker cable, the employee shall stand aside from the line of pull.

(5) When towing a boom supported vehicle, safety chains shall be connected between the wrecker and the towed vehicle.

(6) A wrecker boom shall be equipped with a permanent tag showing rated capacity and name of manufacturer and, if available, the model and serial numbers. Where this information is not available, an outside source, knowledgeable in wrecker booms, shall be used to determine the rated capacity which

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shall be permanently labeled on the wrecker boom. The boom shall be installed on the vehicle in a manner capable of sustaining the imposed load.

(7) The winch controls shall be located in a manner to prevent accidental contact with cable and winch pinch points or the pinch point shall be guarded.

History: 1954 ACS 82, p. 133, Eff. Dec. 31, 1974.

R 408.17234 Jacking and blocking.

Rule 7234. (1) A vehicle being serviced, adjusted or repaired while the motor is running shall have 2 wheels chocked from front and rear or parking brake set or other vehicle restraint controls provided.

(2) An employee shall not place his body under a vehicle supported only by a jack, overhead hoist or chain fall. Safety stands having a yield point of not less than 1½ times its rated capacity shall be used to support the vehicle.

(3) A jack shall not be used to lift more than its rated capacity.

History: 1954 ACS 82, p. 133, Eff. Dec. 31, 1974.

R 408.17235 Tire changing and repair.

Rule 7235. (1) A split rim wheel shall be inspected for cracks prior to mounting of a tire. A cracked rim shall not be used.

(2) A tire to be inflated on a split rim wheel shall be covered by an enclosure or other safety device of such design and strength to contain the force if a tire or rim should separate.

History: 1954 ACS 82, p. 133, Eff. Dec. 31, 1974.

R 408.17241 Radiators and gas tanks.

Rule 7241. (1) A radiator cap shall not be removed until the pressure has been relieved.

(2) Where radiators are repaired and cleaned by use of caustic solutions, the employee shall be protected by boots, gloves, rubber apron, safety glasses and face shield. A deluge water supply at a fixed location shall be available within 25 feet of the hazard source. This equipment shall be posted: "Emergency Shower."

(3) When the top of an open tank or vat containing a hazardous substance is less than 36 inches from the floor, platform or ground level, a barrier shall be erected to a height of not less than 36 inches on all exposed sides.

(4) Gasoline tanks shall be thoroughly evacuated and maintained free of all explosive vapors or gasoline before commencing welding or soldering repairs.

History: 1954 ACS 82, p. 134, Eff. Dec. 31, 1974.

R 408.17243 Transmissions.

Rule 7243. When removing or replacing a transmission from below a vehicle, a cradle-type device shall be used to hold and carry the transmission.

History: 1954 ACS 82, p. 134, Eff. Dec. 31, 1974.

R 408.17245 Extractors and wringers.

Rule 7245. (1) An extractor shall be equipped with a metal cover interlocked in a manner to prevent opening when the basket is in motion and power operation of the basket when the cover is open.

(2) An extractor shall be equipped with a motor brake.

(3) A power wringer used to remove moisture from fabrics shall be equipped with a safety release bar which shall remove the tension of the wringer rolls when struck.

History: 1954 ACS 82, p. 134, Eff. Dec. 31, 1974.

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R 408.17246 Car wash conveyors.

Rule 7246. (1) A conveyance used to move a vehicle along a line of working equipment or moving such equipment along a vehicle, shall have the conveyor, track or chain outlined by a 4-inch strip of yellow zone paint or other warning means located within 8 inches of the hazardous area.

(2) Pinch points exposed to contact shall be guarded as prescribed by the occupational safety standards commission standard, Part 14. Conveyors, being R 408.11403 to R 408.11461 of the Michigan Administrative Code.

History: 1954 ACS 82, p. 134, Eff. Dec. 31, 1974.

R 408.17251 Automotive lift; adoption by reference; auxiliary support device; permanent tag; lifting more than rated capacity prohibited.

Rule 7251. (1) An automotive lift installed, or the modifications made, after the effective date of this subrule, shall be as prescribed in sections 2, 3, and 5, except paragraph 5.7, of the ANSI standard, B153.1-1974, safety requirements for the construction, care and use of automotive lifts, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) When an employee is required to work underneath a vehicle supported by a hydraulic lift installed before the effective date of this part, the lift shall be used only when an auxiliary support device is engaged and capable of supporting the rated capacity of the lift.

(3) An automotive lift purchased after December 28, 1974, shall have affixed to it a permanent tag showing the name of the manufacturer, model number, serial number, and rated capacity.

(4) An automotive lift purchased before December 28, 1974, shall be equipped with a permanent tag showing the name of the manufacturer and its rated capacity. Where this information is not available, an outside source knowledgeable in automotive lifts shall be used to determine the rated capacity. This capacity shall be permanently labeled on the lift.

(5) An automotive lift shall not be used to lift more than its rated capacity.

History: 1954 ACS 93, p. 36, Eff. Oct. 18, 1977.

R 408.17252 Automotive lift; inspections.

Rule 7252. (1) Wire rope used on a mechanical-type lift shall be inspected as prescribed in R 408.17232(3).

(2) Effective December 31, 1976, the following items shall be inspected and the inspections shall be repeated not less than annually thereafter: the bolster, bolster connections, lifting arms and pads, lift control devices, oil reservoir level, cylinder packing, and all other critical components. Defects shall be repaired before the hoist is returned to service.

History: 1954 ACS 93, p. 37, Eff. Oct. 18, 1977.

R 408.17253 Automotive lift; color coding obstructions or hazards in work area; vehicle positioning means; corrosive protective methods.

Rule 7253. (1) Fixed obstructions, protrusions, and other tripping or stumbling-type hazards located in the working area of a lift shall be color coded as prescribed in the occupational safety standards commission standard 1910.144,

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safety color code for marking physical hazards, which was adopted by reference on January 1, 1975, by Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.

(2) Vehicle positioning means, such as locating ribs, positioning dishes, or floor markings, shall be used with frame or axle engaging lifts.

(3) A hydraulic automotive lift cylinder installed underground in a fixed position after the effective date of this amendment shall be protected from possible catastrophic failure by electrolytic corrosion at the bottom of the cylinder. Not less than 1 effective means, such as the following corrosive protective methods, shall be used to protect the cylinder:

(a) The cylinder bottom shall be imbedded in concrete to a depth of not less than 3 inches and with not less than a 1-inch wall thickness.

(b) A square plate not less than ½ inch greater in diameter than the cylinder bottom and thicker than the cylinder wall shall be continuously welded to the cylinder bottom.

(c) The cylinder shall be encased in a watertight electrical insulating housing, rap, or coating.

(d) The cylinder shall be equipped with a sacrificial anode system sufficient to protect the cylinder.

(4) An electromechanical powered lift shall have all of the following:

(a) A separate dead man-type raise-lower switch mounted on the power column.

(b) A separate power disconnect switch readily accessible to the operator in the lift area.

(c) A device to automatically deenergize the lift when it has reached the limits of its travel.

(5) A screw driven lift shall be provided with a safety nut to follow the main drive nut which shall be capable of sustaining the imposed load in the case of failure of the main drive nut.

(6) The lift control mechanism shall automatically return to neutral or "off" position when released by the operator.

History: 1954 ACS 93, p. 37, Eff. Oct. 18, 1977.

PART 74. FIRE FIGHTING

R 408.17401 Scope.

Rule 7401. This part prescribes rules for training; for the construction, care, and use of equipment; and for the safeguards to be furnished and maintained as it relates to municipal fire service personnel and equipment. The occupation can be permanent or part time, for pay or volunteer status.

History: 1954 ACS 93, p. 37, Eff. Nov. 19, 1977.

R 408.17402 Applicability.

Rule 7402. A person functioning as a fire fighter and exposed to hazards of a structural fire shall comply with this part.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

R 408.17403 Definitions; F to L.

Rule 7403. (1) "Fire apparatus" means mobile fire fighting equipment such as, but not limited to, a pumper, an aerial ladder truck, a tanker, or any other similar equipment whose primary use is for fire suppression or rescue. A vehicle not designed, equipped, or utilized for emergency fire fighting is not fire apparatus.

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(2) "Fire house" means a structure in which fire service equipment is housed and employees may be quartered.

(3) "Fire service personnel" means all employees engaged in fire suppression, fire inspection, fire investigation, or subjected to the hazards at an emergency scene.

(4) "Ladder pipe" means a large capacity water delivery device attached to an aerial ladder.

(5) "Lower control station" means that work station where the operator of apparatus with an elevating platform is stationed.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

R 408.17404 Definitions; O to V.

Rule 7404. (1) "Operator's control station" means that work station where the operator of apparatus, such as an aerial ladder or pumper, is stationed.

(2) "Platform control station" means that work station where the rider of an elevating platform is stationed.

(3) "Roof ladder" means a ladder equipped with folding hooks. These hooks provide a means of anchoring the ladder to the roof ridge or other roof part.

(4) "Stay poles," sometimes called tormenters, means poles attached to the rails of long extension ladders to aid in the raising and supporting of the ladder.

(5) "Structural fire" means any fire other than a vegetative cover fire.

(6) "Turnout" means the outer garments worn by fire service personnel for personal protection.

(7) "Volunteer" means a person permitted to work and is trained as a member of an organized fire department.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

R 408.17411 Duties of employer.

Rule 7411. An employer shall:

(a) Provide training to an employee as prescribed in standards promulgated under Act No. 291 of the Public Acts of 1966, being §29.361 et seq. of the Michigan Compiled Laws, which is provided by the Michigan fire fighters training council, or its equivalent training, as to the hazards and safe practices of the assigned job.

(b) Assure that the prospective fire service personnel are physically fit and have the ability to perform assigned fire fighting duties.

(c) Assure that job-required equipment and tools are maintained in a manner free of recognized defects which would cause an injury.

(d) Develop a basic procedure covering the treatment and transport of injured employees from the emergency scene to a medical facility.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

R 408.17412 Duties of employee.

Rule 7412. An employee shall:

(a) Use personal protective equipment as prescribed by this part.

(b) Report defective equipment, tools, and hazardous conditions to a supervisor.

(c) Not remove safeguards from equipment except when necessary to service. The safeguard or equivalent shall be replaced before returning the equipment to operation.

(d) Not use equipment and tools unless trained in their use and authorized to do so.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

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R 408.17415 Slide pole obstructions and mat; emergency lighting system; switches and electrical equipment subject to hazards created by moisture; sleeping quarters.

Rule 7415. (1) The area within 3 feet of the slide pole on all sides shall be maintained free of any obstruction. A floor to ceiling wall shall not be construed to be an obstruction.

(2) It is recommended that a cushioned mat, not less than 3 feet in diameter, be located around the base of the slide pole at all times.

(3) The dormitory and any means of egress from the dormitory, apparatus bay, and aisleways shall be equipped with an emergency lighting system which shall be automatically activated in case of power failure. The system may be operated by battery or generator.

(4) Switches and electrical equipment located in the shower room or other areas subject to hazards created by moisture shall be weatherproof or removed to an area not hazardous.

(5) All sleeping quarters shall be equipped with a smoke detection device.

History: 1954 ACS 93, p. 38, Eff. Nov. 19, 1977.

CONSTRUCTION AND USE OF EQUIPMENT

R 408.17421 Fire apparatus, generally.

Rule 7241. (1) Fire apparatus shall have a braking capability to stop within 30 feet after application of the brakes at 20 miles per hour.

(2) Fire apparatus shall be equipped with:

(a) Windshield wipers.

(b) Head, tail, stop, and backup lights and a backup alarm.

(c) Horn and siren.

(d) Slip-resistant steps, tailboard, and work platforms.

(e) Seat belts for all seated employees and a restraining device such as, but not limited to, a grab bar, arm loop, back bar, or web strap for all other employees. The safety belt or restraining device shall be used when the apparatus is in motion.

(3) New fire apparatus purchased after the effective date of this part shall be as prescribed in NFPA standard 1901-1975, automotive fire apparatus, which is incorporated herein by reference and may be inspected at the Lansing office of the Michigan department of labor. This standard may be purchased at a cost of $4.00 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(4) Fire apparatus using a tillerman or other employees riding on the apparatus remote from the cab shall be equipped with a voice communication or audible signal system at each location of an operating employee. When the audible system is used, the following signals shall be in effect:

(a) One long blast means stop.

(b) Two short blasts mean forward.

(c) Three short blasts mean reverse.

(5) An operator of fire apparatus shall not move the equipment when his vision is obstructed, except on instructions of a designated signalman.

(6) A minimum distance of 10 feet from energized equipment or high voltage transmission lines, as distinguished from low voltage secondary lines, and series street light construction, shall be maintained when using fire apparatus with elevating platforms, aerial ladders, or snorkels. Training of fire service personnel

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shall include development of the ability to recognize and identify primary, high voltage transmission lines and series street lighting construction.

History: 1954 ACS 93, p. 39, Eff. Nov. 19, 1977.

R 408.17422 Fire apparatus tires.

Rule 7422. (1) Fire apparatus tires shall be inspected inside and out not less than every 5 years.

(2) A tire shall be replaced if 1 of the following occurs:

(a) The average tread depth is worn to $\frac{2}{32}$ of an inch or less.

(b) The tread depth at any 1 location is $\frac{2}{32}$ of an inch or less.

(c) A cut or crack exposes the cord fabric.

(3) A replacement tire shall meet or exceed the standards of the original tire furnished with the apparatus.

History: 1954 ACS 93, p. 39, Eff. Nov. 19, 1977.

R 408.17423 Fire apparatus with elevating platforms.

Rule 7423. (1) When an elevating platform is used, parking brakes shall be set, and stabilizing jacks or outriggers shall be used. Ground plates shall be used under the jack or outrigger when needed.

(2) An instructional information plate, clearly visible to the operator, shall be located at the operator's control station, the platform control station, and contain the following information:

(a) Rated capacity of the platform.

(b) Operating controls identified for motion.

(c) Cautions or restrictions of operation.

(3) The apparatus operator shall be at the lower control station at anytime the elevating platform is occupied.

(4) Equipment and operations of the elevating platform shall be as prescribed in the occupational safety standards commission standard, Part 58. Vehicle-Mounted Elevating and Rotating Platforms, being R 408.15801 et seq. of the Michigan Administrative Code.

History: 1954 ACS 93, p. 39, Eff. Nov. 19, 1977.

R 408.17424 Aerial ladders.

Rule 7424. (1) An aerial ladder shall not be extended or retracted while an employee is climbing the ladder.

(2) When it is necessary to work from an aerial ladder, the employee shall be secured with a safety belt.

(3) The tip of the aerial ladder shall not be forcefully extended against a solid object, nor used to support the ladder.

(4) The steps and rungs of an aerial ladder shall have a slip-resistant surface.

(5) Jacks and outriggers shall be used as prescribed in R 408.17423(2).

(6) The rated capacity for an aerial ladder shall not be exceeded.

(7) The operator of an aerial ladder shall:

(a) Remain at the turntable whenever the ladder is occupied.

(b) Not move the apparatus unless the ladder is in the bed.

(8) The minimum distances prescribed in R 408.17421(6) shall pertain to aerial ladders.

(9) The controls for the operation of an aerial ladder shall be of a type that returns to a neutral position when released.

(10) Tools or equipment shall not be mounted or installed on the turntable.

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(11) A 2-way voice communication system shall be provided between the employee on the raised portion of the equipment and the operator control station.

History: 1954 ACS 93, p. 40, Eff. Nov. 19, 1977.

R 408.17425 Ladder pipes.

Rule 7425. (1) Detachable ladder pipes shall be operated in the direction the ladder is facing.

(2) Ladder pipes shall be secured to the ladder so that the pipe cannot be accidentally dislodged while in operation.

History: 1954 ACS 93, p. 40, Eff. Nov. 19, 1977.

R 408.17426 Portable ladders.

Rule 7426. (1) Except as otherwise prescribed herein, a portable ladder shall be constructed, used, and maintained as prescribed in the occupational safety standards commission standard, Part 4. Portable Ladders, being R 408.10401 et seq. of the Michigan Administrative Code.

(2) The rung spacing shall be not less than 12 inches, nor more than 16 inches.

(3) The rungs of a metal ladder shall have a slip-resistant surface.

(4) A roof ladder assembly shall be capable of supporting a direct load of not less than 500 pounds.

(5) Stay poles or tormenters shall be furnished on any wood ladder extending more than 36 feet. The spikes on stay poles shall not project beyond the end of the ladder when nested. The locking pins on stay poles shall be securely attached to the ladders.

History: 1954 ACS 93, p. 40, Eff. Nov. 19, 1977.

R 408.17427 Line throwing guns.

Rule 7427. (1) A line throwing gun shall:

(a) Be loaded just prior to firing time.

(b) Not be pointed, loaded or unloaded at any person.

(c) Not be left unattended or stored while loaded.

(d) Be stored in a box with the cleaning kit and breakdown tools.

(2) The storage box shall have the words, "Explosive Tool," conspicuously printed on the top of the box.

History: 1954 ACS 93, p. 40, Eff. Nov. 19, 1977.

R 408.17428 Storage of equipment.

Rule 7428. All equipment shall be stored in or on the fire apparatus in a safe manner.

History: 1954 ACS 93, p. 40, Eff. Nov. 19, 1977.

PERSONAL PROTECTIVE EQUIPMENT

R 408.17431 Personal protective equipment.

Rule 7431. (1) Personal protective equipment used by more than 1 employee shall be cleaned or sanitized before reassignment.

(2) An employee assigned to fire fighting tasks shall be provided and shall wear suitable personal protective equipment for the type of exposures involved to provide the following protection during fire fighting activities:

(a) Body protection from moisture, flames, radiant heat, contact with caustic or toxic materials, or other harmful exposures.

(b) Foot protection.

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(c) Head protection.
(d) Face and eye protection.
(e) Hand protection.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17433 Helmet.

Rule 7433. A fire fighter's helmet shall be of a light-colored, nonconductive material. Dark-colored, nonconductive helmets may be used if reflective tape is applied to the exterior sides of the helmet.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17434 Boots.

Rule 7434. (1) Fire fighter boots shall have the following:

(a) A puncture-resistant, slip-resistant sole.

(b) A safety toe prescribed in the occupational safety standards commission standard, Part 31. Personal Protective Equipment, being R 408.13101 et seq. of the Michigan Administrative Code.

(2) Three-quarter length boots may be worn in place of turnout pants.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17435 Gloves or mittens.

Rule 7435. A fire fighter shall be provided with heat insulating gloves or mittens which are not readily flammable.

History: 1954 ACS 93, p. 41, Eff Nov. 19, 1977.

R 408.17436 First aid kits.

Rule 7436. A first aid kit, to treat injuries to a fire fighter, shall be approved by the consulting physician and shall be readily available at the fire site.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

TOOLS

R 408.17441 Explosive devices.

Rule 7441. (1) An explosive device shall not be used in an explosive or flammable atmosphere.

(2) A fire service which uses an explosive device shall develop a procedure for protecting the employees and general public.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17442 Covering or protecting tools.

Rule 7442. (1) When not in use, the cutting teeth of a chain saw shall be covered to prevent inadvertent contact.

(2) An axe or other sharp-edged or pointed tool shall be protected when stored or carried on the apparatus.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17443 Air-moving equipment.

Rule 7443. Air-moving equipment exposed to flammable or explosive fumes, dust, or vapors shall be powered by an explosion proof motor and labeled as such.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

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OPERATIONS

R 408.17451 Supervisor or employee in charge of emergency scene.

Rule 7451. A trained supervisor or trained designated employee shall be in charge at all emergency scenes.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

R 408.17452 Fires involving certain materials.

Rule 7452. A fire involving materials such as, but not limited to, radioactive materials, explosives, flammables, and toxics, in quantities, such as rail cars, warehouses, storage tanks, and similar quantities, should be reported to the nearest state police post immediately with the request that the state emergency services, if needed for technical assistance, be notified through the operations office.

History: 1954 ACS 93, p. 41, Eff. Nov. 19, 1977.

INSPECTIONS

R 408.17461 Inspection of fire apparatus and equipment; record of repair or replacement; lifeline guns and explosive devices; apparatus and equipment involved in accident.

Rule 7461. (1) The following items, if the fire apparatus is so equipped, shall be inspected for operation and defects not less than monthly. Where the item does not pass inspection, repairs or replacement shall be made:

(a) Windshield washers and wipers.
(b) Defroster and heater.
(c) Head, tail, backup, stop, and flasher lights.
(d) Backup alarm.
(e) Horn and siren.
(f) Slip-resistant steps and platforms.
(g) Tires and suspension systems.
(h) Steering mechanism.
(i) Braking system.
(j) Operational controls.

(2) Records of repair or replacement shall be maintained for the life of the apparatus.

(3) Life line guns and explosive devices shall be cleaned and made ready for operation after each use.

(4) Apparatus and equipment involved in an accident shall be inspected by a licensed mechanic and tested before subsequent use.

History: 1954 ACS 93, p. 42, Eff. Nov. 19, 1977.

R 408.17462 Inspection of turnout equipment.

Rule 7462. Turnout equipment shall be inspected by the user after each use. Cuts and tears in coats, pants, boots, and hand protection shall be repaired or replaced, if necessary in the judgment of the commanding officer. Head and face and eye protection shall continue to meet the requirements of the occupational safety standards commission standards, Parts 32 and 35, being R 408.13201 et seq. and R 408.13501 et seq. of the Michigan Administrative Code.

History: 1954 ACS 93, p. 42, Eff. Nov. 19, 1977.

R 408.17463 Inspection of fiber ropes.

Rule 7463. (1) A fiber rope shall be inspected visually after each use for the following conditions:

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(a) Externally for abrasions, cut or broken fibers, decay, burns, lack of strength, softness, variation in size or roundness of the strands, and for mildew or mold.

(b) Inspect internally annually, by separating the strands at 3-foot intervals, for broken fibers, presence of grit, mildew or mold, color change of the fibers, or powdering and short, loose fibers.

(2) A rope having any of these conditions shall be replaced or repaired.

History: 1954 ACS 93, p. 42, Eff. Nov. 19, 1977.

R 408.17464 Inspection of synthetic rope.

Rule 7464. (1) A synthetic rope shall be inspected visually after each use for abrasions, cut or broken fibers, burns, melted fibers, variations in size or roundness of the strands. A rope having any of these conditions shall be replaced or returned to the manufacturer for repair.

(2) All synthetic rope shall be inspected and, if necessary, repaired or replaced as prescribed in R 408.17463(1)(b) and (2).

History: 1954 ACS 93, p. 42, Eff. Nov. 19, 1977.

PART 79. DIVING OPERATIONS

R 408.17901 Scope.

Rule 7901. This part pertains to the safe use and maintenance of equipment and procedures of the occupation of diving and the related support operations as used in general industry. This part does not apply to a diving operation performed solely for recreational instruction purposes using open-circuit compressed-air SCUBA and conducted within the no-decompression limits.

History: 1954 ACS 99, p. 120, Eff. June 16, 1979.

R 408.17903 Adoption by reference.

Rule 7903. Diving operations shall be conducted as prescribed in Part 31. Diving Operations, being R 408.43101 et seq. of the Michigan Administrative Code, a construction safety standards commission standard, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be obtained, at no cost, from the Standards Division, Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 120, Eff. June 16, 1979.

PART 81. BAKING OPERATIONS

GENERAL PROVISIONS

R 408.18101 Scope.

Rule 8101. This part provides for the safe maintenance and operation of bakery machinery and equipment by the employer and their safe use by the employee in, around and about a place of employment.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

R 408.18102 Definitions; A.

Rule 8102. (1) "Aisle" means a path of designated travel for employees and stock moving equipment.

(2) "Automatic fry machine" means a machine with a power driven unit which deposits donuts, pies or other products into a hot edible oil and conveys them out of the oil after frying.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

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R 408.18103 Definitions; B.

Rule 8103. (1) "Bag arm conveyor" means an elevating type conveyor with 1 or more chains to which are attached projecting arms for handling objects such as barrels or bags in a vertical or inclined path.

(2) "Bagger" means a machine which receives a bakery product, inserts it into a preformed bag and closes the bag with a recloseable means.

(3) "Bakery" means a place where various ingredients are mixed together and processed to produce frozen or finished bakery products.

(4) "Band bar-type goods cutter" means a cutting device used to cut bakery products to predetermined sizes on an ovenband.

(5) "Bar loader" means a device for pushing pans or products.

(6) "Bun intermediate proofer" means a machine which gives proofing time to dough by conveyance.

History: 1954 ACS 81, p. 91, Eff. Nov. 19, 1974.

R 408.18104 Definitions; C.

Rule 8104. (1) "Cake depositor" means a machine which measures batter for cakes and deposits it into pans.

(2) "Carton closing machine" means a machine which automatically closes rigid hinged cover cartons after a product has been manually or automatically inserted.

(3) "Carton wrapping machine" means a machine which receives and conveys single and grouped products in containers and overwraps them in flexible wrapping material.

(4) "Continuous mixer" means a machine which continuously mixes ingredients to produce a dough product and dispenses the dough automatically.

History: 1954 ACS 81, p. 90, Eff. Nov. 19, 1974.

R 408.18105 Definitions; D.

Rule 8105. (1) "Divider" means a unit which divides a large dough mass into a predetermined size.

(2) "Dough brake" means a machine which rolls dough into a flat shape.

(3) "Dough sheeter" means a machine which takes a piece of dough and, by running it between a series of rolls, produces a sheet of dough.

(4) "Dumpbin" means equipment into which dry ingredients in bags are first emptied for distribution.

History: 1954 ACS 81, p. 91, Eff. Nov. 19, 1974.

R 408.18106 Definitions; F to N.

Rule 8106. (1) "Form, fill, seal pouch or bag machine" means a machine which automatically weighs, counts or measures a product and inserts the product into a formed and partially sealed flexible material pouch.

(2) "Grinder, pulverizer, food chopper and breaker" means machines used to reduce material into small fragments or powder by means of rolls, knives, blades or hammers.

(3) "Horizontal mixer" means a machine which combines ingredients by agitating with beaters rotating in an arc on a horizontal shaft. A horizontal mixer may have a tilting or nontilting bowl.

(4) "Molder" means a unit which forms and shapes a dough piece prior to insertion into a pan.

(5) "Nip point" means that point where a rotating object creates a pinching action with another rotating object.

History: 1954 ACS 81, p. 91, Eff. Nov. 19, 1974.

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R 408.18107 Definitions; O to R.

Rule 8107. (1) "Ovenband" means a continuous moving steel conveyor used in ovens in which the ovenband serves as the pan and hearth.

(2) "Overhand bar loader" means a mechanical device consisting of a push bar attached to arms or a conveyor which moves bakery products from a table or platform onto a rack or moving conveyor.

(3) "Pinch point" means a point at which it is possible to be caught between moving parts of a machine or between moving and stationary parts of a machine.

(4) "Rounder" means a machine which rolls the dough, after being divided, to give the dough a desired shape.

History: 1954 ACS 81, p. 91, Eff. Nov. 19, 1974.

R 408.18108 Definitions; S.

Rule 8108. (1) "Scale cut-off switch" means a control device which shuts off the material feed when the scale has been charged with a predetermined amount of dry ingredient.

(2) "Sifter" means fixed, motorized equipment, either oscillating, vibrating or brush type, which sifts dry ingredients.

(3) "Slicing machine" means a machine equipped with moving cutters which slices bakery products.

(4) "Spindle mixer" means a machine with 1 or more retractable heads which combines ingredients in a trough with beaters on a vertical shaft.

History: 1954 ACS 81, p. 91, Eff. Nov. 19, 1974.

R 408.18109 Definitions; T to W.

Rule 8109. (1) "Tray or carton forming machine" means a machine which automatically forms magazine-fed flat die-cut blanks of semi-rigid material into trays or hinged cover cartons.

(2) "Trough" means a tub moved on castors, and used to hold or transport masses of ingredients or dough.

(3) "Vertical mixer" means a machine which combines ingredients in a bowl by agitating with beaters revolving on a vertical shaft.

(4) "Weight hopper and scale" means a device which weighs ingredients before dumping.

(5) "Wrapping machine" means a machine equipped with mechanisms for conveying and wrapping bakery products in flexible wrapping material.

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974; 1954 ACS 88, p. 103, Eff. July 16, 1976.

R 408.18111 Employer responsibility.

Rule 8111. An employer shall:

(a) Provide training to an employee as to the hazards and safe practices of the assigned job.

(b) Maintain machinery, buildings, ramps, platforms and aisles free of recognized hazards likely to cause an injury by operation or use.

(c) Establish and maintain an equipment power lockout procedure as prescribed in R 408.18115(1).

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974.

R 408.18112 Employee responsibility.

Rule 8112. An employee shall:

(a) Use personal protective equipment as required by this part.

(b) Not use machinery or equipment unless authorized.

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(c) Not remove guards from machinery and equipment except when needed for servicing. The guards shall be replaced before returning to production.

(d) Report defective machinery, equipment and hazardous conditions, when detected, to a supervisor.

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974.

R 408.18113 Illumination.

Rule 8113. Illumination shall be provided at the work station to maintain a minimum of 20 footcandles intensity.

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974.

R 408.18114 Floors, aisles, and platforms.

Rule 8114. (1) An aisle or floor work area shall be maintained free of protruding objects, holes, loose boards, grease, oil, accumulations of water or other objects or material which would create a tripping or slipping hazard.

(2) An aisle for combined usage of an employee and stock moving equipment shall be 2 feet wider than the widest load moved. In a place of employment having less than 10 employees producing hand crafted products in the production area, the aisle shall be not less than 30 inches wide. The aisle shall be defined.

(3) A platform, walkway and stairway where provided, on storage bins and machinery, shall be constructed as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10201 to R 408.10241 of the Michigan Administrative Code. A fixed ladder used in place of a stairway shall be as prescribed in the occupational safety standards commission standard, Part 3. Fixed Ladders, being R 408.10301 to R 408.10365 of the Michigan Administrative Code.

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974.

R 408.18115 Power controls and motors.

Rule 8115. (1) If an unexpected start up would cause an injury, the power source of any equipment to be repaired, serviced or set up shall be locked out by the employee doing the work. Any hazardous residual pressure shall be relieved prior to and during the work.

(2) Provision shall be made to prevent permanently connected machinery and equipment, other than compressors and air moving equipment used for air conditioning and refrigeration, and fire protection and pumps, from automatically restarting upon restoration of power after a power interruption if unexpected start up could cause injury.

(3) A control device, except a stop button, shall be so arranged or guarded as to prevent accidental activation where activation could cause injury.

(4) Where a hazard exists, a machine shall be equipped with an emergency stop device, red in color, which can be activated from an operator's work station.

(5) When a 2-hand control device is required, it shall require the concurrent use of both hands to activate the machine or equipment. The device shall be located in a manner to prevent bridging. Where more than 1 employee is exposed to the point of operation, a 2-hand control device shall be provided each employee and the controls shall operate concurrently.

(6) An electric motor, control and other electrical components used on dry ingredient handling and storage equipment shall be dust ignition tight.

History: 1954 ACS 81, p. 92, Eff. Nov. 19, 1974.

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R 408.18116 Machine installation.

Rule 8116. (1) Electrically powered machinery and equipment shall be grounded.

(2) Stationary type machinery and equipment shall be secured to a floor, foundation, bench, table or stand of such strength and design to prevent overturning or unintentional movement.

(3) Permanent machinery and equipment shall not be placed as to require an operator to stand in an aisle. Temporary equipment shall not be placed as to require an operator to stand in an aisle unless the employee is protected with a barrier as prescribed in the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights, being R 408.10231 and R 408.10232 of the Michigan Administrative Code.

(4) Machinery or equipment having an access door for body entry shall be equipped with a means of opening the door inside and out.

History: 1954 ACS 81, p. 93, Eff. Nov. 19, 1974.

R 408.18117 Lubrication and maintenance.

Rule 8117. (1) Lubrication shall be accomplished by 1 of the following:

(a) Scheduling when the machine can be shut off and locked out, except that an oven chain may be lubricated at an oiling door if an emergency stop device is located at the door.

(b) Automatic or manual pressure or gravity feed system.

(c) Extension pipe leading to an area outside of guards or away from any hazard.

(d) A means which would provide equivalent or greater protection than subdivisions (a), (b), or (c) for the employee.

(2) In any case, the occupational safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10732 of the Michigan Administrative Code, shall be followed.

(3) An employee required to work in an explosive atmosphere shall use nonsparking maintenance and cleaning tools to prevent static and mechanical sparking.

History: 1954 ACS 81, p. 93, Eff. Nov. 19, 1974.

R 408.18118 Hot surfaces.

Rule 8118. Steam pipes, hot water pipes and surfaces of machinery and equipment which would cause burns, if exposed to contact, shall be guarded with a heat-resistive or insulating material or a barrier. If guarding is impractical, the exposed employee shall wear personal protective equipment.

History: 1954 ACS 81, p. 93, Eff. Nov. 19, 1974.

R 408.18119 Housekeeping.

Rule 8119. (1) Flour dust shall be removed not less than monthly from ledges, beams, sills, machinery and equipment in the make up and flour storage areas.

(2) Flour and dough shall be removed from the floor or platform of a work station not less than daily.

History: 1954 ACS 81, p. 93, Eff. Nov. 19, 1974.

SPECIFIC EQUIPMENT

R 408.18121 Dry ingredients conveyors; general.

Rule 8121. (1) A flour-handling system which has the final delivery end out of

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sight of the beginning point shall have a control at each point, either of which shall stop the flow of flour.

(2) A bag chute with an incline of more than 30 degrees shall be equipped with a stop at the discharge end or the end shall have a means to slow the bags.

(3) Wherever any of the various pieces of apparatus comprising a flour-handling system are run in electrical unity with one another, the control circuits for magnetic controllers shall be so arranged that the opening of any 1 of several limit switches, which may be on an individual unit, shall serve to deenergize all of the motors of that unit.

(4) A screw conveyor shall be constructed of metal or other nonsplintering material.

(5) A dead-end screw conveyor shall be provided with an overflow safety gate which operates an electric limit switch to shut down the conveyor before dangerous pressure of material is built up at the dead end.

History: 1954 ACS 81, p. 93, Eff. Nov. 19, 1974; 1954 ACS 88, p. 103, Eff. July 16, 1976.

R 408.18122 Bag arm conveyors.

Rule 8122. A bag arm conveyor used for transporting bags of flour or sugar with manual takeoff shall be equipped with a device so installed as to stop the conveyor automatically if any bag fails to clear the bar arms at the discharge end. The conveyor shall be equipped with a rollback device as prescribed in the occupational safety standards commission standard, Part 14. Conveyors, being R 408.11429 of the Michigan Administrative Code.

History: 1954 ACS 81, p. 94, Eff. Nov. 19, 1974.

R 408.18123 Storage bins and silos.

Rule 8123. (1) A dry ingredient storage bin or silo shall be equipped with a dust tight cover secured with gaskets and latches or other fasteners. A cover over a point of entry used by an employee shall be interlocked with the loading and unloading motors to prevent their operation when the cover is open. The cover shall be locked open when the bin or silo is occupied by an employee.

(2) When an employee enters a bin or silo, he shall wear a safety belt with spark resistant fittings attached to a lifeline attended by an employee outside the bin. The employee shall be supplied with fresh air during the time work is being performed within a bin or silo.

(3) Illumination provided inside a bin or silo shall be from an explosion-proof light fixture or explosion-proof flashlight.

(4) A storage bin having a side more than 5 feet in depth shall be provided with a standard stationary safety ladder both inside and outside the bin, which shall reach from the floor level to the top of bin, and from the top of bin to the bottom on the inside, with the ladder end kept away from the moving screw conveyor, or shall be provided with some other means of providing equivalent safety for the employee.

(5) A high level indicator interlocked to stop the fill system shall be provided on each bin or silo, or an employee shall be stationed to monitor the level during filling.

(6) A walkway surface shall be maintained in nonslip condition.

History: 1954 ACS 81, p. 94, Eff. Nov. 19, 1974; 1954 ACS 88, p. 103, Eff. July 16, 1976.

R 408.18124 Mechanical dumpbins and blenders.

Rule 8124. (1) An opening in a mechanical dumpbin or blender shall be guarded by 1 of the following:

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(a) Parallel bars not more than 3 inches apart on centers.

(b) Not less than 11 gauge wire mesh with openings not more than 3 inches in any direction. If an employee can reach the moving parts of the machine through the guard then the 3-inch opening shall be reduced until the hazard is eliminated.

(2) A mechanical dumpbin and blender shall be equipped with a suction type dust hood of such capacity as to prevent dust circulation outside the hood.

(3) When the loading point of a manually filled mechanical dumpbin is more than 24 inches above the floor, a bag rest shall be provided.

(4) A hinged dumpbin cover shall be provided with a means to lock the cover in the open position, so that it cannot accidentally fall down while the dumpbin is in operation.

(5) A dumpbin and blender shall be so constructed that no separate pit in the floor shall be required at the point which connects the final discharge to the usual elevator.

History: 1954 ACS 81, p. 94, Eff. Nov. 19, 1974; 1954 ACS 88, p. 103, Eff. July 16, 1976.

R 408.18125 Sifters.

Rule 8125. (1) A sifter shall:

(a) Have all openings constructed with dust tight closures which are readily accessible for inspection purposes.

(b) Have refuse tailing receptacles for all types of sifters readily accessible and located at a safe distance from unguarded moving parts.

(2) Oscillating and vibrating sifters shall have all moving parts within the outer frame of the sifter or the machine shall be located within a standard barrier as prescribed in R 408.10231 of the occupational safety standards commission standard, Part 2. Floor and Wall Openings, Stairways and Skylights.

History: 1954 ACS 81, p. 94, Eff. Nov. 19, 1974; 1954 ACS 88, p. 104, Eff. July 16, 1976.

R 408.18126 Weighing hoppers and scales.

Rule 8126. (1) A dial cover of a scale shall be made of shatter-proof material.

(2) A trolley flour scale shall be equipped with a bar-type handle not less than ¾ inch in diameter for use in moving the scale.

(3) Trolley wheels on a weigh hopper or scale located less than 8½ feet from a floor or platform shall be guarded with an enclosure on all exposed sides.

(4) A scale cut-off switch shall be totally enclosed and connected to the scale beam in a manner to protect the operator from contact.

(5) A track having more than 1 hopper or discharge point shall be equipped with interlocks so that material cannot be discharged unless a hopper is centered below it.

(6) A handle for an operating device for a trolley switch which hangs less than 6 feet 8 inches from the floor shall be of pliable material.

History: 1954 ACS 81, p. 94, Eff. Nov. 19, 1974; 1954 ACS 88, p. 104, Eff. July 16, 1976.

R 408.18128 Horizontal batch mixers.

Rule 8128. (1) A horizontal batch mixer shall have control devices which require concurrent use of both hands whenever the mixer bowl is opened more than 6 inches and the agitator is energized. The controls shall be located so that the operator has a full view of the mixer bowl.

(2) A horizontal batch mixer with a power dumping device shall have devices which require constant 2-hand control when the bowl closes the final 6 inches.

(3) A horizontal batch mixer shall have a flour gate operating device, ingredient opening and ingredient water inlet which can be operated by the operator from the work area without endangering the operator.

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(4) An overhead cover or door on a horizontal batch mixer, which may accidentally close, shall be counterbalanced or provided a device which shall hold the door open until released by the operator.

(5) A horizontal batch mixer shall not be hosed down during cleaning unless all electrical devices are designed for such cleaning.

(6) An ingredient or inspection opening on a horizontal batch mixer shall be not more than 1½ square feet in area. The opening shall have the access limited by a bar-type grating made of not less than 3/16-inch diameter stock, or its equivalent, on 3-inch centers. If it is possible to contact moving parts, a warning sign shall be installed at the opening to caution the employee.

(7) A device or mechanism used to return sponges to a mixer shall be so interlocked with the mixer as to prevent injury to the operator.

History: 1954 ACS 81, p. 95, Eff. Nov. 19, 1974; 1954 ACS 88, p. 104, Eff. July 16, 1976.

R 408.18129 Horizontal tub-type mixers and beaters.

Rule 8129. (1) A horizontal tub-type mixer or beater shall be guarded and have the control devices prescribed in R 408.18128(1) or shall have an interlocked cover which will stop the agitator when the cover is opened.

(2) A bottom outlet of a horizontal tub-type mixer or beater shall be so designed that an employee cannot reach the agitator or come in contact with the pinch point between the agitator and the tub.

(3) When removing the dough from a horizontal tub-type mixer with the agitator in motion, the operator shall use a jog button, so located that the operator cannot reach the point of operation, or 2-hand constant pressure controls.

History: 1954 ACS 81, p. 95, Eff. Nov. 19, 1974.

R 408.18130 Vertical batch mixers.

Rule 8130. (1) A bowl locking device on a vertical batch mixer, including an artofex mixer, shall be designed to require a positive action of the operator to unlock the bowl.

(2) If an employee can reach into a vertical mixing bowl, a warning sign shall be installed to caution the employee.

(3) A mixer with external power application shall have all belts, chains, gears, pulleys, sprockets, clutches, and other moving parts completely enclosed.

(4) A mixer with a built-in power unit shall have all drive elements enclosed in such a manner as to prevent injury to an operator or a maintenance employee performing his normal duties.

(5) A mixer shall be equipped with an individual motor and control, and with a conveniently located manual switch, to prevent the mixer from being started in the usual manner while the machine is being serviced and cleaned.

(6) A loose access door and cover weighing more than 2 pounds shall not be used on a mixer. The door or cover shall be hinged or otherwise held in proximity to the openings which they cover.

(7) An overhead cover or door which is subject to accidental closure shall be counterbalanced to remain in an open position, or shall be provided with a means to hold it open until positively released by the operator.

(8) Provision shall be made to bolt a mixer solidly to the floor to prevent dislocation or excessive vibration, and no open space between a mixer and a platform shall be permitted which may endanger the operator.

(9) A mixer shall be installed only on a substantial foundation which is capable of safely withstanding the live loads incurred in a full-capacity mixing operation.

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(10) Access for lubrication at all points shall be provided so as to avoid contact between the lubricating device or the operator's hands and any moving parts.

(11) An electrical pilot or control circuit shall not be employed at a potential in excess of 240 volts.

(12) Positive means shall be provided to prevent application of pressure above the stipulated maximum in a mixer cooling jacket.

(13) A device shall be made available for moving a bowl, weighing more than 80 pounds with contents, into and out of the mixing position on the machine.

History: 1954 ACS 81, p. 95, Eff. Nov. 19, 1974; 1954 ACS 88, p. 105, Eff. July 16, 1976.

R 408.18131 Spindle mixer.

Rule 8131. A vertical spindle mixer shall be equipped with a cover which raises and lowers with the spindle head. The cover or head shall be interlocked so that the spindles cannot start when the cover is raised. A jog switch, so located that the operator cannot reach the pinch point, shall be provided for cleaning the blades in a raised position, or 2-hand constant pressure controls shall be provided.

History: 1954 ACS 81, p. 95, Eff. Nov. 19, 1974.

R 408.18132 Continuous mixers.

Rule 8132. (1) A cover on a continuous mixer shall be interlocked to the power source so that the agitator will not turn when the cover is open.

(2) A continuous mixer which starts automatically shall have a warning device which shall be activated not less than 3 seconds before start-up.

(3) A continuous mixer with a permanent inlet that introduces solids or semi-solids shall be of a configuration which would not permit hands to come in contact with moving parts.

History: 1954 ACS 81, p. 95, Eff. Nov. 19, 1974.

R 408.18133 Dough trough elevator and dump.

Rule 8133. An elevator-type dough trough dump shall be provided with an interlocked gate so that the trough cannot be elevated or lowered until the gate is in position to protect an employee, or the trough shall be controlled constantly by an operator with a full view of the elevator area while dumping and lowering the trough the last 7 feet of travel to the floor.

History: 1954 ACS 81, p. 96, Eff. Nov. 19, 1974.

R 408.18134 Dividers and depositors.

Rule 8134. (1) A divider or depositor attached directly to a continuous mixer shall have any exposed shear or pinch point enclosed.

(2) A guard at the front of a divider or depositor shall be so constructed that the dough weight can be adjusted without removal of the guard.

(3) A guard at the back of a divider or depositor shall enclose all moving parts. The guard shall be hinged and interlocked with the power source so that the machine will not operate when the enclosure is open.

(4) The oil hole for the knife at the back of a divider shall be of such size that a finger cannot enter the hole.

(5) Any elongated hole in the knife-actuating arm on a divider shall be covered with a saddle guard or other protective device.

(6) Start and stop control buttons on a divider or depositor shall be oil tight and other electrical components shall be either oil tight or located to prevent entrance of oil.

History: 1954 ACS 81, p. 96, Eff. Nov. 19, 1974.

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R 408.18135 Molders.

Rule 8135. (1) An emergency stop device, as prescribed in R 408.18115(4) shall be provided for the employee feeding and tailing a molder.

(2) A molder shall be so designed or guarded to prevent a shearing action at any clean-out hole.

(3) A hand-fed molder shall have a belt feed device, or the hopper shall be extended high enough or have a barrier to prevent an employee's hand from contact with the in-running rolls. The top edge of such a hopper shall be well rounded to prevent injury when it is struck or bumped by the employee's hand.

(4) A mechanical feed molder shall be provided with a hopper so designed and connected to the proofer that an employee's hands cannot come in contact with the in-running rolls.

(5) Where a removable crank is provided to adjust the molder, brackets shall be provided to hold the crank when it is not in use. The brackets shall be interlocked with the power source so that the molder cannot run until the crank is repositioned on the brackets.

(6) Each molder shall have individual drives and controls.

(7) Electric control buttons and components shall be dust tight.

History: 1954 ACS 81, p. 96, Eff. Nov. 19, 1974; 1954 ACS 88, p.105, Eff. July 16, 1976.

R 408.18136 Manually fed dough brakes.

Rule 8136. (1) The in-running roll of a manually fed dough brake shall be enclosed by a guard of not less than 11 gauge metal or material or equivalent strength extending to within 6 inches of the hopper bottom board and at a horizontal distance from the nip point of the rolls sufficient to prevent an employee's hand from being caught. The enclosure may be expanded metal for visual observation.

(2) An emergency stop bar shall be provided on a manually fed dough brake so located, that if the operator slips and falls toward the rolls, or if the operator's hand is caught in the rolls, the body pressure opens a circuit which deenergizes the drive motor and a magnetic spring-set brake stops the rolls immediately. This device shall be maintained operable.

History: 1954 ACS 81, p. 96, Eff. Nov. 19, 1974.

R 408.18138 Roll-type dough sheeters.

Rule 8138. (1) A roll-type dough sheeter shall be equipped with a barrier guard so located as to prevent fingers from getting into the nip point or an emergency stop bar shall be provided across the length of the rolls so designed that it will stop the rolls on contact with the operator's hand or arm. A material, such as perforated or expanded metal, which allows visual monitoring is preferable for a barrier guard.

(2) A guard, which completely covers the gears, shall be provided and designed to allow adjustment of the gears.

(3) The hopper for a hand-fed sheeter shall be equipped with an emergency stop bar or stopping device readily accessible to the operator or the hopper design shall be such that the operator cannot reach the rolls.

History: 1954 ACS 81, p. 96, Eff. Nov. 19, 1974.

R 408.18139 Bun intermediate proofers.

Rule 8139. (1) A star wheel feeder on a bun intermediate proofer shall be enclosed by a hinged guard on all sides except for an opening to receive the dough. The hinged portion shall be designed to open up when struck by a hand.

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(2) The moving parts of a bun intermediate proofer exposed to contact shall be enclosed.

History: 1954 ACS 81, p. 97, Eff. Nov. 19, 1974.

R 408.18141 Oven loaders and unloaders.

Rule 8141. (1) A hand-fed overhand bar oven loader shall be equipped with 2-hand controls wired to operate concurrently with the buttons guarded by covers, rings or by location to prevent bridging, or the oven loader shall be hung in a manner that allows the overhand bar itself to be raised to stop the loader drive. The overhand bar shall be made of aluminum or other equivalent light weight material. Pressure shall be maintained on the controls until the pinch point has passed.

(2) Exposed levers, controls, adjustment knobs and handles shall be recessed, flush or guarded to avoid catching of clothing.

(3) A portable oven loader and unloader shall have a locking or clamping device to prevent movement during operation.

(4) The oven loader and unloader drive shall have overload, instant trip delay, clutch or equivalent means to stop equipment in case of a jam.

History: 1954 ACS 81, p. 97, Eff. Nov. 19, 1974.

R 408.18142 Pan washers and rack washers.

Rule 8142. (1) The safety controls on a pan washer or rack washer shall be inspected and maintained not less than as prescribed in table 1.

(2) A pan washer or rack washer shall have an emergency door latch on the door so an operator may open the door from the inside.

(3) Where the controls of a pan or rack washer are subject to water spray or splash, they shall be the waterproof type.

(4) A pan washer shall be guarded to protect the operator from overspray and the overflow and drain stand pipes shall be arranged to prevent backflow of liquids from hitting the operator.

(5) Sharp corners and edges shall be eliminated.

TABLE 1

Safety Control Inspection Guide for Washers and Ovens

Item	Monthly	Semiannually
Fuel safety shutoff valve	X	
Combustion safeguard	X	
Time delay switches		X
Fan failure interlocks		X
Conveyor failure interlocks		X
Temperature limit switches		X
Pressure supervising switches		X
Door and damper limit switches		X
Automatic fire checks		X
Explosion venting latches on doors		X
Operation sequencing tests of auxiliaries		X

History: 1954 ACS 81, p. 97, Eff. Nov. 19, 1974; 1954 ACS 88, p. 105, Eff. July 16, 1976.

R 408.18143 Pan cooling towers.

Rule 8143. (1) A pan cooling tower extending more than 1 floor in height shall have a stop switch at each floor. The conveying means shall be restarted only at

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the location where stopped or at the main source after the stopped switch has been reset.

(2) Sides of a pan cooling tower not used for loading and unloading shall be enclosed or barrier guarded to a height of 8 feet.

(3) Conveyors bars, flights and attachments of pan cooling tower passing within 6 inches of each other in opposite directions shall have the opposing sections separated by a screen guard with openings not more than ½ inch.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974.

R 408.18144 Coolers.

Rule 8144. (1) Guide rails shall be provided in a rack-type cooler to center racks as they enter and leave the enclosure.

(2) The drive on a mechanical feed rack or tray-type cooler shall be equipped with an overload device designed to cut the power in case of a jam. The device shall not restart the drive automatically when the jam is cleared.

(3) A mechanical feed rack and tray cooler shall actuate a warning device when it enters a dwell condition caused by the backup of production of a unit downstream.

(4) A cooler having an access door for body entry shall be equipped with a means for opening the door from the inside and the outside.

(5) All pinch points shall be eliminated or guarded on a conveyor-type bread cooler.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974; 1954 ACS 88, p. 106, Eff. July 16, 1976.

R 408.18145 Material handling.

Rule 8145. (1) A rack used to transport bake goods within a bakery production area shall be equipped with:

(a) Handles so located that no part of an employee's hand extends beyond the outer edge of the frame when holding the handles.

(b) Castors with an anti-friction bearing swivel arrangement for better control.

(2) Sharp, splintered, or rough corners and edges shall be eliminated on racks.

(3) A trough shall be mounted on anti-friction bearing castors to make it possible for the operator to move and direct the motion of the trough with a minimum of effort.

(4) A lock or other device shall be provided to hold the handle in vertical position when a hand-operated lift truck is not in use.

(5) Castors on hand trucks shall be set back from corners to be out of the way of toes and heels, but not far enough back to cause the truck to be unstable. A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(6) Sharp corners or edges shall be eliminated on a metal skid. Edges and corners shall be protected on skids to prevent exposed splinters.

(7) A chain tackle shall be marked prominently, permanently and legibly with maximum load capacity. Safety latches shall be installed on all hooks.

(8) Trough hoists shall be marked prominently, permanently and legibly with maximum load capacity. Safety devices shall be provided to hold the load in any position. Safety latches shall be installed on all hooks.

(9) Sharp corners and edges on bread and cake boxes and trays shall be eliminated on metal parts. All wooden corners and edges shall be protected to prevent splinters.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974; 1954 ACS 88, p. 106, Eff. July 16, 1976.

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R 408.18146 Air conditioner.

Rule 8146. (1) An air conditioner having access doors for body entry shall be equipped with a means of opening the door inside and outside.

(2) All sharp corners and edges shall be eliminated.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974; 1954 ACS 88, p. 107, Eff. July 16, 1976.

R 408.18147 Steam kettles.

Rule 8147. (1) A steam kettle shall have a positive locking device capable of holding the kettle at any desired position.

(2) A kettle with a steam jacket shall be provided with safety valves as prescribed in the ASME pressure vessel code, section VIII, unfired pressure vessels, 1974, which is herein incorporated by reference and may be inspected at the Lansing office of the Michigan department of labor. This standard may be purchased at a cost of $40.00 from the American Society of Mechanical Engineers, 345 E. 47th Street, New York, New York 10017, or from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974; 1954 ACS 88, p. 107, Eff. July 16, 1976.

R 408.18148 Chocolate melting, refining, and mixing kettles.

Rule 8148. A chocolate melting, refining and mixing kettle shall be equipped with an electrically interlocked cover to stop agitation when the cover is opened.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974.

R 408.18151 Slicing machines.

Rule 8151. (1) A slicing machine shall be equipped with a device which shall be used to push the last loaf through the knives without contacting the moving knives.

(2) A slicing machine with reciprocating knives shall have the knife frames guarded by an interlocked cover.

(3) A slicing machine with endless band knives shall have:

(a) The drive motor equipped with an automatic brake which shall be applied when the motor is not energized.

(b) An interlocked cover or door over each point of access which deenergizes the drive motor when the cover or door is opened.

(c) A safety device which deenergizes the drive motor when a knife breaks.

(d) A honing or sharpening device for the knife which shall be so designed as to protect the employee from the knife while doing the work.

(e) Any transparent inspection ports made of shatter-proof material.

(4) An automatically fed slicing machine used in conjunction with a wrapping or bag loading machine shall have starting controls for both machines at 1 location and a stop device at each point of operation.

(5) Where pusher fingers attached to the feed chain enter the bed plate of the crossfeed, the end guard shall be extended to cover the pinch point.

History: 1954 ACS 81, p. 98, Eff. Nov. 19, 1974; 1954 ACS 88, p. 107, Eff. July 16, 1976.

R 408.18152 Wafer cutting machine.

Rule 8152. A wafer cutting machine shall be guarded to prevent the operator's hand from making contact with the saw or knife.

History: 1954 ACS 81, p. 99, Eff. Nov. 19, 1974.

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R 408.18153 Cutting, panning, embossing, peeling, and bar machines.

Rule 8153. (1) The manually fed rolls of a cutting, panning, embossing, peeling, and bar machine shall be guarded in front of the rolls by 1 of the following:

(a) A mechanical guard across the rolls to prevent entry of fingers into nip points.

(b) An emergency stop bar designed as prescribed in R 408.18136(2) to stop the rolls when contact is made with the bar.

(2) The blade of a cutting machine shall be guarded to prevent contact of the operator's fingers.

(3) The reciprocating heads of a cutting machine shall be guarded to prevent the operator from being caught between the moving and stationary parts.

(4) The band bar-type goods cutter shall be guarded on each side of the drive mechanism of the ovenband and in the vertical run of the cutter.

History: 1954 ACS 81, p. 99, Eff. Nov. 19, 1974.

R 408.18154 Rotary, pretzel rolling, and pretzel extruding machines.

Rule 8154. (1) The forcing rolls within a dough hopper on a rotary, pretzel rolling and pretzel extruding machine shall be guarded as prescribed for feed hoppers in R 408.18160.

(2) A rotary, pretzel rolling and pretzel extruding machine shall have an emergency stop bar at the operator's station so located that it can be operated by the operator's body.

History: 1954 ACS 81, p. 99, Eff. Nov. 19, 1974.

R 408.18155 Frying machines and vats; construction.

Rule 8155. (1) A frying machine or vat shall be insulated or guarded where burns can result from accidental contact with the outside covering.

(2) A frying machine or vat shall be equipped with an automatic temperature control. In addition, the machine or vat shall have an over temperature control device unadjustable and preset below the flash point of the frying fat which will turn off the heating device.

(3) An automatic frying machine or vat with an internal heating device shall be equipped with a low level frying fat cut off device designed to turn off the heat device when the fat level is less than 1 inch above the heating tubes or elements.

(4) Where forced draft or an automatic damper is used for exhausting combustion fumes, it shall be interlocked with the fuel supply valve of the frying machine or vat.

(5) If the frying machine or vat is designed with a closed combustion chamber, a time delay relay shall be installed, in connection with the exhauster, to purge the chamber before ignition can be made.

(6) The heat transfer piping shall be installed to allow for natural expansion of the pipe.

(7) Where a separate heat exchanger is used in conjunction with a frying machine or vat, subrules (1), (2), and (8) shall be followed for the heat exchanger.

(8) A frying machine or vat shall be equipped with a device which will shut off the fuel supply if the pilot or burner flames out.

History: 1954 ACS 81, p. 99, Eff. Nov. 19, 1974.

R 408.18156 Frying machines and vats; installation.

Rule 8156. (1) A frying machine or vat shall be installed on a noncombustible floor, or a metal pan flanged on 4 sides shall be installed underneath the entire machine. The capacity of the pan shall be not less than the frying tank.

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(2) A frying machine or vat shall have not less than 30 inches of work space on all exposed sides, except where other equipment is connected to the machine.

(3) A frying machine or vat shall be protected by a fixed fire extinguishing system as prescribed in the occupational safety standards commission standard, Part 9. Fixed Fire Equipment, being R 408.10901 to R 408.10983 of the Michigan Administrative Code, or portable fire extinguishers as prescribed in the occupational safety standards commission standard, Part 8. Portable Fire Extinguishers, being R 408.10801 to R 408.10839 of the Michigan Administrative Code.

(4) Where a nonpressure type of indirect heat is used with a frying machine or vat the welded seams of the plate coils on the frying kettle shall not make contact with the welded seams of the kettle proper.

History: 1954 ACS 81, p. 99, Eff. Nov. 19, 1974.

R 408.18157 Frying machines and vats; maintenance.

Rule 8157. Not less than every 90 days the following shall be accomplished:

(a) The frying machine or vat shall be washed and boiled out to remove all accumulations of gum.

(b) The controls shall be checked for operability.

(c) The gas and oil burners shall be cleaned and adjusted.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974.

R 408.18158 Icing and topping machines.

Rule 8158. (1) An agitator for an icing and topping machine which is too heavy to lift out shall be hinged to swing up, out of the way, or lifted by mechanical means so the hopper may be removed.

(2) A hot water or steam jacketed hopper for an icing and topping machine shall have a pressure relief valve set at not more than the maximum allowable working pressure of the vessel. The hopper shall be insulated or guarded to prevent burns from accidental contact. The valve shall be vented to an area where the employee is not exposed to the hazard.

(3) Pinch points shall be either eliminated or provided with guards or shields so hands and arms cannot reach these pinch points while the machine is in operation.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974; 1954 ACS 88, p. 107, Eff. July 16, 1976.

R 408.18159 Pulverizers.

Rule 8159. (1) A belt drive used in connection with a pulverizer shall be grounded to remove static electricity.

(2) Pulverizing equipment shall be dust tight. Electrical equipment and motors located in the room or area shall be dust ignition proof, class II, division I type.

(3) A magnetic separator shall be installed at the material inlet to a pulverizer.

(4) When there are multiple pulverizers and the final pulverized material is pneumatically conveyed, each conveyor system shall be independent of the other and electrically grounded to reduce the likelihood of fire or explosion.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974.

R 408.18160 Feed hoppers.

Rule 8160. (1) A feed hopper for a grinder, pulverizer or food chopper shall have a guard over the hopper opening. The guard shall be 1 of the following:

(a) A grid with opening small enough to keep the fingers from touching the feeding knives or worm.

(b) A solid cover interlocked to the operating controls so that the machine will not operate when the cover is open.

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(c) A hopper of such length or opening that the fingers cannot touch the knives.

(2) A feed hopper which is removable from a grinder, pulverizer or food chopper shall be interlocked to prevent operation of the machine when the hopper is removed.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974.

R 408.18161 Chocolate and fig breaking machines.

Rule 8161. A chocolate and fig breaking machine shall be guarded as prescribed in R 408.18160.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974.

R 408.18171 Wrapping machines.

Rule 8171. (1) An electric sealing heater on a wrapping machine shall have the exposed heated surfaces guarded to prevent burns from accidental contact.

(2) The in-running nip point of the power driven friction film feed rollers on a wrapping machine shall be guarded.

(3) Where more than 1 operator is feeding a wrapping machine, each operator shall have an emergency stop button, as prescribed in R 408.18115(4), but there shall be only 1 start button station.

(4) A pouch wrapping machine shall be equipped with a trip gate or interlocked enclosure ahead of or over the sealing jaws and wrapper guide.

(5) At the discharge end, or drive side, of the crossfeed conveyor, there shall be either a 1 or 2 piece guard in front of the crossfeed chain.

(6) Electric wiring for the wrapper heaters shall be so arranged that a minimum number of wires are used to connect the movable heaters assembly to the permanent wiring of the machine. This wiring shall be the heat-resisting type, as prescribed in the occupational safety standards commission standards 1910.308 and 1910.309.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974; 1954 ACS 88, p. 107, Eff. July 16, 1976.

R 408.18172 Carton wrapping machines.

Rule 8172. (1) An electric sealing heater on a carton wrapping machine shall be as prescribed in R 408.18171(1).

(2) A hot metal glue pot for a carton wrapping machine shall have the heated surfaces insulated or guarded to prevent burns from accidental contact.

(3) The in-running nip points of power driven rolls shall be guarded.

(4) Pusher bars and pusher fingers of a carton wrapping machine which create a hazard for an employee shall be guarded by a barrier or enclosure.

(5) An end-seal drum on a carton wrapping machine shall be guarded at the pinch point and point of operation.

(6) An access cover or door on a carton wrapping machine shall be interlocked as prescribed in R 408.18151(3).

(7) Where more than 1 operator is feeding a carton wrapping machine, each operator shall be provided controls prescribed in R 408.18115(5).

(8) Where a safety switch is used to detect jams of product flow on a carton wrapping machine, the machine shall have a manual reset to prevent automatic restarting when the jam has been cleared.

History: 1954 ACS 81, p. 100, Eff. Nov. 19, 1974.

R 408.18173 Bag loading machines.

Rule 8173. (1) A bag magazine feed and the funnel section of a bag loading machine shall be guarded by a movable panel or guard equipped with an

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interlock which stops the motion of all parts when the panel or guard is in an open position.

(2) A bag loading machine having a tying mechanism for the twist lock shall be guarded in a manner to prevent an employee from reaching the twisting hook.

(3) If more than 1 operator feeds a bag loading machine, an emergency stop within reach of each operator shall be provided as prescribed in R 408.18115(4).

(4) A bread bagger shall have an interlocked enclosure over the top and both sides of the reciprocating pickup arm.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18174 Form-fill-seal pouch or bag machine.

Rule 8174. (1) A form-fill-seal pouch or bag machine shall have:

(a) The exposed hot long seam sealer parts insulated or guarded as prescribed in R 408.18171(1).

(b) The in-running nip point of the power driven friction film feed rollers guarded.

(c) An emergency stop button within reach of each employee feeding the machine, as prescribed in R 408.18115(4).

(2) Draw bar parts of a form-fill-seal pouch or bag machine shall be guarded by extending the frame structure, or a hinged or movable guard which shall be interlocked to the drive motor.

(3) An overhead extended rotating feed hopper of revolving turrets of a form-fill-seal pouch or bag machine shall have a tray or pan guard installed to protect an employee from falling product or machine parts.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18175 Tray or carton forming and carton closing machines.

Rule 8175. (1) The former and corner lock section of a tray or carton forming and carton closing machine shall be guarded with interlocked hinged or removable covers or enclosures.

(2) The heated surfaces of a hot melt glue pot shall be insulated or guarded to prevent burns by accidental contact.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18176 Caddy, cover, and box stitchers.

Rule 8176. A caddy, cover, and box stitcher shall be provided a point of operation guard or device to protect the operator's fingers.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18177 Carton and lining feeding machines.

Rule 8177. A carton and lining feeding machine shall be equipped with a hinged hood type guard over the cutters which shall be interlocked with the drive motor.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18181 Ovens.

Rule 8181. (1) Except a range or cabinet type oven without moving parts installed before the effective date of this part, a combustible fueled oven shall be provided devices to protect against the following hazards:

(a) Ignition failure.

(b) Abnormal fuel pressure.

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(c) Combustion air failure.
(d) Electrical power failure.
(e) Exhaust system failure.
(f) Excessive temperature.

(2) Preventilation purge shall be arranged in the safety control circuit and set so as to require operation of the exhaust and recirculating fans to provide not less than 4 complete oven heating chamber air changes with fresh air before the burner ignition system may be operated and fuel turned on.

(3) If a combustible fuel is used which is heavier than air, a bottom exhaust system shall be provided and used during the purge cycle.

(4) A direct fired oven installed after the effective date of this part shall be equipped with relief vents for freely relieving internal explosion pressures. The vents shall be proportioned in the ratio of their area to the area of explosion containing volume of the oven which shall be not less than 1 square foot of relief area to 15 cubic feet of oven volume.

(5) All safety controls shall be inspected not less than monthly as prescribed in table 1 of R 408.18142.

History: 1954 ACS 81, p. 101, Eff. Nov. 19, 1974.

R 408.18182 Range and cabinet type ovens.

Rule 8182. (1) A range or cabinet type oven without moving parts installed before the effective date of this part shall be equipped with a fuel failure safety device for the pilot and burner.

(2) A range or cabinet type oven without moving parts installed after the effective date of this part shall be as prescribed in R 408.18181.

History: 1954 ACS 81, p. 102, Eff. Nov. 19, 1974.

BOARD OF SAFETY COMPLIANCE AND APPEALS

GENERAL RULES

(By authority conferred on the board of safety compliance and appeals by section 9 of Act No. 282 of the Public Acts of 1967, as amended, being §408.859 of the Michigan Compiled Laws)

R 408.19901 Board minutes.

Rule 1. Minutes of each business meeting of the board of safety compliance and appeals shall be prepared from the reporter's notes. Minutes shall be signed by the board chairman after approval by board members. Minutes shall be kept by the department of labor for 10 years.

History: 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.
Editor's note: R 408.19901 to R 408.19910 formerly appeared as R 408.14901 to R 408.14910.

R 408.19902 Applicability of general administrative hearings statute.

Rule 2. If a hearing procedure is not prescribed by Act No. 282 of the Public Acts of 1967, being §§408.851 to 408.868 of the Michigan Compiled Laws, or by these rules, Act No. 197 of the Public Acts of 1952, as amended, being §§24.101 to 24.110 of the Michigan Compiled Laws, or any other general act relating to administrative agency hearings, is applicable.

History: 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

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R 408.19903 Hearing dates and notices.

Rule 3. The chairman of the board of safety compliance and appeals, on receipt of a safety order referred to the board by the director of labor, together with a notice of noncompliance, shall set a date for hearing before the board and shall notify the director of labor and the employer to whom the safety order was directed of the date, hour and place of the hearing by first class mail at least 5 days before the hearing date, unless such time limit has been waived by stipulation of the director of labor and the affected employer in writing.

History: 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19904 Presiding officer and appearances.

Rule 4. (1) The chairman of the board of safety compliance and appeals shall preside at all hearings before the board and shall conduct the hearings in such a manner as to protect the rights of the parties. If the chairman is unable to be present at a hearing, a member of the board designated by the chairman shall preside.

(2) An employer who is notified to appear at a hearing may be represented at the hearing by legal counsel or other authorized agents. When an interested party is not represented by legal counsel the board shall advise the party of his rights, aid him in examining and cross-examining witnesses, and give every assistance compatible with an impartial discharge of its official duties.

History: 1954 ACS 59, p. 46, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19905 Order of business at hearings.

Rule 5. Generally the order of business at a hearing will be as follows:

(a) Presentation of the case by the department.

(b) Cross-examination.

(c) Presentation of the case by the employer.

(d) Cross-examination.

(e) Presentation of argument by both parties, if desired.

(f) The board may at any time direct the parties to file briefs relative to the applicable law.

History: 1954 ACS 59, p. 47, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19906 Withdrawal of safety orders; adjournments.

Rule 6. (1) The director of labor may withdraw a safety order and notice of noncompliance referred to the board of safety compliance and appeals at any time before issuance of a decision and order by the board.

(2) The board may adjourn a hearing. An adjourned hearing shall be rescheduled for a time and place which the board deems most convenient for all the parties. Notices of an adjourned hearing shall conform to the requirements for notices of original hearings as set forth in R 408.19903.

History: 1954 ACS 59, p. 47, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19907 Statements, exhibits, and stipulations.

Rule 7. (1) The director of labor and the employer affected by a safety order which is the subject of a hearing may file written statements or exhibits with the board for its consideration before the date set for hearing. However, written statements or exhibits requested by the board may be submitted at the hearing.

(2) The director of labor and an affected employer may stipulate to any of the following:

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(a) Withdrawal of a safety order and notice of noncompliance which has been referred to the board at any time before issuance of a decision and order by the board.

(b) Facts; however, the board may make such independent inquiry into the facts as it deems advisable.

History: 1954 ACS 59, p. 47, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19908 Witnesses and evidence.

Rule 8. (1) Witnesses at hearings before the board of safety compliance and appeals shall be sworn or affirmed to tell the truth before testifying in respect to matters on which testimony is to be given. The board shall confine the evidence to the issues and shall not permit extraneous matter, colloquy or testimony not pertinent to the issues to be given on the record. It shall require the evidence to be presented in an orderly manner and the testimony of a witness shall be complete so far as possible without interruption. An interested party may present competent, relevant and material evidence and may cross-examine adverse witnesses.

(2) The testimony of a witness who is unable to appear and testify before the board at a regularly scheduled hearing may be taken at a time and place convenient to the residence of the witness by direction of the board. In proper cases, such testimony may be taken by interrogatories or depositions in accordance with the provisions of the law applicable to depositions in civil actions pending in circuit courts of this state.

History: 1954 ACS 59, p. 47, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19909 Decisions and orders.

Rule 9. (1) The board of safety compliance and appeals shall issue a written decision and order within 60 days after concluding a hearing, which shall set forth both the board's findings of fact and conclusions of law. Copies of the decision and order shall be mailed to or personally served on all interested parties, and certification of the proof of mailing or personal service of the decision and order shall be made by the individual who mailed such copies or made such personal service. The certification of proof of mailing or personal service shall be made a part of the record. Copies of decisions and orders of the board shall be kept on file in the office of the board for a period of 3 years.

(2) A final order of the board which sustains, modifies or extends the time for an employer to establish compliance with a safety order shall specify the date on or before which compliance shall be established.

History: 1954 ACS 59, p. 47, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

R 408.19910 Amendments.

Rule 10. The board may amend these rules by the affirmative vote of a majority of its members.

History: 1954 ACS 59, p. 48, Eff. Aug. 14, 1969; 1954 ACS 61, p. 66, Eff. Feb. 16, 1970.

OFFICE OF DIRECTOR

DEPARTMENT ORGANIZATION AND GENERAL FUNCTIONS

(By authority conferred on the department of labor by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, being §§24.233 and 24.263 of the Michigan Compiled Laws)

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PART 1. DIRECTOR'S OFFICE

R 408.20001 Director's office.

Rule 1. The chief executive in the department of labor is the director of labor, appointed by the governor. The director's office is the hub of policy making for the department and maintains offices in Lansing and Detroit. His office affects the overall department and its agencies and derives its authority from the constitution, the executive organization act of 1965 (Act No. 380 of the Public Acts of 1965, as amended, being §§16.101 to 16.608 of the Michigan Complied Laws), and the many laws assigned specifically to the director for administration. The director has a small staff assigned to specific responsibilities in program areas that are vital to his responsibility as the chief officer. The director and the various component agencies, boards and commissions within the department of labor cooperate with all state and local agencies in the implementation of their assigned responsibilities and, more specifically, with the department of public health in the promulgation of rules concerning safety, sanitation, and health.

History: 1954 ACS 72, p. 67, Eff. Nov. 14, 1972.

R 408.20003 Requests for promulgation of rules.

Rule 3. A person requesting the department of labor or an agency therein to promulgate a rule shall do so on a department form entitled "Request for Promulgation of Rules." The form will be available at the offices of the director in Lansing and Detroit. The request shall contain the information required on the form and the signature and address of the person making the requests. The request shall be filed either in person or by mail in the office of the director in Lansing or Detroit. After receipt of a correctly filed request, the department or agency shall have 90 days in which to initiate the processing of a rule or to issue a concise written statement of its principal reasons for denial of the request which shall be sent by certified mail to the person who made the request.

History: 1954 ACS 72, p. 67, Eff. Nov. 14, 1972.

R 408.20004 Requests for declaratory rulings.

Rule 4. An interested person requesting a declaratory ruling as to the applicability to an actual state of facts of a statute, rule or order administered or issued by the department of labor shall do so on a department form entitled "Request for Declaratory Ruling." The form will be available from the office of the director in Lansing or Detroit. The request shall contain the information required on the form and the signature and address of the person making the request. The request shall be filed either in person or by mail in the office of the director in Lansing or Detroit. After receipt of a correctly filed request, the department shall have 30 days in which to notify the person who made the request by certified mail whether a declaratory ruling will be issued, and if it is to be issued, the nature and details thereof.

History: 1954 ACS 72, p. 67, Eff. Nov. 14, 1972.

R 408.20006 Michigan economic opportunity office.

Rule 6. The Michigan economic opportunity office was authorized by subsection (e) of section 2 of Act No. 266 of the Public Acts of 1965. In accordance with its terms, the governor issued executive order 1965-7 creating the office. The primary focus of the Michigan economic opportunity office is to identify the major causes and problems of poverty in the state and to establish programs to alleviate the causes.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

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PART 2. BUREAU OF ADMINISTRATIVE SERVICES

R 408.20011 Bureau staff functions and divisions.

Rule 11. The bureau of administrative services contains the major staff functions of the department of labor and consists of 3 divisions. Divisions within the bureau of administrative services are:

(a) Personnel.
(b) Budget.
(c) Planning, programming, and statistics.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20012 Personnel division.

Rule 12. The personnel division's primary responsibility is to fulfill the personnel needs of the department of labor and to work with the civil service commission on personnel matters. This division also has responsibility for departmental training and the supervision of building operations and maintenance in the department's Lansing office. The division maintains offices in Lansing.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20013 Budget division.

Rule 13. The budget division's primary responsibility is to provide day to day liaison with the bureau of the budget and department of administration and to provide financial control of expenditures through its administrative and cost accounting program. This division also has responsibility over departmental receipts accounting and for office services functions such as purchasing, central stock and mail rooms. The division maintains offices in Lansing and Detroit.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20014 Planning, programming, and statistics division.

Rule 14. The planning, programming, and statistics division has the primary responsibility for program planning within the department and for providing staff assistance to the operational agencies for statistical programs. This division also maintains the departmental library and maintains the forms control program. The division maintains offices in Lansing and Detroit.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20015 General information; library and requests.

Rule 15. (1) A library of general department of labor publications and information is maintained in the office of the director and is available to the general public during regular working hours, Monday through Friday, except legal holidays.

(2) A person desiring general information or material from the department of labor or an agency therein shall make a request in person or in writing to the agency involved or to the office of the director.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

PART 3. BUREAU OF SAFETY AND REGULATION

R 408.20021 Bureau divisions and offices.

Rule 21. The bureau of safety and regulation consists of 9 divisions. Offices are maintained in Lansing and Detroit. Divisions within the bureau are:

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(a) Administrative
(b) Data processing
(c) Occupational safety
(d) Safety education and training
(e) Construction safety
(f) Boiler
(g) Elevator
(h) Ski, carnival and mines
(i) Wage-hour

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20022 Statutes administered by bureau.

Rule 22. The bureau administers and proceeds under the following statutes:

Act No. 285 of the Public Acts of 1909, as amended, being §§408.51 to 408.94 of the Michigan Compiled Laws, department of labor—powers and duties.

Act No. 137 of the Public Acts of 1885, being §§408.401 to 408.405 of the Michigan Compiled Laws, 10-hour working day.

Act No. 224 of the Public Acts of 1935, being §§408.501 to 408.506 of the Michigan Compiled Laws, assignment of wage claims.

Act No. 62 of the Public Acts of 1925, as amended, being §§408.521 to 408.525a of the Michigan Compiled Laws, payment of wages.

Act No. 259 of the Public Acts of 1931, as amended, being §§570.151 to 570.153 of the Michigan Compiled Laws, building contract fund.

Act No. 157 of the Public Acts of 1947, as amended, being §§409.1 to 409.30 of the Michigan Compiled Laws, Hittle juvenile employment act.

Act No. 154 of the Public Acts of 1964, as amended, being §§408.381 to 408.397 of the Michigan Compiled Laws, minimum wage law.

Act No. 166 of the Public Acts of 1965, being §§408.551 to 408.558 of the Michigan Compiled Laws, prevailing wage act.

Act No. 221 of the Public Acts of 1897, being §§408.561 to 408.563 of the Michigan Compiled Laws, issuance of script or order for wages.

Act No. 106 of the Public Acts of 1903, being §§408.581 to 408.583 of the Michigan Compiled Laws, employment away from home locality.

Section 2908 of Act No. 236 of the Public Acts of 1961, being §600.2908 of the Michigan Compiled Laws, stockholder liability for labor debts.

Act No. 199 of the Public Acts of 1962, as amended, being §§408.321 to 408.341 of the Michigan Compiled Laws, ski area safety act.

Act No. 225 of the Public Acts of 1966, as amended, being §§408.651 to 408.667 of the Michigan Compiled Laws, carnival-amusement safety act of 1966.

Act No. 227 of the Public Acts of 1967, being §§408.801 to 408.824 of the Michigan Compiled Laws, elevator safety act of 1966.

Act No. 264 of the Public Acts of 1967, being §§425.131 to 425.145 of the Michigan Compiled Laws, mine safety act of 1967.

Act No. 282 of the Public Acts of 1967, as amended, being §§408.851 to 408.868 of the Michigan Compiled Laws, occupational safety act of 1967.

Act No. 290 of the Public Acts of 1965, as amended, being §§408.751 to 408.776 of the Michigan Compiled Laws, boiler act of 1965.

Act No. 213 of the Public Acts of 1966, being §§408.511 to 408.512 of the Michigan Compiled Laws, debts owing to benefit of employee.

Act No. 89 of the Public Acts of 1963, as amended, being §§408.712 to 408.724 of the Michigan Compiled Laws, construction safety act.

History: 1954 ACS 72, p. 68, Eff. Nov. 14, 1972.

R 408.20023 Administration by bureau.

Rule 23. The objective of the bureau is to eliminate industrial accidents by requiring and assuring the safety, well-being and welfare of Michigan's work

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force. The bureau accomplishes its objective through administration and enforcement of laws and safety standards regulating the safeguarding of machines and work processes; control and maintenance of the working environment and standards for safe working conditions and occupations for female workers and minors; and through inspections, educational programs and seminars. The focal point for the administrative implementation of these objectives rests with the director's office and his administrative staff.

History: 1954 ACS 72, p. 69, Eff. Nov. 14, 1972.

R 408.20024 Data processing division.

Rule 24. The data processing division is responsible for establishing data processing programs and services for the other bureau divisions.

History: 1954 ACS 72, p. 69, Eff. Nov. 14, 1972.

R 408.20025 Occupational safety division.

Rule 25. The principal division of the bureau is the occupational safety division. It administers and enforces laws and rules governing industrial safety. The objective of the occupational safety division is to reduce the incidence of occupational injury through inspections.

History: 1954 ACS 72, p. 69, Eff. Nov. 14, 1972.

R 408.20026 Safety education and training division.

Rule 26. The major activity of the safety education and training division is to identify employers with serious accident problems and provide safety counsulting services to them and safety campaigns and training programs for the employer's work force. The division also augments and extends the inspection and regulatory activities of the occupational safety division and provides assistance to each of the other divisions of the bureau through its communications, safety education and safety services.

History: 1954 ACS 72, p. 69, Eff. Nov. 14, 1972.

R 408.20027 Construction safety division.

Rule 27. The construction safety division administers and enforces the construction safety act of 1963 and the rules promulgated by the state construction safety commission under the authority of this act. The act and rules establish minimum standards of safety for construction work operations. Their purpose is to prevent accidents and injuries in the construction industry, a purpose that directly benefits both the employer and the employee. Activities of the division are performed through 3 principal programs: registration, safety rating and inspection and education.

History: 1954 ACS 72, p. 70, Eff. Nov. 14, 1972.

R 408.20028 Boiler safety division.

Rule 28. The boiler safety division administers and enforces the provisions of the boiler act of 1965 and the rules promulgated by the board of boiler rules created by this act. The objective of the division is to assure that all boilers in this state that fall within the jurisdiction of the act and the rules are registered and inspected. The division directs its efforts into 3 principal channels of action: registration and recording, inspection, and licensing. Under the boiler act of 1965, the division is required to keep a complete record of all boilers to which the act applies. The type, dimensions, maximum allowable pressure, age, location, and

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date of last inspection is recorded, providing the division with a history of each boiler.

History: 1954 ACS 72, p. 70, Eff. Nov. 14, 1972.

R 408.20029 Elevator safety division.

Rule 29. The elevator safety division administers and enforces Act No. 227 of the Public Acts of 1967 and the rules promulgated thereunder. Lift equipment covered by the provisions of the act includes freight and passenger elevators, dumbwaiters, escalators, incline lifts, workmen's hoists, man lifts, stage lifts and other special elevating devices. Activities of the division include review and approval of specifications submitted by elevator contractors for new construction, final inspection and approval of new installations, annual reinspections of existing installations, accident investigation, consultation with interested parties and the reporting, recording and filing of data generated by these activities.

History: 1954 ACS 72, p. 70, Eff. Nov. 14, 1972.

R 408.20030 Ski-carnival-mine safety division.

Rule 30. (1) The ski-carnival-mine safety division is a 3-part division established to discharge the bureau's obligations and responsibility under the provisions of the mine safety act of 1967, the carnival-amusement safety act of 1966, and the ski area safety act of 1962.

(2) The ski lift and carnival-amusement ride inspection section administers and enforces 2 separate acts, the ski area safety act of 1962 and the carnival-amusement safety act of 1967 and the rules promulgated thereunder. Inspections of both ski lifts and carnival rides are made by an inspection team consisting of technically trained inspectors.

(3) The mine safety act of 1967 provides for the inspection of metal and nonmetallic mines, including sand and gravel operations, to assure the health and safety of persons in and about these mines.

History: 1954 ACS 72, p. 70, Eff. Nov. 14, 1972.

R 408.20031 Wage-hour division.

Rule 31. (1) The wage-hour division is responsible for requiring compliance by employers with the laws relating to the method, timing and amount of payment to be made for work performed. The work of the division is divided into 4 major categories: wage claims, prevailing wage schedules, minimum wage payments and the employment of minors under 18 years of age.

(2) The division issues approvals of occupations for minors. Field personnel may be required to investigate work places requesting approvals. In places of employment where the management has requested a deviation from established standards or a special approval of occupation for an individual minor, inspectors may be required to inspect machinery and the working environment to determine whether or not the best interest of the individual minor or group of minors is served.

History: 1954 ACS 72, p. 70, Eff. Nov. 14, 1972.

PART 4. EMPLOYMENT RELATIONS COMMISSION

R 408.20041 Organization; offices and divisions.

Rule 41. (1) The employment relations commission is composed of 3 commissioners appointed by the governor and has offices in Grand Rapids, Lansing, and Detroit.

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(2) The commission consists of 2 divisions:
(a) Labor relations division (Detroit).
(b) Mediation division (Detroit, Lansing, Grand Rapids).

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

R 408.20042 Responsibilities of the commission.

Rule 42. The employment relations commission is responsible for administering:

(a) The labor mediation act (LMA), Act No. 176 of the Public Acts of 1939, as amended, being §§423.1 to 423.30 of the Michigan Compiled Laws, which established the employment relations commission for the purpose of promoting industrial peace between employers and employees in the private sector.

(b) The public employment relations act, Act No. 336 of the Public Acts of 1947, as amended, being §§423.201 to 423.216 of the Michigan Compiled Laws. This act, known as the Hutchinson act, was passed to provide mediation and fact-finding in the public sector and since it was amended in 1965, it has been known as the public employment relations act (PERA).

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

R 408.20043 Responsibilities of mediation and labor relations divisions.

Rule 43. (1) The mediation division of the commission is responsible for assisting in the negotiation of contracts and the settlement of grievances between public and private employers and their employees. Mediation may include fact-finding in the public sector and last-offer elections in the private sector.

(2) The labor relations division of the commission is responsible for establishing appropriate bargaining units, ordering and conducting representation and decertification elections and determining by administrative procedures whether unfair labor practices have been committed under LMA or PERA.

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

PART 5. WORKMEN'S COMPENSATION AGENCIES
BUREAU OF WORKMEN'S COMPENSATION

R 408.20051 Organization, offices, and activities.

Rule 51. (1) The bureau of workmen's compensation is administered by a director appointed by the governor and maintains offices in Lansing, Escanaba, and Detroit. The bureau administers Act No. 317 of the Public Acts of 1969, as amended, being §§418.101 to 418.899 of the Michigan Compiled Laws—workmen's compensation act of 1969.

(2) The director is also a trustee of the second injury fund and the silicosis and dust disease fund.

(3) The bureau is involved in 5 major activities: hearings, insurance service, case management, vocational rehabilitation, and silicosis and dust disease and second injury funds.

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

R 408.20052 Responsibilities.

Rule 52. The bureau of workmen's compensation administers the workmen's compensation laws of and for the state. It processes all claims involving lost-time injuries, death or specific loss which come under the purview of the workmen's compensation act.

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

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R 408.20053 Second injury and silicosis and dust disease funds.

Rule 53. A second injury fund and a silicosis and dust disease fund were created by the workmen's compensation act of 1969. These funds, which assumed all the rights and liabilities of funds previously established for these purposes, are under the management of 3 trustees. The director of the bureau of workmen's compensation is 1 trustee and the other 2 are appointed by the governor. One appointed trustee represents the insurance industry and the other represents the self-insured industry. The second injury fund pays benefits to employees judged to be totally and permanently disabled as the result of an occupational injury. The silicosis and dust disease fund reimburses insurance companies, self-insureds and the state accident fund for weekly benefits paid in excess of $12,500.00 to an injured workman suffering from a job-related silicosis or dust disease.

History: 1954 ACS 72, p. 71, Eff. Nov. 14, 1972.

WORKMEN'S COMPENSATION APPEAL BOARD

R 408.20055 Organization.

Rule 55. The workmen's compensation appeal board is composed of 7 members, a majority of whom are attorneys at law licensed to practice in the courts of this state. Members are appointed by the governor for terms of 4 years and until their successors are appointed and qualified. The chairman is designated by the governor. The board has offices in Lansing and Detroit.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

R 408.20056 Functions.

Rule 56. (1) The board administers the appeal board provisions of the workmen's compensation act of 1969.

(2) The board is an independent body with power and authority to hear and decide all appeals from the orders of the hearing referees and director. The board may make rules on appellate procedure.

(3) The board has the independent right to organize and manage its own work and has authority over the selection, assignment, classification and tenure of its own employees and supervision over its own office space.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

R 408.20057 Chairman and board panels.

Rule 57. (1) The chairman of the board has general supervisory control of and is in charge of the assignment of the work of the board and its employees.

(2) Any matter pending on review may be assigned to 4 members of the board for disposition. The composition of panels is alternated so that each member of the board serves on panels with other members of the board with a frequency which is as substantially equal as possible. If the 4 members concur in the result, it is final. If there is disagreement, the matter is reviewed by the full board and its order is final.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

PART 6. EMPLOYMENT SECURITY AGENCIES

R 408.20061 Commission.

Rule 61. The Michigan employment security commission created by Act No. 1 of the Public Acts of 1936, extra session, as amended, being §§421.1 to 421.63 of the Michigan Compiled Laws, is composed of 4 members appointed by the

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governor. The director of the department of labor serves as an ex officio member without vote or additional compensation. The commission is an autonomous entity in the department of labor.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

R 408.20063 Appeal board.

Rule 63. The Michigan employment security appeal board created by Act No. 1 of the Public Acts of 1936, extra session, as amended, is composed of 3 members appointed by the governor. It is an autonomous entity in the department of labor.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

R 408.20065 Advisory council.

Rule 65. The Michigan employment security advisory council created by Act No. 1 of the Public Acts of 1936, extra session, as amended, is composed of 8 members appointed by the governor. It is an autonomous entity in the department of labor.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

PART 7. OTHER BOARDS AND COMMISSIONS

R 408.20071 Commission on agricultural labor; organization.

Rule 71. The commission on agricultural labor was created by Act No. 353 of the Public Acts of 1968, being §§16.104 to 16.494 of the Michigan Compiled Laws. It is composed of 7 members, 4 of whom are chosen from growers and producers of agricultural products requiring a large number of seasonal workers and 3 from the general public who are interested in the welfare of agricultural workers. Members are appointed by the governor for terms of 3 years. The chairman is designated by the governor. The commission is required to meet at least quarterly but not oftener than 12 times a year. Commission members serve without compensation other than for their necessary and proper expenses.

History: 1954 ACS 72, p. 72, Eff. Nov. 14, 1972.

R 408.20072 Commission on agricultural labor; functions.

Rule 72. (1) The functions of the commission are to:

(a) Cooperate with all government agencies and committees concerned with agricultural labor including but not limited to migratory labor.

(b) Cooperate with private voluntary and community groups having as their prime concern problems involving agricultural labor.

(c) Conduct a continuing program to acquaint people with the importance of agricultural labor and the sources from which it can be recruited to agriculture.

(d) Seek effective methods for the improvement of living, working and related problems affecting agricultural labor of all types.

(e) Formulate policies to effectuate the purposes of the act and make recommendations to agencies and officers of the state or local subdivisions of government on policies and purposes.

(2) The commission is required to render an annual report and also from time to time to submit recommendations to the governor, the legislature, and the director of the department pertaining to agricultural labor, including recommendations for legislation.

History: 1954 ACS 72, p. 73, Eff. Nov. 14, 1972.

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R 408.20073 Board of boiler rules.

Rule 73. (1) The board of boiler rules was created by Act No. 290 of the Public Acts of 1965, as amended, being §§408.751 to 408.776 of the Michigan Compiled Laws. It is composed of 11 members, including the director of labor and 10 members appointed by the governor for terms of 4 years. Of the 10 appointed members, each of whom has to have at least 10 years' experience in the design, erection, fabrication, installation, operation, repair or inspection of boilers, 2 are representatives of owners and users of boilers, 1 of whom represents owners and users of power boilers operating at 1,000 p.s.i.g. or more; 2 are representatives of organized labor engaged in the erection, fabrication, installation, operation or repair of boilers; 1 is a representative of water tube boiler manufacturers; 1 is a representative of fire tube boiler manufacturers; 1 is a representative of a licensed boiler insurance company; 1 is a representative of mechanical contractors having experience in the installation, piping or operation of boilers; 1 is a representative of boiler repair contractors in the business of repairing boilers by welding and riveting; and 1 is a representative of the consulting engineers having boiler experience. Board members serve without salary but receive their actual and necessary expenses incurred while in the performance of their duties as members of the board.

(2) The board is required to meet quarterly in Lansing. Annually, at the first meeting, the board elects a chairman, vice chairman and secretary.

(3) The board's functions are to formulate definitions and rules in conjunction with the director of the department of labor for the safe construction, installation, inspection and repair of boilers and to formulate rules for the safe inspection and maintenance of boilers which were in use prior to July 1, 1966.

History: 1954 ACS 72, p. 73, Eff. Nov. 14, 1972.

R 408.20074 Carnival-amusement safety board.

Rule 74. (1) The carnival-amusement safety board was created by Act No. 225 of the Public Acts of 1966, as amended, being §§408.651 to 408.667 of the Michigan Compiled Laws. It is composed of 7 members, including the director of the department of labor, and 6 members appointed by the governor for terms of 4 years. Of the 6 appointed members, 1 represents amusement park operators, 1 represents carnival ride operators, 1 represents the retail merchants association, 1 is a registered professional engineer and 2 represent the general public. Members of the board receive compensation for their services at the rate of $20.00 per day for meeting days and are entitled to actual and necessary expenses while on the business of the board.

(2) The board is required to meet at least twice yearly. The board elects a chairman and such other officers as it deems necessary to perform its duties between meetings.

(3) The board formulates definitions and rules in conjunction with the director of the department of labor for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the board finds necessary for the protection of the general public using carnival and amusement rides. The board determines a schedule of inspection and permit fees.

History: 1954 ACS 72, p. 73, Eff. Nov. 14, 1972.

R 408.20075 Construction safety commission; organization.

Rule 75. (1) The construction safety commission was created by Act No. 89 of the Public Acts of 1963, as amended, being §§408.711 to 408.724 of the Michigan Compiled Laws. The commission is composed of 7 members appointed by the

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governor for terms of 3 years. Three members are required to be actively engaged in the construction industry on the management level, 3 are required to be actively engaged in the construction industry on the employee level, and 1 represents the workmen's compensation insurance industry. Members receive no compensation but are entitled to their actual and necessary expenses incurred in the performance of their duties.

(2) The commission meets regularly each month, in Lansing or Detroit. Four members constitute a quorum but commission action requires concurrence of a majority of the members.

History: 1954 ACS 72, p. 74, Eff. Nov. 14, 1972.

R 408.20076 Construction safety commission; functions.

Rule 76. The commission may adopt and promulgate safety rules for the inspection and use of equipment and for safe working conditions, based upon generally accepted nationwide engineering standards and practices. The commission may cooperate with other agencies for the purposes of promoting construction safety and may conduct regional construction safety training programs. The commission establishes safety ratings for all registered contractors, but a registered subcontractor's rate of injuries may not be used in the determination of the safety rating of the contractor. The commission investigates any registered contractor whose safety record fails to meet minimum standards for his classification or may investigate alleged violations of its rules upon notification by an employee or his agent.

History: 1954 ACS 72, p. 74, Eff. Nov. 14, 1972.

R 408.20077 Elevator safety board; organization.

Rule 77. The elevator safety board was created by Act No. 227 of the Public Acts of 1967, being §§408.801 to 408.824 of the Michigan Compiled Laws. The board is composed of 10 members, including the director of labor and 9 members appointed by the governor for terms of 4 years. Of the 9 appointed members, 1 represents owners and lessees of elevators within this state, 2 represent insurance companies authorized to insure elevators in this state, 2 represent the elevator constructors' union, 1 represents a municipality in the state having a population of at least 500,000, 1 represents architects and consulting engineers, and 2 represent manufacturers of elevators used in this state. Members of the board serve without salary but receive their actual travel expenses. The board meets in Lansing and Detroit.

History: 1954 ACS 72, p. 74, Eff. Nov. 14, 1972.

R 408.20078 Elevator safety board; functions.

Rule 78. The board has the following powers and duties:

(a) To make, amend or rescind rules in conjunction with the director of labor for the inspection, design, construction, installation, alteration, maintenance and use of elevators in this state.

(b) To prepare examinations, interview applicants to determine their qualifications and examine qualified applicants for elevator contractor licenses or certificates of competency and to certify to the director the names of persons who successfully pass the examination.

(c) When submitted by the director, to grant exceptions or variations in specific cases from the literal requirements of the act or rules adopted by the board when it is clearly evident that they are necessary to prevent undue hardship

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or when existing conditions prevent compliance with the literal requirements, if the board believes reasonable safety will be secured thereby.

(d) To hear and decide appeals referred to the board by the director when requested to do so by any person, firm or corporation aggrieved by an order or act of the department or its authorized representatives and to adopt rules of procedure for such appeals.

(e) To conduct hearings to determine whether an elevator contractor license or certificate of competency or commission should be suspended or revoked and to make recommendation to the director.

(f) To establish fees.

History: 1954 ACS 72, p. 74, Eff. Nov. 14, 1972.

R 408.20079 Mine safety board; organization.

Rule 79. (1) The mine safety board was created by Act No. 264 of the Public Acts of 1967, being §§425.131 to 425.145 of the Michigan Compiled Laws. It is composed of 5 members appointed by the governor for terms of 4 years, 2 of whom represent the mining industry, 2 represent labor organizations concerned with mining, and 1 is the head of the department of mining engineering of Michigan technological university. The director of labor and the director of public health are ex officio members of the board without vote. Members of the board receive no per diem or expenses.

(2) The board is required to meet at least twice yearly. The board elects a chairman and other officers it deems necessary to perform its functions between meetings.

History: 1954 ACS 72, p. 75, Eff. Nov. 14, 1972.

R 408.20080 Mine safety board; functions.

Rule 80. The board has the following powers and duties:

(a) To formulate definitions and rules for the protection of life, promotion of health and safety and the prevention of accidents in mines, subject to Act No. 264 of the Public Acts of 1967.

(b) To establish advisory committees to assist in the development of health and safety standards for mines which are subject to that act and to advise the board on other matters relating to health and safety in such mines.

(c) To determine a schedule of inspection of mines and assure that all mines, other than quarries and sand and gravel pits, are inspected at least once each calendar year.

(d) To establish rules to determine the measures to be followed in securing the public's safety where a mine is idle or abandoned.

History: 1954 ACS 72, p. 75, Eff. Nov. 14, 1972.

R 408.20081 Occupational safety standards commission; organization.

Rule 81. (1) The occupational safety standards commission was created by Act No. 282 of the Public Acts of 1967, as amended, being §§408.851 to 408.868 of the Michigan Compiled Laws. It is composed of 9 members appointed by the governor for terms of 3 years. Three members represent the management of principal industries in the state, 1 of which represents a company with 200 or less employees; 3 represent labor with not more than 1 from any international union; 2 represent insurance organizations doing business in this state with 1 each from stock and mutual interests; and there is 1 member at large. The director of labor is an ex officio member and serves as secretary of the commission. The commission elects from among its members by a concurring vote of not less than 5 members,

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such other officers as may be necessary to carry out its duties. With the exception of the secretary, the commission members receive $25.00 for each day or part thereof, not to exceed 25 days in a calendar year and the chairman shall receive $35.00 for each day, not to exceed 50 days in a calendar year, necessarily spent in the discharge of official duties and their reasonable and necessary travel and other expenses.

(2) The commission is required to meet not less than 4 times in a calendar year. Meetings are held in Detroit.

History: 1954 ACS 72, p. 75, Eff. Nov. 14, 1972.

R 408.20082 Occupational safety standards commission; functions.

Rule 82. The commission may adopt reasonable safety standards for prevention of accidents in all places of employment and for protection of the life, health and safety of employees, and it may amend or rescind such standards. Authority to adopt standards is limited to those for which authority is not granted to other state departments, other agencies within the department, and other legally constituted boards or commissions.

History: 1954 ACS 72, p. 75, Eff. Nov. 14, 1972.

R 408.20083 Board of safety compliance and appeals.

Rule 83. (1) The board of safety compliance and appeals was created by Act No. 282 of the Public Acts of 1967, as amended, being §§408.851 to 408.868 of the Michigan Compiled Laws. It is composed of 5 members appointed by the governor for terms of 4 years. Two of the members are affiliated with labor organizations, no more than 1 of whom shall be from the same international union, and 2 of the members shall be representative of employer interests. The chairman of the board is the fifth member and is selected for appointment from a list of nominees containing 1 name each from the full members in good standing of each Michigan chapter of the American society of safety engineers. The board members receive reasonable and necessary travel and other expenses and, in addition, the chairman of the board receives $35.00 for each day or part thereof necessarily spent in the discharge of his official duties, not to exceed 50 days in a calendar year, and the other members of the board receive $25.00 for each day or part thereof necessarily spent in the discharge of their official duties, not to exceed 25 days in a calendar year.

(2) The board is required to hold regular quarterly meetings at its offices in Lansing on the first Wednesday in February, May, August, and November.

(3) The board conducts hearings to determine compliance or noncompliance with safety orders issued as prescribed in section 8 of the act. If an employer fails to comply with a final order of the board, the board notifies the director who proceeds to enforce the order in accordance with the provisions of the act.

History: 1954 ACS 72, p. 75, Eff. Nov. 14, 1972.

R 408.20084 Ski area safety board.

Rule 84. (1) The ski area safety board was created by Act No. 199 of the Public Acts of 1962, as amended, being §§408.321 to 408.341 of the Michigan Compiled Laws. It is composed of 7 members appointed by the governor for terms of 4 years. The board consists of 3 ski area managers with 1 from the upper peninsula and 2 from the lower peninsula; 1 engineer with skiing experience; 1 member of the central United States ski association, a nonprofit corporation; 1 person with skiing experience from the upper peninsula; and 1 person with skiing experience from the lower peninsula. The director of labor and an officer of the

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Michigan tourist council are ex officio members of the board without vote. The board members receive no compensation but receive their actual and necessary expenses within the legislative appropriation.

(2) The board is required to meet at least once yearly on the call of the chairman or by written request of at least 3 members. The board elects a chairman and such other officers as it deems necessary to perform duties between meetings.

(3) The board formulates definitions and rules for the safe construction, installation, repair, use, operation, maintenance and inspection of all ski areas and ski lifts as the board finds necessary for protection of the public while using ski areas and ski lifts. The definitions and rules are to be reasonable and based upon generally accepted engineering standards, formulas and practices. The board or the director of labor may order, in writing, a temporary cessation of operation of a ski lift if it has been determined after inspection to be hazardous or unsafe.

History: 1954 ACS 72, p. 76, Eff. Nov. 14, 1972.

R 408.20085 Wage deviation board; organization.

Rule 85. The wage deviation board was created by Act No. 154 of the Public Acts of 1964, as amended, being §§408.381 to 408.397 of the Michigan Compiled Laws. It is composed of 9 members appointed by the governor for terms of 3 years. Three members represent employers, 3 represent employees and 3 represent the public. The chairman is designated by the governor from among the public members. The director of labor is secretary. Members receive compensation of $25.00 a day for not more than 75 days a year, and the chairman receives $35.00 a day for not more than 150 days a year, and may be reimbursed for actual and necessary expenses while on official duty. The board meets monthly in Lansing and Detroit.

History: 1954 ACS 72, p. 76, Eff. Nov. 14, 1972.

R 408.20086 Wage deviation board; functions.

Rule 86. On petition of a party of interest or on its own motion, the wage deviation board:

(a) Determines the amount of the gratuities and the value to an employee of board and lodging and apparel or other items or services customarily furnished to an employee for his benefit and establishes therefrom a reasonable deduction from the minimum wage fixed in the act to be paid by the employer. In no case may the total deduction allowed by more than 25% of the hourly wage rate. The board may grant a stay of a present employment situation until such determination.

(b) Establishes a suitable scale of rates for apprentices, learners, and physically and mentally handicapped persons who are clearly unable to meet the normal production standards, which may be less than the regular minimum wage for experienced and nonhandicapped workers.

(c) Establishes a piece rate scale for use in harvesting agricultural crops which is equal to the statutory minimum when applied to a worker of average ability and diligence.

History: 1954 ACS 72, p. 76, Eff. Nov. 14, 1972.

BOARD OF HEALTH AND SAFETY COMPLIANCE AND APPEALS

OCCUPATIONAL SAFETY AND HEALTH

(By authority conferred on the board of health and safety compliance and appeals by section 46 of Act No. 154 of the Public Acts of 1974, as amended, and section 33

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of Act No. 306 of the Public Acts of 1969, as amended, being §§408.1046 and 24.233 of the Michigan Compiled Laws)

PART 4. PROCEDURES

GENERAL PROVISIONS

R 408.21401 Scope.

Rule 401. (1) These rules shall govern proceedings in contested cases before the board or a hearings officer.

(2) Proceedings in a hearing before the board or a hearings officer shall also be governed by chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being §24.271 et seq. of the Michigan Compiled Laws, and the act.

History: 1954 ACS 89, p. 108, Eff. Nov. 24, 1976.

R 408.21403 Definitions; A to D.

Rule 403. (1) "Act" means the Michigan occupational safety and health act, Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.

(2) "Board" means the board of health and safety compliance and appeals.

(3) "Bureau" means the bureau of safety and regulation or the bureau of environmental and occupational health.

(4) "Citation" means a written communication issued by the department to an employer pursuant to section 33 of the act.

(5) "Day" means a calendar day.

(6) "Department" means the department of labor or the department of public health.

(7) "Director" means the director of the department of labor or his authorized representative, or the director of the department of public health or his authorized representative.

History: 1954 ACS 89, p. 108, Eff. Nov. 24, 1976.

R 408.21405 Definitions; E to P.

Rule 405. (1) "Executive secretary" means secretary to the board.

(2) "Party" means the employer cited, the employee or employees affected by the citation, or their legal representative, and the department.

(3) "Person" means 1 or more individuals, partnerships, associations, corporations, business trusts, representatives, an organized group of individuals, or the state or a political subdivision of the state, or an agency, instrumentality, or authority thereof.

History: 1954 ACS 89, p. 108, Eff. Nov. 24, 1976.

R 408.21411 Computation of time.

Rule 411. In the computation of the period of time within which an act shall be performed or appeal filed, the calendar day from which the act shall be performed or appeal filed shall be excluded in the computation of time. The calendar day on which a compliance therewith is required shall be included. If the last day within which the act shall be performed or appeal filed is a Saturday, Sunday, or a legal holiday, that day shall be excluded and the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday.

History: 1954 ACS 89, p. 108, Eff. Nov. 24, 1976.

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R 408.21412 Extension of time.

Rule 412. Requests for an extension of time for the filing of any document or application shall be received in advance of the date on which document or application is due to be filed.

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976

R 408.21413 Filing.

Rule 413. (1) All documents, with the exception of the notice of appeal, shall be filed with the Board of Health and Safety Compliance and Appeals, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909. The notice of appeal shall be filed with the division of the department that issued the citation.

(2) Delivery for filing may be accomplished by registered, certified, or first class mail or by personal delivery at the Board of Health and Safety Compliance and Appeals, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(3) Filing is deemed effective at the time of mailing or at the time of personal service at the board. The mailing date shall be presumed to be the postmark date appearing on the envelope if postage was prepaid and the envelope was properly addressed.

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976; 1954 ACS 99, p. 121, Eff. May 23, 1979.

R 408.21414 Protection of trade secrets.

Rule 414. Upon application of a party, the board or a hearings officer shall issue such orders as may be appropriate to protect the confidentiality of trade secrets obtained in connection with an inspection, investigation, or proceedings conducted pursuant to the act.

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976.

R 408.21415 Responsibility of employers to notify employees of proceedings.

Rule 415. (1) The employer shall, upon filing an appeal at the place where citations are required to be posted, post a copy of the notice of appeal and serve, by prepaid postage, first class mail, or by personal delivery, a copy of the notice of appeal on an authorized employee representative. The notice shall inform the affected employees of their right to party status and of the availability of all pleadings for their inspection and copying at reasonable times. The notice shall remain posted until the notice of hearing is received and posted. The employee rights statement made in the following form shall be deemed to comply with this rule:

"(name of employer) Your employer has been cited by the (Michigan Department of Labor or Michigan Department of Public Health) for violation of an occupational safety or health standard. The citation (or penalty) has been contested and will be the subject of a hearing before the Board of Health and Safety Compliance and Appeals. Affected employees are entitled to participate as parties under the terms and conditions established by the Board of Health and Safety Compliance and Appeals in its rules of procedure. Notice of intent to participate should be sent to the Board of Health and Safety Compliance and Appeals, Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909. All documents filed relative to this matter and a copy of the board rules, may be inspected at (place reasonably convenient to employees, preferably at or near work place)."

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(2) Where appropriate, the second sentence of the above notice shall be deleted and the following sentence shall be substituted: "The reasonableness of the period prescribed by the (department of labor or department of public health) for the abatement of the violation has been contested and will be the subject of a hearing before the Board of Health and Safety Compliance and Appeals."

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976; 1954 ACS 99, p. 121, Eff. May 23, 1979.

R 408.21416 Responsibility of employee to notify employer and other employees of proceedings.

Rule 416. Where an employee petition relating to the reasonableness of the abatement period is filed by an employee or an authorized employee representative, a copy of the employee petition shall be provided to the employer by the department for posting at or near the place where the citation is required to be posted.

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976.

R 408.21417 Parties and representatives.

Rule 417. (1) Employees may elect to participate as parties at any time before the commencement of a hearing, unless, for good cause shown, the board allows an election at a later time.

(2) Where an employee appeal is filed with respect to the reasonableness of a period of abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing, unless, for good cause shown, the board allows an election at a later time.

(3) An authorized employee representative who files an appeal shall be responsible for serving a copy of the appeal with an authorized employee representative whose members are affected.

(4) The department shall be a party to all proceedings before the board.

History: 1954 ACS 89, p. 109, Eff. Nov. 24, 1976; 1954 ACS 99, p. 121, Eff. May 23, 1979.

R 408.21418 Representative of parties.

Rule 418. (1) A party may appear in person or by a representative.

(2) Nothing contained herein shall be construed to require a representative to be an attorney-at-law.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976.

DOCUMENTS

R 408.21421 Form of documents.

Rule 421. (1) There are no specific requirements relative to the form of documents.

(2) A document shall contain:

(a) A caption sufficient to identify the parties.

(b) The board's docket number, if assigned.

(c) A clear, plain statement of the relief sought, together with the grounds therefor.

(d) A signature by the party involved or by his representative.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976.

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R 408.21422 Notice of hearing.

Rule 422. (1) The board shall, immediately upon receiving a notice of hearing from the department, send the notice of hearing to all parties. The employer shall post a copy of the notice of hearing at the place where the notice of appeal was required to be posted, and serve by prepaid postage, first class mail, or by personal delivery, a copy of the notice on an authorized employee representative. Notice of hearing shall remain posted until the conclusion of the hearing.

(2) The notice of hearing, which has been prepared by the department, shall have endorsed thereon prior to the mailing to the parties, a date of hearing.

(3) The notice of hearing shall comply with the requirements of section 71 of Act No. 306 of the Public Acts of 1969, as amended, being §24.271 of the Michigan Compiled Laws, as follows:

(a) The parties shall be given an opportunity for a hearing without undue delay.

(b) The parties shall be given a reasonable notice of the hearing. The notice shall include:

(i) A statement of the date, hour, place, and nature of the hearing. Unless otherwise specified in the notice, the hearing shall be held at the principal office of the agency.

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(iii) A reference to the particular sections of the statutes and rules involved.

(iv) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is given, the initial notice may state the issues involved. Thereafter, on application, the agency or other party shall furnish a more definite and detailed statement of the issues.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976; 1954 ACS 99, p. 122, Eff. May 23, 1979.

R 408.21423 Intervention.

Rule 423. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner shall assist in the determination of the issues in question, and that the intervention shall not unnecessarily delay the proceeding.

(3) The board or the hearings officer may grant a petition for intervention to such an extent and upon such terms as the board or the hearings officer determines.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976.

R 408.21424 Statement of position and oral participation.

Rule 424. At any time prior to the commencement of a hearing, a person entitled to appear as a party or an intervenor may file a statement of position with respect to any issue to be heard.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976.

R 408.21425 Withdrawal of notice of appeal.

Rule 425. At any stage of the proceeding, a party may withdraw his appeal or petition.

History: 1954 ACS 89, p. 110, Eff. Nov. 24, 1976.

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R 408.21426 Prehearing conference.

Rule 426. (1) At any time before a hearing, the board or hearings officer, on its own motion or on motion of a party, may direct the parties to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The hearings officer shall issue a prehearing statement which shall include the agreements reached by the parties. This statement shall be served on the parties and shall be a part of the record.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

R 408.21427 Issuance of subpoenas; petitions to revoke or modify subpoenas; right to inspect or copy data.

Rule 427. (1) The board shall, on the written application of a party, issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. An application for a subpoena may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

(2) Witness fees shall be paid to subpoenaed witnesses by the party who sought the subpoena. Witnesses ordered to appear in a proceeding pending before the board shall be entitled to the same fees as paid for like services in the circuit court.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

R 408.21428 Failure to appear.

Rule 428. (1) If a party fails to appear in a contested case after proper notice, the hearing may proceed in the absence of the party.

(2) The hearings officer, upon request filed within 10 days after the scheduled hearing date and upon a showing of good cause, may excuse the failure to appear. In that event, the hearing shall be rescheduled.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

R 408.21429 Transcript of testimony.

Rule 429. A hearing shall be recorded verbatim. A transcript of the testimony shall be prepared upon request of a party or the board. A transcript shall be duly certified by the reporter. Parties requesting a transcript shall pay for the transcript.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

HEARINGS

R 408.21431 Duties and powers of hearings officer.

Rule 431. (1) The hearings officer shall conduct a fair and impartial hearing, assure that the facts are fully elicited, adjudicate all issues, and avoid delay.

(2) The hearings officer shall have authority, with respect to cases assigned to him between the time he is designated and the time he issues his report and subject to the rules of the board and the provisions of chapter 4 of Act No. 306 of the Public Acts of 1969, being §24.271 et seq. of the Michigan Compiled Laws, to do the following:

(a) Administer oaths and affirmations.

(b) Sign and issue subpoenas in the name of the agency and require the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence.

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(c) Provide for the taking of testimony by deposition.

(d) Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.

(e) Direct the parties to appear and confer to consider simplification of the issues by consent of the parties.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

R 408.21432 Report of hearings officer.

Rule 432. (1) The report of the hearings officer shall include findings of fact, conclusions of law, and a determination.

(2) The hearings officer shall sign and date the report. Upon filing of the report with the executive secretary and the parties, jurisdiction shall rest solely in the board. All motions, petitions, and other pleadings filed subsequent to the filing of the report shall be addressed to the executive secretary.

(3) The report of the hearings officer shall become the final order of the board 30 days after filing with the board and parties, unless a board member directs that the report be reviewed and acted upon by the board.

(4) A party may file with the board exceptions, including written arguments, to the report of the hearings officer. Exceptions shall be received by the board within 20 days of the filing of the report.

History: 1954 ACS 89, p. 111, Eff. Nov. 24, 1976.

R 408.21433 Authority of board.

Rule 433. (1) In reviewing a report of a hearings officer, the board, by a vote of not less than a majority of its members, may:

(a) Dismiss or modify the citation.

(b) Modify the abatement time of the citation.

(c) Issue a final order sustaining the citation, the abatement time, or the assessed penalty.

(d) Vacate or modify assessed penalties.

(e) Remand the case for the taking of additional evidence or for correction of proceedings.

(f) Direct other appropriate relief.

(2) Upon a showing by an employer that a good faith effort has been made to comply with the abatement requirements of a citation that has become a final order of the board as provided in the act, and that the abatement has not been completed because of circumstances beyond the reasonable control of the employer, the board, after a hearing if requested by the employer, affected employees, or the department, shall issue an order affirming or modifying the abatement requirements in the citation.

History: 1954 ACS 89, p. 112, Eff. Nov. 24, 1976.

R 408.21434 Oral argument before the board; briefs; remand by board.

Rule 434. (1) Oral argument before the board shall not ordinarily be allowed.

(2) The board, upon request, may permit a party to submit a brief relative to an issue raised in the matter before it. The board may request briefs from the parties.

(3) In the event the board finds that the record is inadequate, the board may order the matter remanded to a hearings officer for a rehearing.

History: 1954 ACS 89, p. 112, Eff. Nov. 24, 1976.

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PETITIONS

R 408.21441 Petition for modification of abatement period.

Rule 441. (1) An employer may file a petition for modification of abatement date when the employer has made a good faith effort to comply with the abatement requirements of a citation, that has become a final order of the board, but the abatement has not been completed because of the factors beyond the employer's reasonable control.

(2) A petition for modification of abatement date shall be in writing and shall include the following information:

(a) Steps taken by the employer, and the dates of those steps in an effort to achieve compliance during the prescribed abatement period.

(b) The specific additional abatement time needed in order to achieve compliance.

(c) The reasons the additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(e) A certification that the petition for modification of abatement date has been filed and posted in accordance with subrule (4).

(3) A petition for modification of abatement date shall be filed with the board no later than the close of the next working day following the date on which abatement was originally required. A petition filed later shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(4) On the same day that the petition is filed with the board, a copy of the petition shall be filed with the department that issued the citation and a copy shall be posted by the employer in a conspicuous place at or near the place where the citation was required to be posted and remain so posted for a period of 10 working days.

(5) The department, affected employees, or their representatives may file written objection to the petition with the board setting forth the reasons for opposing the petition. An objecting party shall also file a copy of the written objection with the other parties. Failure to file an objection within 10 working days of the date of filing the petition shall constitute a waiver of any further right to object to the petition.

(6) The board may approve without a hearing a petition for modification of an abatement date to which an objection has not been filed.

(7) Where a petition is objected to by the department or affected employees, the petition shall be processed as follows:

(a) The board shall process the petition in the same manner as any other contested case, except that a hearing on the petition shall be handled in an expeditious fashion.

(b) An employer petitioning for a modification of an abatement period shall have the burden of proving by a preponderance of the evidence that he has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond his control.

History: 1954 ACS 89, p. 112, Eff. Nov. 24, 1976.

MISCELLANEOUS PROVISIONS

R 408.21442 Settlement.

Rule 442. (1) Settlement is encouraged at any stage of the proceedings where the settlement is consistent with the provisions and objectives of the act.

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(2) A settlement agreement submitted by the parties shall be accompanied by an appropriate, proposed order.

(3) Where parties to a settlement agree upon a proposal, it shall be served upon the represented and unrepresented affected employees not less than 10 days prior to submission to the board for approval in the same manner as required for serving notices of hearing in R 408.21422(1) of these rules. The proposed settlement, when submitted to the board or hearings officer, shall contain a certification indicating the date and the manner in which service of the settlement was made on the represented and unrepresented affected employees.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976; 1954 ACS 99, p. 122, Eff. May 23, 1979.

R 408.21443 Ex parte communication.

Rule 443. There shall not be ex parte communication, with respect to the merits of a case not concluded, between the board, including a member, officer, employee or agent of the board who is employed in the decisional process, and a party.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976.

R 408.21444 Restriction as to participation by investigative or prosecuting officers.

Rule 444. In a proceeding noticed pursuant to the rules, the director shall not participate or advise, except as a party to the proceeding, with respect to the report of the hearings officer or the board decision.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976.

R 408.21445 Inspection and reproduction of documents.

Rule 445. (1) Subject to the provision of law restricting public disclosures of information, a person may, at the offices of the board, inspect and copy a document filed in a proceeding.

(2) Actual costs of reproduction shall be borne by the person seeking the document.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976.

R 408.21446 Restriction with respect to former employee.

Rule 446. (1) A former employee of the board or of the director, including a member of the board or the director, shall not appear before the board as an attorney or other representative for a party in a contested case in which that person participated personally and substantially during the period of that person's employment.

(2) A former employee of the board or of the director, including a member of the board or the director, shall not appear before the board as an attorney or other representative for a party in a proceeding or other matter, formal or informal, for which that person was personally responsible during the period of that person's employment, unless 1 year has elapsed since the termination of the employment.

(3) The prohibition against participation as an attorney or other representative as specified in subrules (1) and (2) applies to the attorney general and the assistants of the attorney general who serve the department.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976.

R 408.21447 Amendment to rules.

Rule 447. The board may at any time upon its motion or initiative, or upon written suggestion of an interested person setting forth reasonable grounds

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therefor, amend or revoke any of the rules contained herein, pursuant to the administrative procedures act, Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 89, p. 113, Eff. Nov. 24, 1976.

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DEPARTMENTS OF LABOR AND PUBLIC HEALTH

OCCUPATIONAL SAFETY AND HEALTH

(By authority conferred on the departments of labor and public health by section 69 of Act No. 154 of the Public Acts of 1974, being §408.1069 of the Michigan Compiled Laws)

PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES GENERAL PROVISIONS

R 408.22101 Scope.

Rule 1101. These rules provide for recordkeeping and reporting by employers covered under the act as necessary or appropriate for enforcement of the act, for developing information regarding the causes and prevention of occupational injuries and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

History: 1954 ACS 86, p. 75, Eff. Mar. 12, 1976.

R 408.22102 Intent.

Rule 1102. (1) These rules are substantially identical to the federal occupational safety and health act (OSHA) recordkeeping and reporting requirements, as contained in 29 C.F.R. Part 1904 (1971, 1972), to assure that employers maintaining records pursuant to these rules are in compliance with the federal requirements and need not maintain additional records or submit additional records pursuant to the federal regulations. See R 408.22119 of this part on the use of OSHA forms.

(2) This part shall not negate the recordkeeping and reporting requirements as prescribed by sections 18 and 24 of Public Law 91-596, 29 U.S.C. sections 667 and 673.

History: 1954 ACS 86, p. 75, Eff. Mar. 12, 1976.

R 408.22103 Applicability; exceptions; compilation and processing of petitions.

Rule 1103. (1) An employer who had not more than 7 employees at any one time during the calendar year immediately preceding the current calendar year need not comply with the requirements of this part, except R 408.22117 concerning fatalities, or multiple hospitalization accidents or exposures.

(2) Subrule (1) does not apply when an employer has been notified in writing by the department that he has been selected to participate in a statistical survey of recordable occupational injuries and illnesses. If selected, an employer shall maintain a log of recordable occupational injuries and illnesses, form MIOSHA 100, pursuant to R 408.22111, and shall make reports pursuant to R 408.22141 for the period of time which is specified in the notice.

(3) The department of labor shall supply copies of the forms provided for in these rules and shall compile, correct, and analyze data obtained pursuant to these rules. It shall process petitions for exceptions to these rules from public employers. The bureau of labor statistics of the U.S. department of labor shall process petitions for exceptions from private employers to insure uniformity between federal and state rules.

History: 1954 ACS 86, p. 75, Eff. Mar. 12, 1976; 1954 ACS 99, p. 123, Eff. May 23, 1979.

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R 408.22104 Definitions; A to D.

Rule 1104. (1) "Act" means Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.

(2) "Affected employee" means an employee who would be affected by the granting or denial of an exception, or an authorized representative as defined by the act.

(3) "Department" means the department of labor or the department of public health.

(4) "Director" means the director of the department of labor or the director of the department of public health.

History: 1954 ACS 86, p. 76, Eff. Mar. 12, 1976.

R 408.22105 Definitions; E, F.

Rule 1105. (1) "Employer" means an individual or organization, including the state or a political subdivision, which employs 1 or more persons.

(2) "Establishment" means a single physical location where business is conducted or where services or operations are performed, including a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, central administrative office, a single school within a school district, a city garage within the department of public works, a branch office of the department of state, or a police station within the police department of a city. Where distinctly separate activities are performed at a single physical location, such as contract construction activities operated from the same physical location as a lumberyard, each activity shall be treated as a separate establishment.

(3) "First aid" means one-time treatment, and any follow-up visit for the purpose of observation of minor scraches, cuts, burns, and splinters which do not ordinarily require medical care. This one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

History: 1954 ACS 86, p. 76, Eff. Mar. 12, 1976.

R 408.22106 Definitions; H to M.

Rule 1106. (1) "Hospitalization" means to be admitted to a hospital, clinic, or infirmary as a bed patient.

(2) "Lost workdays" means the number of workdays, consecutive or not, on which the employee would have worked, but could not because of occupational injury or illness; or any day of restricted work activity because of occupational injury or illness during which the employee could not perform all or any part of the normal work assignment. The number of lost workdays does not include the day of injury or onset of illness or days on which the employee would not have worked even though able to work.

(3) "Medical treatment" means treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

History: 1954 ACS 86, p. 76, Eff. Mar. 12, 1976.

R 408.22107 Definitions; O to R.

Rule 1107. (1) "Occupational illness" means an abnormal condition or disorder, other than 1 resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact.

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(2) "Occupational injury" means an injury such as a cut, fracture, sprain, or amputation, which results from a work accident or from an exposure involving a single incident in the work environment.

(3) "Recordable occupational injuries or illnesses" means any of the following:

(a) Occupational deaths, regardless of the time between injury and death, or the length of the illness.

(b) Occupational illnesses.

(c) Occupational injuries which involve 1 or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment other than first aid.

(d) A case which involves lost workdays.

History: 1954 ACS 86, p. 76, Eff. Mar. 12, 1976.

R 408.22111 Log and summary of recordable occupational injuries and illnesses; maintenance; location; recording injuries and illnesses; completing forms.

Rule 1111. (1) An employer shall maintain, for each establishment, a log and summary of recordable occupational injuries and illnesses for that establishment. An employer may maintain the log and summary of recordable occupational injuries and illnesses at a central administrative office or at another location under the circumstances described in subrule (4).

(2) An employer shall enter each recordable occupational injury and illness in the log and summary as early as practicable, but not later than 6 working days after receiving information that a recordable case has occurred. For this purpose, form MIOSHA No. 200 or its equivalent shall be used.

(3) Form MIOSHA No. 200 or its equivalent shall be completed in the detail required by the form and the instruction contained in form MIOSHA No. 200. If a form equivalent to form MIOSHA No. 200 is used, such as a print-out from data processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data processing equipment as the form MIOSHA No. 200 itself is readable and comprehensible.

(4) An employer may maintain the log and summary of recordable occupational injuries and illnesses at a place other than the establishment or by means of data processing equipment, or both, under the following circumstances:

(a) When there is available, at the place where the log and summary is maintained, sufficient information to complete the log and summary to a date within 6 working days after receiving information that a recordable case has occurred, as required by subrule (2).

(b) When there is available, at each of the employer's establishments, a copy of the log and summary that reflects separately any recordable occupational injury and illness experience of that establishment, complete and current to a date within 45 calendar days.

History: 1954 ACS 86, p. 77, Eff. Mar. 12, 1976; 1954 ACS 99, p. 123, Eff. May 23, 1979.

R 408.22112 Periods covered.

Rule 1112. A log and summary shall be established on calendar year basis. The initial log and summary shall include recordable occupational injuries and illnesses occurring on and after the effective date of these rules.

History: 1954 ACS 86, p. 77, Eff. Mar. 12, 1976; 1954 ACS 99, p. 123, Eff. May 23, 1979.

R 408.22113 Supplementary record; completing forms.

Rule 1113. (1) In addition to the log and summary of recordable occupational injuries and illnesses prescribed in R 408.22111, an employer shall have available

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for inspection at each establishment, within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each recordable occupational injury or illness for that establishment.

(2) The record shall be completed in the detail prescribed in the instructions accompanying form MIOSHA No. 101, Michigan workmen's compensation form 100, revised on or after 8-72, insurance, or other reports are acceptable alternative records if they contain the information required by form MIOSHA No. 101. If an acceptable alternative record is not maintained for other purposes, form MIOSHA No. 101 shall be used, or the necessary information shall be otherwise maintained.

History: 1954 ACS 86, p. 77, Eff. Mar. 12, 1976; 1954 ACS 99, p. 123, Eff. May 23, 1979.

R 408.22114 Annual summary; posting; contents; time completed; certification by employer; posting and mailing copies; exemption from posting.

Rule 1114. (1) An employer shall post an annual summary of occupational injuries and illnesses for each establishment. This summary shall consist of a copy of the year's totals from the form MIOSHA No. 200 and the following information from that form: calendar year covered, company name, establishment name, establishment address, certification signature, title, and date. A form MIOSHA No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros shall be entered on the totals line, and the form shall be posted.

(2) The summary shall be completed not later than 1 month after the close of each calendar year beginning with that part of the calendar year covered by the effective date of these rules.

(3) The employer, or the officer or employee of the employer who supervises the preparation of the annual summary of recordable occupational injuries and illnesses, shall certify that the annual summary of recordable occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer who supervises the preparation of the annual summary of recordable occupational injuries and illnesses, to the lower right-hand corner of the annual summary or by appending a separate statement to the annual summary certifying that the annual summary is true and complete to the best of his knowledge.

(4) The employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted pursuant to section 67(1) of the act, that is, in a central and conspicuous location, or for normal observation by employees. The summary covering the previous calendar year shall be posted not later than February 1, and shall remain in place until March 1.

(5) For employees who do not primarily report or work at a single establishment or who do not report to a fixed establishment on a regular basis, an employer shall satisfy this posting requirement by presenting or mailing a copy of the summary during the month of February of the following year to each such employee who receives pay during that month.

(6) For multi-establishment employers where operations have closed down in some establishments during the calendar year, it is not necessary to post summaries for those establishments.

History: 1954 ACS 86, p. 77, Eff. Mar. 12, 1976; 1954 ACS 99, p. 124, Eff. May 23, 1979.

R 408.22115 Retention of records.

Rule 1115. Records provided for in R 408.22111, R 408.22113, and R 408.22114 shall be retained in each establishment for 5 years following the end of the year to which they relate.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976.

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R 408.22116 Access to records.

Rule 1116. Records provided for in R 408.22111, R 408.22113, and R 408.22114 shall be available for inspection and copying by safety officers of the department of labor and industrial hygienists of the department of public health during an occupational safety or health inspection or investigation provided for pursuant to section 29 of the act.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976.

R 408.22117 Reporting of fatality or multiple hospitalization accident; contents; additional reports.

Rule 1117. An employer shall, within 48 hours after the occurrence of a fatality arising from an employment accident or illness, or the hospitalization of 5 or more employees suffering injury from the same accident, or illness from exposure to the same health hazard associated with their employment, report the incident, either orally or in writing to the Department of Labor, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909, phone (517) 322-0333. The report may be made by telephone or telegraph. The report shall include the name and address of employer, date and time of accident, address of accident, name of employee affected, nature of work, nature of injuries, and a description of the occurrence. The director may require such additional reports, in writing or otherwise, as deemed necessary concerning the accident or exposure.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976; 1954 ACS 99, p. 124, Eff. May 23, 1979.

R 408.22118 Falsification, or failure to keep records or reports.

Rule 1118. (1) Whoever knowingly makes a false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained pursuant to the act, or fails to maintain or transmit records or reports as required under the act, shall be subject to the provisions of section 35(7) of the act.

(2) Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part, is a violation of the act and may result in the issuance of citations and assessment of penalties as provided for in sections 33, 35, 41, and 42 of the act.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976.

R 408.22119 Recordkeeping on federal OSHA forms.

Rule 1119. Records maintained by an employer pursuant to this part on the federal recordkeeping forms OSHA 101 and OSHA 200 shall be regarded as in compliance with the state requirements as provided in this part.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976; 1954 ACS 99, p. 124, Eff. May 23, 1979.

R 408.22120 Change of ownership.

Rule 1120. When an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which he owned the establishment. The employer shall preserve those records of the prior ownership which are required to be kept under this part. These records shall be retained at each establishment to which they relate, for the period, or remainder thereof, required in R 408.22115.

History: 1954 ACS 86, p. 78, Eff. Mar. 12, 1976.

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R 408.22121 Employees not in fixed establishments.

Rule 1121. An employer of employees engaged in physically dispersed operations such as occur in construction, installation, repair, or service activities, who do not report to any fixed establishment on a regular basis but are subject to common supervision, may satisfy R 408.22111, R 408.22113, and R 408.22114 with respect to those employees by:

(a) Maintaining the required records for each operation or group of operations at a place to which employees report each day.

(b) Maintaining the required records for each operation or group of operations which is subject to common supervision, such as a field superintendent or field supervisor, in an established central place:

(i) Having the address and telephone number of the central place available at each worksite.

(ii) Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

(c) Maintaining the required records for personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as traveling salesmen, technicians, and engineers, at the location from which personnel operate to carry out their activities, including a district branch office or central administrative office from which supplies, assignments, or paychecks are issued.

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976.

R 408.22122 Exceptions for employer having fewer than 10 employees; obligations.

Rule 1122. An employer who had no more than 10 employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this part, except the employer shall comply with the following:

(a) Obligation to report under R 408.22117 concerning fatalities or multiple hospitalization accidents.

(b) Obligation to maintain a log and summary of occupational injuries and illnesses under R 408.22111 and to make reports under R 408.22142 upon being notified in writing by the U.S. department of labor, bureau of labor statistics, that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

History: 1954 ACS 99, p. 124, Eff. May 23, 1979.

PETITIONS FOR EXCEPTIONS TO RECORDKEEPING

R 408.22131 Employer petition for alternate record maintenance.

Rule 1131. A public employer who wishes to maintain records in a manner different from that required by this part shall submit a petition containing the information prescribed in R 408.22133 to the Department of Labor, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976; 1954 ACS 99, p. 125, Eff. May 23, 1979.

R 408.22132 Opportunity for comment.

Rule 1132. Affected employees or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petition to the

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director within 10 working days following the receipt of notice prescribed in R 408.22133(e).

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976.

R 408.22133 Contents of petitions.

Rule 1133. A petition filed by a public employer shall include:

(a) The name and address of the applicant.

(b) The address of the place or places of employment involved.

(c) Specifications of the reasons for seeking relief.

(d) A description of the different recordkeeping procedures which are proposed by the applicant.

(e) A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them, or to their authorized representative, and by posting a statement giving a summary of the petition. A statement posted pursuant to this subdivision shall be posted in each establishment in the same manner that notices are required to be posted under section 67(1) of the act, that is, in a central and conspicuous location or for normal observation by employees. The applicant shall state that he has informed his affected employees of their rights as prescribed in R 408.22132.

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976.

R 408.22134 Additional notices and conferences.

Rule 1134. (1) In addition to the actual notice provided for in R 408.2133(e), the director may provide or cause to be provided such additional notice of the petition as he deems appropriate.

(2) The director may afford an opportunity to interested parties for informal conference or hearing concerning the petition.

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976.

R 408.22135 Action.

Rule 1135. After review of the petition and of comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the director finds that the alternative procedure proposed shall not hamper or interfere with the purposes of the act and shall provide equivalent information, he may grant the petition subject to such conditions as he may determine appropriate, and subject to revocation for cause.

History: 1954 ACS 86, p. 79, Eff. Mar. 12, 1976.

R 408.22136 Notice of exception; publication.

Rule 1136. Notice that an exception has been granted as prescribed by this part shall be published in the LABORegister, a monthly publication of the department of labor. This notice may summarize the alternative to the rules involved which the particular exception permits.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976; 1954 ACS 99, p. 125, Eff. May 23, 1979.

R 408.22137 Revocation.

Rule 1137. The director may revoke an exception granted under this part for failure to comply with the conditions of the exception. An opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives. Except in cases of wilful noncompliance or where employee safety or health requires otherwise, before the commencement of an informal proceeding, the employer shall be:

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(a) Notified in writing of the facts or conduct which may warrant the action.

(b) Given an opportunity to demonstrate or achieve compliance.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976.

R 408.22138 Compliance after submission of petition.

Rule 1138. The submission of a petition, or a delay by the director in acting upon a petition, shall not relieve an employer from any obligation to comply with this part. The director shall give notice of the denial of a petition within a reasonable time.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976.

STATISTICAL REPORTING

R 408.22141 Description of statistical program.

Rule 1141. (1) The department of labor and the department of public health shall develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The program shall consist of periodic surveys of occupational injuries and illnesses. An employer covered by the act may be chosen to participate in the surveys.

(2) The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within strata. Some industries shall be sampled more heavily than others depending on the injury rate level based on previous experience. The survey should produce adequate estimates for most 4-digit standard industrial classification (SIC) industries in manufacturing and for 3-digit SIC classification in nonmanufacturing.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976.

R 408.22142 Duties of employer; submission of survey form.

Rule 1142. Upon receipt of an occupational injuries and illness survey form, pursuant to R 408.22141 of this part, the employer shall promptly complete the form pursuant to the instructions contained therein, and return it in accordance with those instructions. Nothing in these rules shall affect the duties of employers to submit statistical report forms under this part.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976; 1954 ACS 99, p. 125, Eff. May 23, 1979.

PART 12. VARIANCES

GENERAL PROVISIONS

R 408.22201 Purpose and scope.

Rule 1201. (1) This part pertains to the practice and procedure for administrative proceedings to grant variances under sections 27(1), (2), and (4) of the Michigan occupational safety and health act.

(2) These rules shall be construed and applied to secure a prompt and just conclusion of the proceedings subject hereto.

(3) These rules shall not apply to experimental variances which may be granted pursuant to section 27(3) of the act. Whenever experimental variances are sought or requested, the procedures for granting the variances shall be in accordance with the intent of the procedures of these rules, but shall be adapted to the circumstances of the request.

History: 1954 ACS 86, p. 80, Eff. Mar. 12, 1976.

R 408.22203 Definitions; A to E.

Rule 1203. (1) "Act" means Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.

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(2) "Administrative procedures act" means Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(3) "Affected employee" means an employee who would be affected by the issuance or denial of a variance or any of his authorized representatives, such as his collective bargaining agent.

(4) "Department" means the department of labor or the department of public health.

(5) "Director" means the director of the department of labor or the director of the department of public health.

(6) "Experimental variance" means a written order issued by a department authorizing an employer to deviate from the requirements of an occupational safety or health standard while conducting or participating in an experiment to demonstrate or validate techniques to safeguard the health or safety of workers.

History: 1954 ACS 86, p. 81, Eff. Mar. 12, 1976.

R 408.22204 Definitions; I to T.

Rule 1204. (1) "Interim order" means a written order issued by the department authorizing an employer to continue to operate equipment, or to carry on processes, procedures, or practices which do not meet the requirements of a standard pending a determination on the merits of a variance application.

(2) "Party" means a person admitted to participate in a hearing conducted pursuant to these rules. An applicant for relief and any affected employee shall be entitled to be named parties. A department shall be deemed to be a party without the necessity of being named.

(3) "Permanent variance" means a written order issued by a department authorizing an employer to deviate from the requirements of an occupational safety or health standard when protection is provided to employees equal to that which would be provided by compliance with the requirements of the standard.

(4) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or organized group of individuals, or an agency, authority, or instrumentality of the state or a political subdivision thereof.

(5) "Temporary variance" means a written order issued by a department authorizing an employer to deviate from the requirements of an occupational safety or health standard prior to the effective date of the standard for the specific period of time necessary for the employer to achieve compliance with the standard.

History: 1954 ACS 86, p. 81, Eff. Mar. 12, 1976; 1954 ACS 99, p. 125, Eff. May 23, 1979.

R 408.22212 Effect of variance.

Rule 1212. A variance granted pursuant to this part shall have only future effect. In his discretion, a director may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employer involved, and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before a department or the board of health and safety compliance and appeals, until the completion of that proceeding.

History: 1954 ACS 86, p. 81, Eff. Mar. 12, 1976.

R 408.22213 Notice of granted variance; publication.

Rule 1213. Notice that a variance has been granted under this part shall be published in the LABORegister, a monthly publication of the department of labor.

History: 1954 ACS 86, p. 81, Eff. Mar. 12, 1976; 1954 ACS 99, p. 125, Eff. May 23, 1979.

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R 408.22214 Notice to applicant and affected employees.

Rule 1214. (1) A department, upon granting a variance, shall notify by mail the applicant and affected employees, if known, of the granting of the variance, including the terms and conditions thereof.

(2) An employer, upon receiving notice that a variance has been granted, shall notify affected employees of the granting of the variance by giving to them a copy of the variance and posting a statement containing a summary of the variance. A summary of the variance shall specify where a copy of the variance may be examined. The posting shall be at the area in which the affected employees work.

History: 1954 ACS 86, p. 81, Eff. Mar. 12, 1976.

R 408.22215 Form of documents, subscriptions, copies.

Rule 1215. A particular form is not prescribed for applications and other papers which may be filed in proceedings under these rules. However, an application and other papers shall be clearly legible, comply with the provisions of section 27 of the act, and be signed by the person filing them.

History: 1954 ACS 86, p. 82, Eff. Mar. 12, 1976.

APPLICATION FOR VARIANCE

R 408.22221 General.

Rule 1221. (1) An employer desiring a temporary or permanent variance from a standard, or a portion thereof, shall file a written application containing the information prescribed in this rule and R 408.22222 or R 408.22223 with the appropriate department, either the Michigan Department of Labor, Bureau of Safety and Regulation, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48909, or the Michigan Department of Public Health, Bureau of Industrial Health, 3500 N. Logan St., Lansing, Michigan 48914.

(2) An application for a variance shall include:

(a) The name and address of the firm, and the name and title of the person filing the application.

(b) The address of the place of employment involved.

(c) A specification of the standard, or portion thereof, from which the applicant seeks a variance.

(d) A request for a hearing, as provided in these rules.

(e) A statement that the applicant has informed affected employees of the application, at the time the application for a variance was filed, by giving a copy thereof to their authorized representative, if any, and by posting a copy of the application or a statement containing a summary of the application. A summary of the application shall specify where a copy of the application may be examined. Posting shall be at the area in which the affected employees work.

(f) A description of how affected employees have been informed of the variance application, and of their right to petition the director for a hearing.

(3) An interim order may be issued subject to the following conditions:

(a) An application for an interim order may be made to be effective until a decision is rendered on the application for the variance. An application for an interim order shall include a statement of facts and reasons as to why the applicant believes that the requested order should be granted. The department may rule ex parte upon the application for an interim order.

(b) The department may grant an interim order on its own motion.

(c) If an application for an interim order filed pursuant to subdivision (a) is denied, the applicant shall be given prompt written notice of the denial. This notice shall include a statement of the grounds for denial.

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(d) If an interim order is granted, a copy of the order shall be served upon the applicant and other parties. The terms of the interim order may specify necessary or appropriate conditions. The order shall provide that the applicant shall give notice of the granting of the order and its terms to affected employees by the same means used to inform them of an application for a variance.

(4) Where the application for a variance concerns a state standard or a portion thereof, identical in requirements and substance to a federal standard, the applicant shall:

(a) Identify the identical federal standard.

(b) Certify whether the applicant has filed for a variance, on the same facts, with the assistant secretary for occupational safety and health, U.S. department of labor.

(c) Certify whether citations for violations of the identical federal standard, or portion thereof, have been issued to the applicant by the federal government. If a citation has been issued, identification shall be included.

(5) Variances granted by the U.S. department of labor to multistate employers pursuant to 29 C.F.R. 1905.13(c), (1975) shall be deemed as an authoritative interpretation of the employers' compliance obligation with the state standard.

History: 1954 ACS 86, p. 82, Eff. Mar. 12, 1976.

R 408.22222 Application for temporary variance.

Rule 1222. An employer submitting an application for a temporary variance shall include in the application, in addition to the information required in R 408.22221, the following:

(a) A statement that the applicant is unable to comply with the standard, or portion thereof, and a detailed explanation of the reason why.

(b) A statement of the steps the applicant has taken and shall take, with specific dates where appropriate, to protect employees against the hazard covered by the standard.

(c) A statement indicating when the applicant shall comply with the standard, and what steps the applicant has taken and shall take, with specific dates where appropriate, to comply with the standard.

(d) A statement of the facts establishing that the applicant is unable to comply with a standard by its effective date because of the unavailability of professional or technical personnel, because of the unavailability of materials needed to come into compliance with the standard, or because necessary construction or alteration of facilities cannot be completed by the effective date.

History: 1954 ACS 86, p. 83, Eff. Mar. 12, 1976.

R 408.22223 Application for permanent variance.

Rule 1223. An employer submitting an application for a permanent variance shall include in the application, in addition to the information required in R 408.22221, the following:

(a) A description of the conditions, practices, means, methods, operations, and processes used or proposed to be used by the applicant.

(b) How the conditions, practices, means, methods, operations, and processes used or proposed to be used would provide employment to employees which is as safe and healthful as those required by the standard for which a variance is sought.

History: 1954 ACS 86, p. 83, Eff. Mar. 12, 1976.

R 408.22224 Application for modification, revocation, and renewal of variance; contents; informing affected employees; furnishing copy of application to employer; notice of intent to revoke or modify a variance; publication of notice.

Rule 1224. (1) An employer or an affected employee may apply in writing to

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the department for a modification, revocation, or renewal of a variance issued under section 27 of the act. The application shall contain:

(a) The name and address of the firm, and the name and title of the applicant.

(b) A description of the relief, whether modification, revocation, or renewal, which is sought.

(c) A statement setting forth with particularity the grounds for the modification, revocation, or renewal.

(d) Any request for a hearing as provided in these rules.

(2) If the applicant is the employer, a certification shall be made that the applicant has informed his affected employees of the application by:

(a) Giving a copy thereof to their authorized representative.

(b) Posting a copy of the application or a statement containing a summary of the application. If a summary of the application is posted, it shall specify where a copy of the full application may be examined. Posting shall be at the area in which the affected employees work.

(3) If the applicant is an affected employee, a certification shall be made that a copy of the application has been furnished to the employer.

(4) A department may, on its own motion, proceed to modify or revoke a variance. In that event, the department shall give actual notice of its intention to revoke or modify to the employer and affected employees. The notice shall inform the employer and affected employees of their right to request a hearing. A request for a hearing shall include a short and plain statement of the following:

(a) How the proposed modification or revocation would affect the requesting party.

(b) What the requesting party seeks to show on the subjects or issues involved.

(5) A notice of the department's own intention to modify or revoke a variance shall be published in the LABORegister in the same manner as required by R 408.22227.

History: 1954 ACS 86, p. 83, Eff. Mar. 12, 1976; 1954 ACS 99, p. 126, Eff. May 23, 1979.

R 408.22225 Action on defective variance application.

Rule 1225. (1) If an application filed pursuant to these rules is defective by not conforming to the applicable requirements, a department shall promptly return the application to the applicant with a brief statement indicating the reason for its return.

(2) The return of an application because it is defective shall be without prejudice to the filing of another application.

History: 1954 ACS 86, p. 83, Eff. Mar. 12, 1976.

R 408.22226 Requests for hearing on application.

Rule 1226. (1) Within 10 days after the time the employer gives notice to employees of the filing of an application for a variance in accordance with employee notice requirements of these rules, the applicant or affected employee may file with the department a request for a hearing on the application.

(2) A request for a hearing filed pursuant to subrule (1) shall include the following:

(a) A concise statement of facts showing how the applicant or employee would be affected by the relief applied for.

(b) A specification of any statement or representation in the employer's application which is in dispute, and a concise summary of the facts that would be presented.

(c) Views or arguments on any issue of fact or law presented.

(3) The department, on its own motion or that of a party, may consolidate or contemporaneously consider 2 or more proceedings which involve the same or closely related issues.

History: 1954 ACS 86, p. 84, Eff. Mar. 12, 1976.

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R 408.22227 Application for variance; interim order; publication of summary; opportunity for public response; informal hearing; notice; issuance of denial or variance.

Rule 1227. (1) Upon receipt of a valid application for a variance, and if the application has not been denied pursuant to this part, the department may issue an interim order and shall cause to be published in the LABORegister a summary of the application. The published notice shall include a statement outlining the opportunity for public response and an informal hearing. This informal hearing is separate from the formal hearing that is provided for in R 408.22226 and R 408.22231 to R 408.22251 of this part.

(2) Upon request for an informal hearing resulting from the published application for a variance, the department shall notify the person requesting the hearing, the employer applying for the variance, the employer's employees, or the authorized employee representative of the following:

(a) The time, date, place, and the subject matter of the hearing.

(b) The authority under which the hearing is to be held.

(3) The department shall consider the views expressed by the participants at the informal hearing, if held, and shall issue a denial of the application or shall issue the variance.

History: 1954 ACS 99, p. 126, Eff. May 23, 1979.

HEARINGS

R 408.22231 Notice of hearing; contents; referral to hearing officer.

Rule 1231. (1) Upon request for a hearing as provided in R 408.22226 or upon its own initiative, a department shall serve or cause to be served on the parties a reasonable notice of hearing.

(2) A notice of hearing served under subrule (1) shall include the following:

(a) The time, date, place, and nature of the hearing.

(b) The legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the section of the act and rules involved.

(d) A brief statement of the issues involved.

(3) The matter shall be referred to a hearing officer or another department official designated by the department who shall serve as the hearing officer at the hearing on a variance.

History: 1954 ACS 86, p. 84, Eff. Mar. 12, 1976; 1954 ACS 99, p. 126, Eff. May 23, 1979.

R 408.22232 Manner of service.

Rule 1232. Service of a document upon any party shall be made by personal delivery or mailing by certified mail to the last known address of the party. The person serving the document by personal delivery shall certify to the manner and the date of the service.

History: 1954 ACS 86, p. 84, Eff. Mar. 12, 1976.

R 408.22233 Hearing officers or other officials; powers and duties.

Rule 1233. (1) A hearing officer designated to preside over a hearing shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the power to:

(a) Administer oaths and affirmations.

(b) Rule upon offers of proof and receive relevant evidence.

(c) Provide for the taking of testimony by deposition.

(d) Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.

(e) Consider and rule upon procedural requests.

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(f) Hold conferences for the settlement or simplification of the issues by consent of the parties.

(g) Make, or to cause to be made, an on-site visit to the place of employment involved.

(h) Prepare proposed decisions.

(2) Except to the extent required for the disposition of ex parte matters, a hearing officer shall not consult a person or a party on any fact at issue, unless upon notice and opportunity for all parties to participate.

(3) When a hearing officer deems himself disqualified to preside over a particular hearing, he shall withdraw therefrom by notice on the record directed to the director. A party who deems a hearing officer for any reason to be disqualified to preside, or to continue to preside, over a particular hearing, may file with the director, a motion to disqualify and remove the hearing officer. The motion shall be supported by affidavits setting forth the alleged grounds for disqualification. The director shall rule upon the motion.

History: 1954 ACS 86, p. 84, Eff. Mar. 12, 1976.

R 408.22234 Pre-hearing conference.

Rule 1234. (1) Upon his own motion or the motion of a party, the hearing officer may request the parties or their counsel to meet with him for a conference to consider the following:

(a) Simplification of the issues.

(b) Necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation.

(c) Stipulations, admissions of fact, and of contents and authenticity of documents.

(d) Limitation of the number of parties and of expert witnesses.

(e) Other matters as may tend to expedite the disposition of the proceeding, and to assure a just conclusion thereof.

(2) The hearing officer shall state on the record the stipulations, agreements, and other matters agreed to by the parties at the conference.

History: 1954 ACS 86, p. 85, Eff. Mar. 12, 1976.

R 408.22235 Consent findings and orders.

Rule 1235. (1) At any time before the hearing or before the reception of evidence in a hearing, or during a hearing, a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and an order disposing of the whole or a part of the proceeding. The allowance of this opportunity and the duration thereof shall be in the discretion of the hearing officer, after considering the nature of the proceeding, the representations of the parties, and the probability of an agreement which would result in a just disposition of the issues involved.

(2) An agreement containing consent findings and an order disposing of a proceeding shall also provide the following:

(a) That the consent finding and order shall have the same force and effect as if made after a full hearing.

(b) That the record on which an order may be based shall consist solely of the application and the agreement.

(c) A waiver of any further procedural steps before the hearing officer and the director.

(d) A waiver of any right to challenge or contest the validity of the consent findings and order made in accordance with the agreement.

(3) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

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(a) Submit the proposed agreement to the hearing officer for his consideration.

(b) Inform the hearing officer that agreement cannot be reached.

(4) In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing officer shall accept the agreement by issuing his decisions based upon the agreed findings.

History: 1954 ACS 86, p. 85, Eff. Mar. 12, 1976.

R 408.22236 Depositions.

Rule 1236. (1) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions shall be taken before a person designated by the hearing officer having the power to administer oaths.

(2) A party desiring to take the deposition of a witness shall make application in writing to the hearing officer, setting forth the following:

(a) The reasons why the deposition should be taken.

(b) The time and date when, the place where, and the name and post office address of the person before whom the deposition is to be taken.

(c) The name and address of the witness.

(3) A notice, as the hearing officer may order, shall be given by the party taking the deposition to every other party.

(4) Taking and receiving in evidence shall be as follows:

(a) Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him.

(b) The questions propounded and the answers thereto, together with objections made, shall be reduced to writing, read by the witness, subscribed by the witness, and certified by the person before whom the deposition is taken.

(c) The person designated by the hearing officer, before whom the deposition is taken, shall mail 2 copies of the deposition by certified mail to the hearing officer.

(d) Subject to such objections to the questions and answers as were noted at the time of taking the deposition, and those objections would be valid were the witness personally present and testifying, the deposition may be read and offered in evidence by the party taking it as against a party who was present, represented at the taking of the deposition, or who had due notice thereof.

(e) Except for purposes of impeachment, a deposition shall not be admitted in evidence if the witness is available.

History: 1954 ACS 86, p. 85, Eff. Mar. 12, 1976.

R 408.22237 Hearings.

Rule 1237. (1) Except as may be ordered otherwise by the hearing officer, the party applicant for relief shall proceed first at a hearing.

(2) The party applicant shall have the burden of proof.

(3) A party shall be entitled to present his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full disclosure of the facts. Any oral and documentary evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs may be received, but a hearing officer may exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(4) The testimony of a witness shall be upon oath or affirmation administered by the hearing officer.

(5) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of an examination or cross-examination or to the failure to limit the scope, he shall state briefly the grounds for the objection. Rulings on objections shall appear in the record.

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(6) A formal exception to an adverse ruling is not required.

(7) Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice or concerning which the departments by reason of their functions are presumed to be expert, if the parties are given adequate notice, at the hearing or by reference in the hearing officer's proposed decision, of the matters so noticed, and, upon timely request, are given adequate opportunity to show the contrary before the final decision.

(8) Hearings shall be recorded, but need not be transcribed, unless requested by a party. The party requesting the transcript shall pay for the transcription. Copies of the transcript may be obtained by the parties upon written application filed with a department and upon the payment of fees at the rate provided on notice by the department.

History: 1954 ACS 86, p. 86, Eff. Mar. 12, 1976.

R 408.22238 Proposed decision of the hearing officer; service; contents; exception; inoperative while on referral; filing proposed order.

Rule 1238. (1) Within 10 days of the conclusion of a hearing or within 5 days of the receipt of the transcript, if any, or such additional time as allowed by the hearing officer, each party may file with the hearing officer a proposed order, including proposed findings of fact and conclusions of law, with such supporting argument and reasoning as are necessary to support the proposed order.

(2) Within 20 days of the conclusion of a hearing or within 15 days of the receipt of the transcript, if any, the hearing officer shall serve upon parties by certified mail or personal service a proposed decision which shall include the following:

(a) A statement of the reasons for the proposed decision.

(b) Issues of fact and law necessary for the proposed decision.

(3) Unless a party, within 10 days of the receipt of the proposed decision, files exceptions thereto with supporting reasons, the proposed decision shall become a final decision of the director. Exceptions shall refer to the specific issues of fact and law, or terms of the proposed decision excepted to. If the testimony was transcribed, reference shall be made to specific pages of the transcript, and shall suggest modified issues of fact and law, and terms of the proposed decision.

(4) The decision of the hearing officer shall be based upon consideration of the whole record and shall be made on the basis of a preponderance of reliable and probative evidence.

(5) A hearing officer's proposed decision under this rule shall not be operative while that decision is being referred to the director.

History: 1954 ACS 86, p. 86, Eff. Mar. 12, 1976; 1954 ACS 99, p. 127, Eff. May 23, 1979.

R 408.22239 Transmission of record.

Rule 1239. (1) If exceptions and objections thereto are filed, the hearing officer shall transmit the record of the proceeding to the director.

(2) The record shall include the following:

(a) Notices, pleadings, motions, and intermediate rulings.

(b) Questions and offers of proof, objections, and rulings thereon.

(c) Evidence presented.

(d) Matters officially noticed, except matters so obvious that a statement of them would not serve a useful purpose.

(e) Proposed findings of fact and conclusions of law and exceptions and objection thereto.

(f) Any proposed decision, opinion, order, or report by the hearing officer.

History: 1954 ACS 86, p. 86, Eff. Mar. 12, 1976

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R 408.22240 Decision of director.

Rule 1240. (1) Upon receipt of the record transmitted pursuant to these rules, the director shall, within a reasonable time, render his decision.

(2) The decision may affirm, modify, or set aside, in whole or in part, the findings, conclusions, and the rule or order contained in the proposed decision of the hearing officer, and shall include a statement of reasons which shall provide for each conclusion of law, supporting authority, or reasoned opinion.

(3) The director shall serve or cause to be served, a copy of his decision upon all parties and the hearing officer.

History: 1954 ACS 86, p. 87, Eff. Mar. 12, 1976.

JUDICIAL REVIEW

R 408.22251 Request for rehearing or reconsideration.

Rule 1251. (1) An aggrieved party may file a petition for rehearing or reconsideration with the director within 60 days of the mailing of the notice of the director's decision. The request shall be in writing and include specific reasons in support of the request.

(2) Upon receipt of a petition for a rehearing, the director shall, within 10 days, grant or deny the request and provide notice of the decision to the parties.

(3) If the request for reconsideration or rehearing is denied, notice of the denial, along with the director's decision on the variance application, shall be deemed to be final department action for purposes of judicial review.

History: 1954 ACS 86, p. 87, Eff. Mar. 12, 1976.

PART 13. INSPECTIONS AND INVESTIGATIONS, CITATIONS, AND PROPOSED PENALTIES

R 408.22301 Purpose.

Rule 1301. The purpose of this part is to prescribe rules and set forth general policies for enforcement of the inspection and investigation, citation, and proposed penalty provisions of the act. In situations where this part sets forth general enforcement policies, rather than substantive or procedural rules, such policies may be modified in specific circumstances where the department director or his designee determines that an alternative course of action would better serve the objectives of the act.

History: 1954 ACS 89, p. 114, Eff. Nov. 13, 1976.

R 408.22303 Scope.

Rule 1303. (1) The act requires that every employer covered under the act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to his employees. The act also requires that employers comply with occupational safety and health standards promulgated under the act, and that employees comply with standards, rules, regulations, and orders issued under the act which are applicable to their own actions and conduct.

(2) The act authorizes the departments of labor and public health to conduct inspections and investigations and to conduct tests and gather samples of materials and substances as are necessary to aid in the evaluation of the place of employment, and to issue citations and proposed penalties for alleged violations, and to question employers and employees in connection with research and other related activities.

(3) The act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties if appealed by an employer or by an employee or authorized representative of employees.

History: 1954 ACS 89, p. 114, Eff. Nov. 13, 1976.

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R 408.22305 Definitions; A to C.

Rule 1305. (1) "Act" means the Michigan occupational safety and health act, Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.

(2) "Authorized employee representative" or "representative of employee" means a person designated by a labor organization certified by the national labor relations board or employment relations commission as defined in section 2(c) of Act No. 176 of the Public Acts of 1938, being §423.2 of the Michigan Compiled Laws, as the bargaining representative for the affected employees. In the absence of certification, it shall be a person designated by the organization having a collective bargaining relationship with the employer and designated as having a collective bargaining relationship with the employer by the affected employees. If a labor organization is not certified or if no organization has a collective bargaining relationship with the employer, "authorized employee representative" or "representative of employee" means a person designated by the affected employees to represent them for the purpose of proceedings under this act.

(3) "Board" means the board of health and safety compliance and appeals created in section 46 of the act.

(4) "Citation" means a written communication issued by the department to an employer pursuant to section 33 of the act.

History: 1954 ACS 89, p. 114, Eff. Nov. 13, 1976.

R 408.22307 Definitions; D, E.

Rule 1307. (1) "Department" means the Michigan department of labor or the Michigan department of public health.

(2) "Director" means the director of the Michigan department of labor or the director of the Michigan department of public health.

(3) "Employee" means a person permitted to work by an employer.

(4) "Employer" means an individual or organization, including the state or a political subdivision, which employs 1 or more persons.

(5) "Establishment" means a single physical location where business is conducted or where services or operations are performed; for example, a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, central administrative office, a single school within a school district, a city garage within the department of public works, a branch office of the department of state, or a police station within the police department of a city. Where distinctly separate activities are performed at a single physical location, such as contract construction activities operated from the same physical location as a lumberyard, each activity shall be treated as a separate establishment.

History: 1954 ACS 89, p. 114, Eff. Nov. 13, 1976.

R 408.22309 Definitions; I to W.

Rule 1309. (1) "Imminent danger" means a condition or practice in a place of employment which is such that a danger exists which could reasonably be expected to cause death or serious physical harm, either immediately or before the imminence of the danger can be eliminated through the enforcement procedures otherwise provided.

(2) "Inspection" means the examination or survey of a place of employment to detect the presence of an existing or potential occupational safety or health hazard or to determine compliance with the act, rules, or standards promulgated, or orders issued, pursuant to the act.

(3) "Investigation" means the detailed evaluation or study of working conditions, including equipment, processes, substances, air contaminants, or physical agents, with respect to the actual or potential occurrence of occupational accidents, illnesses, or diseases.

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(4) "Trade secret" means a confidential process, formula, pattern, device, or compilation of information which is used in the employer's business and which gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

(5) "Working day" means any day other than a Saturday, Sunday, or state legal holiday. (In computing 15 working days, the day of receipt of any notice shall not be included, and the last day of the 15 working days shall be included.)

History: 1954 ACS 89, p. 115, Eff. Nov. 13, 1976.

R 408.22311 Posting of notice; availability of the act, rules, and applicable standards.

Rule 1311. (1) Each employer shall post a notice to be furnished by the department, informing employees of the protections and obligations provided for in the act, and informing them that, for assistance and information, including copies of the act and of specific safety and health standards, employees may contact the department. The notice shall be posted by the employer in each establishment in a conspicuous place where notices to employees are customarily posted. Each employer shall take steps to insure that the notice is readable and is not altered or defaced.

(2) A separate notice shall be posted in each establishment. Where employers are engaged in activities which are physically dispersed (such as agriculture, construction, transportation, communications, and electric, gas, and sanitary services) the notice required by this rule shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment (such as traveling salesmen, technicians, engineers, etc.), such notice shall be posted at the location from which the employees operate to carry out their activities. In all cases, the notice shall be posted pursuant to subrule (1) of this rule.

(3) Copies of the act, all procedural rules promulgated pursuant to the act, and all applicable standards shall be available from the department. If an employer has obtained copies of these materials, he shall make them available upon request to an employee or his authorized representative for review in the establishment where the employee is employed at the earliest time mutually convenient to the employee or his authorized representative and the employer.

(4) An employer failing to comply with the provisions of this rule shall be subject to citation and penalty pursuant to section 35 of the act.

(5) Reproductions or facsimiles of the state poster shall constitute compliance with the posting requirements of this rule where the reproductions or facsimiles are at least 8½ inches by 14 inches and the printing size is at least 10 point. The caption or heading on the poster shall be in large type, not less than 36 point.

History: 1954 ACS 89, p. 115, Eff. Nov. 13, 1976.

R 408.22321 Authority for inspection or investigation.

Rule 1321. (1) The department representatives, upon presenting appropriate credentials, may enter, without delay and at reasonable times, any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer to inspect and investigate, during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein; to question privately any employer, owner, operator, agent, or employee; and to review records required by the act and rules promulgated pursuant to the act, and other records which are directly related to the purpose of the inspection or investigation.

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(2) Prior to inspecting areas containing information which is classified by an agency of the federal government in the interest of national security, departmental representatives shall obtain the appropriate security clearance.

History: 1954 ACS 89, p. 116, Eff. Nov. 13, 1976.

R 408.22322 Objection to inspection or investigation.

Rule 1322. (1) Upon a refusal to permit a department representative, in the exercise of his official duties, to enter, without delay and at reasonable times, any place of employment or any place therein to inspect, to investigate, to review records, or to question any employer, owner, operator, agent, or employee pursuant to R 408.22321, or to permit a representative of employees to accompany the department representative during the physical inspection or investigation of any workplace pursuant to R 408.22326, the department representative shall terminate the inspection or investigation or confine the inspection or investigation to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised.

(2) The department representative shall endeavor to ascertain the reason for such refusal, and he shall immediately report the refusal, and the reason therefor, to the department director or authorized representative. The department director or authorized representative shall take appropriate action and, if necessary, apply to the proper judicial officer for a warrant commanding the sheriff or a peace officer to aid the department in the conduct of an inspection or investigation as provided in section 29 of the act.

History: 1954 ACS 89, p. 116, Eff. Nov. 13, 1976.

R 408.22323 Entry not a waiver.

Rule 1323. Permission to enter, inspect, investigate, review records, or question a person shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the act. Department representatives are not authorized to grant any such waiver.

History: 1954 ACS 89, p. 116, Eff. Nov. 13, 1976.

R 408.22324 Advance notice of inspection or investigation.

Rule 1324. (1) Advance notice of inspections or investigations shall not be given except in the following situations:

(a) In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible.

(b) In circumstances where the inspection or investigation can most effectively be conducted after regular business hours, or where special preparations are necessary for an inspection or investigation.

(c) Where necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection or investigation.

(d) In other circumstances where the department director or his designee determines that the giving of advance notice would enhance the probability of an effective and thorough inspection or investigation.

(2) In the situations described in subrule (1) of this rule, advance notice of inspections or investigations may be given only if authorized by the department director or his designee.

(3) When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection or investigation, if the identity of such representative is known to the employer. Upon the request of the employer, the department representative shall inform the authorized representative of employees of the inspection or investigation, pro-

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vided that the employer furnishes the department representative with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection or investigation. An employer who fails to comply with his obligation under this rule promptly to inform the authorized representative of employees of the inspection or investigation, or to furnish such information as is necessary to enable the department representative promptly to inform such representative of the inspection or investigation, is subject to citation and penalty under section 35(3) of the act.

(4) Advance notice in any of the situations described in subrule (1) of this rule shall not be given more than 24 hours before the inspection or investigation is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

(5) A person who gives advance notice of an inspection or investigation to be conducted under the act, without authority from the department director or his designees, shall, upon conviction, be punished by a fine of not more than $1,000.00 or by imprisonment for not more than 6 months, or by both, as provided in section 35(8) of the act.

History: 1954 ACS 89, p. 116, Eff. Nov. 13, 1976.

R 408.22325 Conduct of inspections or investigations.

Rule 1325. (1) Subject to the provisions of R 408.22321, inspections and investigations shall take place at such times and in such places of employment as the department director or his designee may direct. At the beginning of an inspection or investigation, the department representatives shall present their credentials to the owner, operator, or an agent in charge at the establishment; explain the nature and purpose of the inspection or investigation; and indicate generally the scope of the inspection or investigation and the records specified in R 408.22321 which they wish to review. However, such designation of records shall not preclude access to additional records specified in R 408.22321.

(2) Department representatives may take air, environmental, and material samples; take or obtain photographs related to the purpose of the inspection or investigation; employ other reasonable investigative techniques; and question privately any employer, owner, operator, agent, or employee of an establishment (See R 408.22331 on trade secrets).

(3) In taking photographs and samples, the department representatives shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment are not hazardous. Department representatives shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.

(4) The conduct of inspections or investigations shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

(5) Following the completion of an inspection or investigation by the department representative, an opportunity for a conference shall be afforded the employer or his representative and the employee or employee representative to informally advise them of any apparent safety or health violations disclosed by the inspection or investigation. During such conference, the employer or employee shall be afforded an opportunity to bring to the attention of the department representative any information regarding conditions in the workplace pertinent to the apparent safety or health violations.

(6) Inspections or investigations shall be conducted pursuant to the requirements of this part.

History: 1954 ACS 89, p. 117, Eff. Nov. 13, 1976.

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R 408.22326 Representatives of employers and employees.

Rule 1326. (1) Department representatives shall be in charge of conducting inspections or investigations, and may question persons affected by the inspection or investigation. A representative of the employer and a representative authorized by employees shall be given an opportunity to accompany the department representative during the physical inspection or investigation of a workplace for the purpose of aiding the inspection or investigation. A department representative may permit additional employer representatives and additional representatives authorized by employees to accompany him when it is determined that the additional representatives may further aid the inspection or investigation. A different employer and employee representative may accompany the department representative during each different phase of an inspection or investigation if this does not interfere with the conduct of the inspection or investigation.

(2) Department representatives may resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this rule. If there is no authorized representative of employees, or if the department representative is unable to determine with reasonable certainty who is such representative, the department representative shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(3) If, in the judgment of the department representative, good cause is shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection or investigation of the workplace, the third party may accompany the department representative during the inspection or investigation.

(4) Department representatives may deny the right of accompaniment under this rule to a person whose conduct interferes with a fair and orderly inspection or investigation. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of R 408.22331(4). With regard to information classified by an agency of the federal government in the interest of national security, only persons authorized to have access to the information may accompany a department representative in areas containing such information.

History: 1954 ACS 89, p. 117, Eff. Nov. 13, 1976.

R 408.22331 Trade secrets.

Rule 1331. (1) Information reported to, or otherwise obtained by, a department representative in connection with an inspection, investigation, or proceeding under the act, which contains or which might reveal a trade secret, shall be considered confidential. Such information may be disclosed only to other department representatives concerned with carrying out the act or when relevant in any proceeding under the act. In any such proceeding, the department shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(2) Information which contains, or which might reveal, a trade secret is not subject to public inspection and copying.

(3) At the commencement of an inspection or investigation, the employer may identify areas in the establishment which contain, or which might reveal, a trade secret. If the department representative has no clear reason to question the identification, information obtained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential—trade secret" and shall not be disclosed except in accordance with the provisions of section 63 of the act.

(4) Upon the request of an employer, any authorized representative of employees accompanying the department representative in an area containing trade

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secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative, the department representative shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

History: 1954 ACS 89, p. 118, Eff. Nov. 13, 1976.

R 408.22333 Consultation with employees.

Rule 1333. Department representatives may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection or investigation. During the course of an inspection or investigation, an employee shall be afforded an opportunity to bring any violation of the act which he has reason to believe exists in the workplace to the attention of the department representative.

History: 1954 ACS 89, p. 118, Eff. Nov. 13, 1976.

R 408.22338 Complaints by employees.

Rule 1338. (1) Any employee or representative of employees, who believes that a violation of the act which threatens physical harm exists in a workplace where the employee is employed, may request an inspection or investigation of the workplace by giving notice of the alleged violation to the department. The notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the employer or his agent by the department or department representative no later than at the time of inspection or investigation, except that, upon the request of the person giving the notice, his name and the names of individual employees referred to therein shall not appear in the copy or on any record published, released, or made available by the department.

(2) If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule (1) of this rule, and that there are reasonable grounds to believe that the alleged violation exists, the department shall cause an inspection or investigation to be made as soon as practicable to determine if the alleged violation exists. Inspections or investigations under this rule need not be limited to matters referred to in the complaint.

(3) If the department determines that an inspection or investigation is not warranted because the written complaint does not meet the provisions of subrule (1) of this rule, the department shall notify the complaining party, in writing, of such determination. The determination shall be without prejudice to the filing of a new complaint meeting the requirements of subrule (1) of this rule.

(4) Prior to or during an inspection or investigation of a workplace, an employee or representative of employees employed in the workplace may notify the department representative, in writing, of any violation of the act, or of any rule promulgated under the act, which he has reason to believe exists in such workplace. Any such notice shall comply with the requirements of subrule (1) of this rule.

(5) When an employee or a representative of employees believes that a condition exists which may present an imminent danger to an employee, he may notify either department in the most expedient manner without regard to a written notice. Upon notification of an alleged imminent danger, the department shall cause an immediate inspection to be made or take other action that it finds necessary to abate the danger as provided by R 408.22342 of this part.

(6) If a citation is issued for a violation alleged in a request for inspection under subrule (1) of this rule or a notification of violation under subrule (4) of this rule, a copy of the citation issued shall be sent to the employee or representative of employees who made such request or notification.

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(7) A person shall not discharge, or in any manner discriminate against, an employee because the employee filed a complaint or instituted, or caused to be instituted, a proceeding under, or regulated by, the act; or because the employee testified, or is about to testify, in any such proceeding; or because of the exercise by such employee, on behalf of himself or others, of any right afforded by the act.

History: 1954 ACS 89, p. 118, Eff. Nov. 13, 1976.

R 408.22339 Informal review of complaints by employees.

Rule 1339. (1) The department shall notify a complaining party, in writing, when any of the following determinations are made regarding a complaint under R 408.22338:

(a) There are no reasonable grounds to believe that an inspection or investigation should be conducted.

(b) Based on an inspection or investigation conducted pursuant to the complaint there are no reasonable ground to believe that the alleged violation exists.

(2) The department shall notify the employer, in writing, of any determination made pursuant to subrule (1)(b) of this rule.

(3) The complaining party may obtain informal review of a determination made pursuant to subrule (1) by submitting a written statement of position to the department. The department may hold an informal conference in which the complaining party may orally present his views. The employer may attend the informal conference at the discretion of the department.

(4) After considering all written and oral views presented, the department shall do either of the following:

(a) Affirm, modify, or reverse the determination made in subrule (1)(a) of this rule.

(b) Order a reinspection or reinvestigation, issue a citation if it is believed that the inspection or investigation disclosed a violation, or affirm the determination made in subrule (1)(b) of this rule.

(5) The department shall furnish the complaining party with a written notification of the final disposition of the complaint and the reasons therefor. The final disposition of the complaint by the department shall not be subject to further departmental review.

History: 1954 ACS 89, p. 119, Eff. Nov. 13, 1976.

R 408.22342 Imminent danger; cease operation order.

Rule 1342. (1) When a department representative concludes, on the basis of an inspection or investigation, that conditions or practices exist in a place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the act, the department representative shall inform the employer and affected employee of the danger and afford the employer the opportunity to voluntarily eliminate the danger.

(2) If the employer does not immediately take steps to eliminate the imminent danger, the department representative shall recommend to the department director that a cease operation order be issued pursuant to section 31(1) of the act to require that steps be taken as may be necessary to avoid, correct, or remove the imminent danger. Appropriate citations and notices of proposed penalties may be issued with respect to violations associated with an imminent danger, even though, after being informed of such danger by the department representative, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.

(3) Upon the failure of the employer to promptly comply with a cease operation order issued pursuant to subrule (2) of this rule, the department shall

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petition the circuit court having jurisdiction to restrain any condition or practice in a place of employment which the department determines causes the imminent danger to exist.

History: 1954 ACS 89, p. 120. Eff. Nov. 13, 1976.

R 408.22344 Citations.

Rule 1344. (1) The inspection or investigation report of the department representative shall be reviewed by a department designee. If, on the basis of the report, the department designee believes that the employer violated a requirement of section 11 of the act, a requirement of any standard or rule promulgated pursuant to the act, or a requirement of any order issued pursuant to the act, he shall issue to the employer a citation by registered mail. An appropriate citation shall be issued even though, after being informed of an alleged violation by the department representative, the employer immediately abates, or initiates steps to abate, the alleged violation. A citation shall be issued with reasonable promptness after termination of the inspection or investigation. A citation shall not be issued under this rule after the expiration of 90 days from the completion of the physical inspection or investigation of the establishment.

(2) A citation shall be in writing and describe with particularity the nature of the alleged violation, including a reference to the provision of the act, standards, rule, regulation, or order alleged to have been violated. A citation shall also fix a reasonable time for the abatement of the alleged violation.

(3) A citation shall contain, on its face, a statement that it is an allegation of a violation. The issuance of a citation does not constitute a finding that a violation of the act has occurred unless there is a failure to appeal, either initially to the department or subsequently to the board as provided in R 408.22351 and R 408.22354 of this part, or, if appealed to the board, unless the citation is affirmed by the board.

History: 1954 ACS 89, p. 120. Eff. Nov. 13, 1976.

R 408.22346 Proposed penalties.

Rule 1346. (1) After, or concurrent with, the issuance of a citation, and within a reasonable time after the termination of the inspection or investigation, the department shall notify the employer by registered mail of the proposed penalty as provided by section 35 of the act, or that no penalty is being proposed. The notice of the proposed penalty shall include statements informing the employer that the proposed penalty shall become a final order of the board and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notice, the employer notifies the department in writing that he intends to appeal the citation or the notification of proposed penalty (see R 408.22351). Payment of the penalty shall be made to the department, payable to the "State of Michigan," within 5 working days of the date the penalty became a final order of the board.

(2) The department shall determine the amount of a proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business, the seriousness of the violation, and the history of previous citations, pursuant to section 36 of the act.

(3) Appropriate penalties may be proposed with respect to an alleged violation, even though, after being informed of the alleged violation by the department representative, the employer immediately abates, or initiates steps to abate, the alleged violation. Penalties shall not be proposed for violations which have no direct or immediate relationship to safety or health.

History: 1954 ACS 89, p. 120. Eff. Nov. 13, 1976.

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R 408.22348 Posting of citations.

Rule 1348. (1) Upon receipt of a citation issued under the act, the employer shall immediately post the citation, or a copy thereof, unedited, at or near the place of each alleged violation referred to in the citation, with the following exceptions:

(a) Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near the place of alleged violation, the citation shall be posted, unedited, in a prominent place where it is readily observable by all affected employees. For example, where employees are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day.

(b) Where employees do not primarily work at, or report to, a single location, the citation may be posted at the location from which the employees operate to carry out their activities.

(2) The employer shall take steps to ensure that the citation is readable and not altered or defaced. The citation may be reproduced for posting purposes if more than 1 location is cited on a single citation.

(3) A citation, or a copy thereof, shall remain posted until the violation is abated, or for 3 working days, whichever is later. The filing by the employer of an appeal, either initially with the department or subsequently with the board as provided in R 408.22351 and R 408.22354 of this part, shall not affect the employer's posting responsibility under this rule, unless the citation is vacated.

(4) An employer failing to comply with subrules (1) and (2) of this rule shall be subject to citation and penalty pursuant to sections 33 and 35 of the act.

History: 1954 ACS 89, p. 121, Eff. Nov. 13, 1976.

R 408.22349 Notification of compliance with citations.

Rule 1349. (1) An employer to whom a citation is issued shall notify the department, in writing, immediately upon compliance with each item of the citation. Upon compliance with an item of the citation, notification to the department shall not exceed 3 working days from the final abatement date on the citation of such item.

(2) Notification, as required in subrule (1) of this rule, may be accomplished by either of the following:

(a) Submitting to the department, signed and dated, the "notification of abatement" copy of the citation, or a copy thereof.

(b) Submitting a document, in writing, to the department certifying compliance.

History: 1954 ACS 89, p. 121, Eff. Nov. 13, 1976.

R 408.22351 Employer appeal petitions of citations.

Rule 1351. (1) An employer to whom a citation or notice of proposed penalty is issued may, under section 41 of the act, petition the department in writing for a modification or dismissal of the citation and any proposed penalty, or for a grant of additional time for compliance. The petition shall be postmarked within 15 working days of the receipt by the employer of a citation or proposed penalty. The petition shall specify which item on the citation is being petitioned, and whether it is directed to the violation, proposed penalty, or abatement date.

(2) An employer shall post a copy of the petition near the location of the violation where the subject citation is posted, or give a copy of the petition to the affected employees or their employee representative.

(3) An employer shall include in the petition to the department a certification that a copy of the petition was posted or given to the affected employees or their employee representative pursuant to subrule (2) of this rule. The certification shall include the date and method of transmittal of the petition.

History: 1954 ACS 89, p. 121, Eff. [illegible] 1976

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R 408.22352 Employee appeal petitions of citations.

Rule 1352. Within 15 working days after the employer receives a citation, an employee or employee representative may petition the department, in writing, alleging that the period of time fixed in an item of the citation for abatement of such item is unreasonable. The petition shall specify which item on the citation is being petitioned. The department, upon receipt of the petition, shall promptly submit a copy of the petition to the employer, deleting the name of the employee or employee representative if so requested.

History: 1954 ACS 89, p. 121, Eff. Nov. 13, 1976.

R 408.22353 Department decision on an appeal petition.

Rule 1353. (1) Upon receipt of a petition, the department may:

(a) Modify or dismiss the citation or proposed penalty.

(b) Modify the time period fixed for compliance.

(c) Affirm the citation, including the abatement date and proposed penalty.

(2) The department shall notify the employer by registered mail of the decision regarding a petition within 15 working days of receipt of the petition by the department. The employer shall promptly post the department's decision, together with the appropriate citation, at the location of the posting of the subject citation. The decision shall remain posted until the violation is abated or for 3 working days, whichever is later.

History: 1954 ACS 89, p. 122, Eff. Nov. 13, 1976.

R 408.22354 Employer and employee notices of appeal to the board.

Rule 1354. (1) Within 15 working days after receipt by the employer of the department's decision regarding an appeal petition of a citation:

(a) The employer may appeal the decision to the board.

(b) The employee or employee representative may appeal the decision, with respect to the date fixed for abatement, to the board.

(2) The notice of appeal of the department's decision shall be submitted to the department. The department shall immediately transmit the notice of appeal to the board in accordance with the procedure prescribed by the board.

History: 1954 ACS 89, p. 122, Eff. Nov. 13, 1976.

R 408.22355 Petition for modification of abatement period.

Rule 1355. (1) An employer may file a petition for modification of an abatement date when the employer has made a good faith effort to comply with the abatement requirements of a citation which has become a final order of the board, but the abatement has not been completed because of factors beyond the employer's reasonable control.

(2) A petition for modification of an abatement date shall be in writing and shall include the following information:

(a) Steps taken by the employer, and the dates of those steps, in an effort to achieve compliance during the prescribed abatement period.

(b) The specific additional abatement time needed in order to achieve compliance.

(c) The reasons the additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(e) A certification that the petition for modification of an abatement date has been filed and posted in accordance with subrule (4).

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(3) A petition for modification of an abatement date shall be filed with the board no later than the close of the next working day following the date on which abatement was originally required. A petition filed later shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(4) On the same day that the petition is filed with the board, a copy of the petition shall be filed with the department that issued the citation and a copy shall be posted by the employer in a conspicuous place at or near the place where the citation was required to be posted and remain so posted for a period of 10 working days.

(5) The department, affected employees, or their representatives may file written objection to the petition with the board setting forth the reasons for opposing the petition. An objecting party shall also file a copy of the written objection with the other parties. Failure to file an objection within 10 working days of the date of filing the petition shall constitute a waiver of any further right to object to the petition.

(6) The board may approve without a hearing a petition for modification of an abatement date to which an objection has not been filed.

(7) Where a petition is objected to by the department or affected employees, the petition shall be processed as follows:

(a) The board shall process the petition in the same manner as any other contested case, except that a hearing on the petition shall be handled in an expeditious fashion.

(b) An employer petitioning for a modification of an abatement date shall have the burden of proving by a preponderance of the evidence that he has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond his control.

History: 1954 ACS 89, p. 122, Eff. Nov. 13, 1976.

R 408.22356 Citation for failure to correct a previously cited violation.

Rule 1356. (1) If an inspection or investigation discloses that an employer failed to correct an alleged violation, for which a citation was issued, within the period permitted for its correction, the department may notify the employer, by registered mail, of the failure and of any additional penalty proposed under section 35(2) of the act by reason of such failure.

(2) The period for the correction of a violation for which a citation was issued shall not begin to run until the date of the final order of the board if a review proceeding before the board is initiated by the employer in good faith and not solely for delay or avoidance of penalties. The period of correction shall not be delayed by a review proceeding initiated by the employer only with respect to the proposed penalty.

(3) An employer receiving a citation for failure to correct a violation and a proposed additional penalty may notify the department, in writing, that he intends to petition for a dismissal of the citation or the proposed additional penalty, or both, pursuant to R 408.22351 of these rules. An appeal petition regarding a citation for failure to correct a violation shall be limited to the subject matter of the failure to correct citation.

(4) Within 15 working days after receipt of the department decision relative to an appeal petition of a citation for failure to correct a violation or a proposed additional penalty, or both, an employer may appeal the decision to the board pursuant to R 408.22354.

History: 1954 ACS 89, p. 123, Eff. Nov. 13, 1976.

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R 408.22358 Cease operation order for failure to correct a previously cited violation.

Rule 1358. (1) If an inspection or investigation discloses that an employer failed to correct a violation within the period permitted for its correction by a citation which became a final order of the board, the department may issue a cease operation order directing the employer to cease operating or render inoperable, pursuant to such order, as much of the operation as is necessary to eliminate the hazard which is the subject of the cease operation order.

(2) If an employer fails to obey a cease operation order issued pursuant to subrule (1) of this rule, the department shall refer the matter to the prosecuting attorney of the county in which the violation exists, who shall promptly institute proceedings in the circuit court to enforce the department's order.

History: 1954 ACS 89, p. 123, Eff. Nov. 13, 1976.

R 408.22361 Informal conference.

Rule 1361. At the request of an affected employer, employee, or employee representative, the department may hold an informal conference for the purpose of discussing any issues raised by an inspection or investigation, citation, notice of proposed penalty, or appeal petition. If the conference is requested by the employer, an affected employee or employee representative shall be afforded an opportunity to participate, at the discretion of the department. If the conference is requested by an employee or employee representative, the employer shall be afforded an opportunity to participate, at the discretion of the department. A party may be represented by counsel at the conference. No conference or request for conference shall operate as a stay of the 15 working day period for filing an appeal petition to the department or notice of appeal to the board as prescribed in R 408.22351, R 408.22352, and R 408.22354.

History: 1954 ACS 89, p. 123, Eff. Nov. 13, 1976.

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DEPARTMENT OF LABOR

CONSTRUCTION CODE COMMISSION

GENERAL RULES

(By authority conferred on the construction code commission by section 6 of Act No. 230 of the Public Acts of 1972, being §125.1506 of the Michigan Compiled Laws)

PART 1. ADMINISTRATION AND ENFORCEMENT

R 408.30101 Definitions.

Rule 101. (1) "Act" means Act No. 230 of the Public Acts of 1972, as amended, being §§125.1501 to 125.1531 of the Michigan Compiled Laws.

(2) The terms defined in the act have the same meaning when used in these rules.

History: 1954 ACS 79, p. 91, Eff. Nov. 6, 1974.

R 408.30111 Application of rules.

Rule 111. These rules shall apply to all parts of the state except in those areas where governmental bodies have exempted themselves from the act and code, as provided in section 8 of the act, except as required by section 8(2) of the act.

History: 1954 ACS 79, p. 91, Eff. Nov. 6, 1974; 1954 ACS 89, p. 124, Eff. Nov. 13, 1976.

R 408.30113 Rescinded.

History: 1954 ACS 79, p. 91, Eff. Nov. 6, 1974; rescinded 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30114 Application for state services.

Rule 114. Where a county or 1 or more of its governmental subdivisions can substantiate a claim that administering and enforcing these rules will cause certain hardships and undue burdens on the county or governmental subdivision, it may apply to the commission for the services to be provided by the state. The commission may arrange for a procedure for applications for permits, plan reviews, issuance of permits, inspection services, issuance of certificates of use and occupancy and an appropriate system for fee collection.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974; 1954 ACS 89, p. 124, Eff. Nov. 13, 1976.

R 408.30115 Commission's powers when providing services.

Rule 115. When providing services to a county or other governmental subdivision, the commission shall have the same powers as given to the enforcing agency defined in the act.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

R 408.30121 Effective date for enforcement.

Rule 121. The effective date for enforcement shall be 6 months following the date of initial rules promulgation, unless otherwise stipulated at the time of promulgation of subsequent rules.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974; 1954 ACS 89, p. 124, Eff. Nov. 13, 1976.

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PART 2. PERMITS, INSPECTIONS, AND FEES

R 408.30201 Plan review service.

Rule 201. (1) Where a township, village, city, or county is enforcing the state construction code, it may provide its own plan review service or may send the plans to the commission for review for code compliance. When plans are submitted to the commission, the enforcing agency shall indicate prior review and approval of local zoning and environmental controls which may include, without limitation, zoning district, fire district, floodplain, air and water pollution, noise and soil erosion.

(2) When the commission is the enforcing agency, the municipality in whose area a structure is to be built shall forward the necessary plans, specifications and application to the commission for processing. Plans submitted for review shall indicate prior approval of local zoning and environment controls as stated in subrule (1).

(3) Where a township, village or city is enforcing another nationally recognized model construction code, it shall be responsible for providing plan review services.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

R 408.30221 Fees.

Rule 221. (1) All fees charged by townships, villages, cities, counties and the commission for application for permit, examination of plans, issuance of permits, inspection of construction and issuance of certificates of use and occupancy shall bear a reasonable relationship to all costs, including overhead of services rendered.

(2) A construction board of appeals of a county, or of a governmental subdivision, or the commission and its boards shall establish fees for hearing appeals in accordance with section 22 of the act.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

PART 3. APPEAL BOARDS AND HEARINGS

R 408.30301 Construction board of appeals.

Rule 301. Each county or each governmental subdivision enforcing the code shall establish a construction board of appeals as prescribed in section 14 of the act. Each governmental subdivision shall notify the commission of the establishment of the board and furnish the names of the members and their qualifications for serving on the board of appeals.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

R 408.30311 Commission as board of appeals.

Rule 311. The commission shall act as a whole to serve as a board of appeals for those governmental subdivisions or areas where the commission shall provide services.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

R 408.30315 Plumbing or electrical appeals.

Rule 315. Appeals referred to the commission and involving matters of plumbing or electrical in nature shall be directed first to the respective boards for a hearing. A person aggrieved by the decision of a board may then petition the commission to review the decision.

History: 1954 ACS 79, p. 92, Eff. Nov. 6, 1974.

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R 408.30316 Barrier free design board; appeals.

Rule 316. Appeals with regard to barrier free design rules shall be directed to the barrier free design board on an appropriate form through the plan review division of the commission.

History: 1954 ACS 89, p. 124, Eff. Nov. 13, 1976.

PART 4. BUILDING CODE

R 408.30401 Applicable code.

Rule 401. Rules governing the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures shall be those contained in the BOCA basic building code, 1978 edition, except sections 107.5, 107.6, 107.8, 108.6, 117.3, 117.3.1, 117.4, 117.5, 126.2.1, 126.2.2, 126.2.3, 126.2.4, 126.4, 126.5, 126.6, the definitions of building, degree heating day, exterior envelope, heated space, mobile unit, resistance thermal (R), structure, and thermal transmittance (Uo) in sections 201.3, 403.0 to 403.3, 406.2 to 406.8, 415.3, 419.4, 424.0 to 424.3.1, 1100.0 to 1104.1, 1301.2 to 1303.3, 1305.0 to 1305.4, 1306.0 to 1306.6, 1307.0 to 1307.1.4, 1310.2, 1310.3, 1311.0, 1311.1, 1313.0 to 1318.9, 1320.0 to 1321.1, 1500.0 to 1506.5, 1600.2 to 1606.2, 1607.1, 1607.3 to 1608.4, 1611.0 to 1612.1, 1614.0 to 1618.5, 1700.0 to 1705.4.3, 1800.5 and 2000.0 to 2003.2; and, with exceptions noted, it is incorporated herein by reference. The code is available for inspection at the Lansing office of the department of labor, bureau of construction codes. The code may be purchased from the Building Officials and Code Administrators International, Incorporated, 17926 South Halsted, Homewood, Illinois 60430, or from the Michigan Department of Labor, Bureau of Construction Codes, Michigan Secondary Complex, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $18.00 each.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974; 1954 ACS 89, p. 124, Eff. Nov. 13, 1976; 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

AMENDMENTS AND ADDITIONS TO BASIC CODE

R 408.30411 Title.

Rule 411. Section 100.1 of the code is amended to read as follows:

100.1. Title: These rules shall be known as the Michigan building code hereinafter referred to as the basic code. They shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the state.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974.

R 408.30412 Continuation of existing use.

Rule 412. Section 105.1 of the code is amended to read as follows:

105.1. Continuation of existing use: The legal use and occupancy of any structure existing on the effective date of enforcement or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the basic code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974.

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R 408.30413 Building official.

Rule 413. Section 107.1 of the code is amended to read as follows:

107.1. Building official: The administration and enforcement of the basic code shall be the responsibility of the enforcing agency in accordance with the act.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974.

R 408.30414 Approval.

Rule 414. Sections 109.1 and 109.4 of the code are amended to read as follows:

109.1. Approved materials and equipment: These items shall be approved or disapproved in accordance with section 21 of the act, and rules for use of these items shall be promulgated in accordance with section 6 of the act.

109.4. Alternate materials and equipment: The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternate has been approved.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974; 1954 ACS 89, p. 124, Eff. Nov. 13, 1976; 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30415 Jurisdictional cooperation.

Rule 415. Sections 110.5 and 111.3 of the code are amended to read as follows:

110.5. Jurisdictional cooperation: The building official may avail himself of the assistance and cooperation of police, fire, and health departments and all other officials as may be required in the performance of inspections.

111.3. Jurisdictional cooperation: The building official may avail himself of the assistance and cooperation of police, fire, and health departments and all other officials as may be required in securing a right of entry.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974; 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30416 Permits.

Rule 416. Section 113.1 of the code is amended to read as follows:

113.1. Action on application: The enforcing agency shall examine and issue a building permit in accordance with section 11 of the act.

History: 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30417 Fees.

Rule 417. Section 117.1 of the code is amended to read as follows:

117.1. General: A permit to begin work for new construction, alteration, removal, demolition, or other building operation shall not be issued until the fees prescribed by section 22 of the act have been paid to the enforcing agency or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee, due to an increase in the estimated cost of the work involved, be approved until the additional fee has been paid.

History: 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30418 Certificate of use and occupancy.

Rule 418. Sections 119.1 and 119.2 of the code are amended to read as follows:

119.1. New buildings: A building or structure hereafter erected shall not be used or occupied, in whole or in part, until the certificate of use and occupancy is issued by the building official in accordance with section 13 of the act.

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119.2. Buildings hereafter altered: A building or structure hereafter enlarged, extended, or altered to change from one use group to another or to a different use within the same use group, in whole or in part, shall not be used or occupied until the certificate of use and occupancy is issued by the building official in accordance with section 13 of the act.

History: 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30419 Violations.

Rule 419. Sections 121.1 and 121.4 of the code are amended to read as follows:

121.1. Unlawful acts: A person, firm, or corporation shall not erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or structure or equipment regulated by this code, or cause same to be done, contrary to, in conflict with, or in violation of, any of the provisions of this code or the act.

121.4. Violation penalties: Prohibited acts and penalties shall be in accordance with section 23 of the act.

History: 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30420 Stop-work order.

Rule 420. Sections 122.1 and 122.2 of the code are amended to read as follows:

122.1. Notice to owner: Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be stopped in accordance with section 12 of the act.

122.2. Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be subject to penalty provisions under section 23 of the act.

History: 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30421 Responsibilities.

Rule 421. Section 127.1 of the code is amended to read as follows:

127.1. Responsibilities: The provisions of this section shall define the construction controls required for all buildings involving professional architecture or engineering services and delineate the responsibilities of such professional services, together with those services that are the responsibility of the contractor during construction.

Exception: Residential construction less than 3,500 square feet, and public buildings whose construction, alterations, additions, or repairs do not exceed $5,000.00.

History: 1954 ACS 79, p. 93, Eff. Nov. 6, 1974; 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30422 Scope.

Rule 422. Section 300.1 of the code is amended to read as follows:

300.1. Scope: The provisions of this article shall control the division of the local municipality into fire limits as determined by the governing body of each locality within the state and the general limitations of height and area of all buildings hereafter erected, and extensions to existing buildings hereafter altered or enlarged as affected by the fire and life hazard incident to type of construction, use group, density of development, exterior exposure, and accessibility of buildings and structures to fire fighting facilities and equipment.

History: 1954 ACS 79, p. 94, Eff. Nov. 6, 1974; 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

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R 408.30423 Fire limits.

Rule 423. Section 301.2 of the code is amended to read as follows:

301.2. Fire limits: The fire limits shall comprise the areas containing congested business, commercial, manufacturing, and industrial uses or in which such uses are developing, and the limits of such areas are as determined by the governing body of the locality.

History: 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30427 Accessibility for use by the physically handicapped and aged.

Rule 427. Section 315 of the code is amended to read as follows:

315.0. Provisions for barrier free design: This section applies to all levels and areas used by the general public, employees, persons visiting or on the premises for any reason, and to all use groups except R-3, R-4, and T. Areas of a building or structure, such as mechanical equipment rooms, machine rooms, and penthouses housing equipment, may be excluded from the requirements.

Buildings and structures, and facilities within buildings and structures, meeting the requirements for barrier free design shall be clearly identified with the international symbol of accessibility for the handicapped.

315.1. Special requirements:

315.1.1. Use group R-1: At least 1 bedroom unit for every 25 bedroom units or fraction thereof in use group R-1 buildings shall be made accessible to, and usable by, physically handicapped persons. The bedroom units allocated for the physically handicapped shall be proportionately distributed throughout the range of size and price of the total bedroom units.

315.1.2. Use group R-2: In addition to multiple dwellings in this use group, the requirements for barrier free design shall apply to complexes and group housing. The requirements shall not apply to dormitories, lodging houses, and boarding houses having accommodations for less than 20 individuals. At least 1 dwelling unit for every 25 dwelling units, or fraction thereof, shall be accessible to, and usable by, physically handicapped persons, and shall be proportionately distributed throughout the ranges of sizes of the total dwelling units.

315.2. Building approaches: At least 1 primary entrance at a grade floor level of a building or structure shall be accessible by means of a walk uninterrupted by steps or abrupt changes in levels and with a width of not less than 5 feet and a gradient of not more than 1 foot in 20 feet. When practical difficulties are involved in carrying out this section, the gradient may be changed, but not to exceed the requirements for ramps. In this case, the walk shall comply with all of the requirements for ramps in section 615.0.

315.3. Off-street parking: Off-street parking facilities required for buildings under separate ordinances or zoning laws shall be provided in accordance with the following table and identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately 6 feet above grade. Each reserved parking space shall be not less than 12 feet wide. Where a curb exists between a parking lot surface and sidewalk surface, an inclined approach or a curb cut with a gradient of not more than 1 foot in 12 feet and a width of not less than 4 feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

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Total parking in lot	Required number of accessible spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

315.4. Interior access: Interior access to all levels required to be accessible to handicapped persons shall be provided by ramps meeting the requirements of section 615.0 or elevators. In addition, access to all points on each level shall be provided by means of passageways, corridors, and doorways meeting the requirements of sections 610.0 and 612.0. In R-2 structures, laundry and storage facilities shall be accessible from the handicapped units.

315.5. Access to electrical switches, controls, fire alarms, and convenience outlets: Light switches, controls, and fire alarms shall be located not more than 48 inches above the floor. Convenience outlets located within living units shall be located not less than 18 inches above the floor.

315.5.1. Where a public or pay phone is installed, the following shall apply:

(a) Five percent or not less than 1 telephone shall be accessible to, and usable by, physically handicapped persons.

(b) The telephones shall have the coin slot not more than 54 inches above the floor.

(c) Telephones shall be equipped to assist persons with a hearing disability and so designated.

315.6. Elevators: Elevators that are installed in multi-story buildings in order to provide interior access for physically handicapped individuals shall meet the following requirements:

(a) The elevator cab shall have a clear area of not less than 25 square feet, with a minimum dimension of 55 inches. Elevators serving not more than 3 stops may have a clear area of 22 square feet, with minimum dimensions of 48 inches from rear cab wall to inside face of car doors.

(b) The elevator door shall have a minimum clear opening width of 36 inches.

(c) The corridor landing buttons shall be located not more than 55 inches above the floor.

(d) Metal braille numbers shall be provided adjacent to cab control buttons and switches and shall be located not more than 60 inches above the floor.

(e) Metal tactile numbers shall be provided for floor designation on each floor, 60 inches above the floor, on the fixed point at the open side of the elevator door or on both sides, when center opening doors are used.

(f) At least 1 handrail shall be provided and located at normal handrail height within the elevator car.

(g) Elevator doors shall operate automatically, and the leading edge of car doors shall be equipped with a door safety shoe reversing device and a light ray door reversing device or other type proximity sensing reversing device.

(h) An audible gong shall sound when the elevator arrives at the ground floor landing where access to the building for the physically handicapped has been provided.

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315.7. Access to plumbing fixtures and kitchens: All toilet rooms with group facilities shall meet the requirements of sections 315.7.1, 315.7.2, 315.7.3, 315.7.4, and 315.7.5. Other toilet rooms shall meet the requirements of sections 315.7.2, 315.7.3, 315.7.4, 315.7.5, 315.7.6, and subdivisions (a), (d), and (e) of section 315.7.8. In all required toilet rooms, a minimum of 2% of toilet fixtures, but not less than 1 fixture of each type, shall meet these requirements.

315.7.1. (1) Where water closet stalls are provided, stalls for physically handicapped persons shall be not less than 42 inches wide by 72 inches deep. If the stall has a door, it shall swing out or slide and shall provide a clear opening of not less than 32 inches. When it is necessary to install the opening on the side instead of the front of the stall, the depth of the stall shall be a minimum of 84 inches. There shall be a minimum clear floor space of 48 inches by 48 inches in the front of the stall opening.

(2) Handrails shall be provided on each stall side wall. Handrails shall be not less than 48 inches long and 33 inches above and parallel to the floor, with the front end position 24 inches in front of the water closet. Each handrail shall be 1½ inches outside diameter, with 1½ inch clearance between rail and wall, and shall be anchored so as to withstand a force of 300 pounds.

315.7.2. At least 1 water closet shall have a narrow understructure that recedes sharply from the front and is centered at the rear wall, with the seat 17 inches above the finished floor. The trap shall not extend in front of, or be flush with, the lip of the bowl. The flush control shall be mounted no higher than 36 inches above the floor. The toilet paper holder shall be mounted within arm's reach of a person using the water closet, and shall not impede operation of the wheelchair.

315.7.3. When urinals are provided, there shall be at least 1 wall-mounted urinal, with the opening of the lip a maximum of 15 inches above the finished floor or shall be floor-mounted and level with the finished floor. Urinal shields shall not extend beyond the lip. If the urinal is enclosed in a stall, the width of the stall shall be a minimum of 36 inches and meet the depth and opening requirements of subsection (1) of section 315.7.1.

315.7.4. There shall be at least 1 lavatory that projects a minimum of 18 inches from the wall and is wall-mounted, with the bottom edge not less than 28 inches above the finished floor and with an opening not less than 26 inches wide. Maximum water temperature to outlets shall not exceed 120 degrees Fahrenheit. Faucets shall be lever or push-button type. When mounted in a counter, the rim shall be not more than 3 inches from the front.

315.7.5. Toilet room accessories, such as shelf, towel dispenser, electric hand dryer, sanitary napkin dispenser, disposal unit, and clothes hook, shall be mounted so that the bottom edge is no higher than 40 inches above the floor. The towel dispenser shall be mounted within arm's reach of a handicapped individual seated in a wheelchair in front of the lavatory. At least 1 mirror shall be full length or shall be mounted with the lower edge no more than 36 inches above the floor.

315.7.6. Handrails, water closets, lavatories, and accessories for small children, such as elementary school children, shall meet the requirements for their use.

315.7.7. Drinking fountains or other water dispensing means shall be accessible to, and usable by, handicapped persons. Drinking fountains shall be wall-mounted or semi-recessed. Fully recessed drinking fountains are not acceptable. If a drinking fountain is set in an alcove, the width of the recess shall be not less than 3 feet. Drinking fountains shall have the bottom edge of the apron not less than 28 inches above the finished floor, shall be mounted with an upper edge of the fountain base 36 inches above the floor, and shall be hand operated, with spout and controls at the front. The controls shall be push-button or lever type. A

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floor-mounted drinking fountain shall have a side-mounted fountain meeting the above requirements.

315.7.8. Bathroom for use group R-1 and R-2 structures. Each unit designated for the physically handicapped, as specified in sections 315.1.1 and 315.1.2, shall contain 1 bathroom that complies with the following requirements:

(a) A minimum of 5 feet by 5 feet clear floor space shall be provided. When the fixtures and controls of the bathtub, water closet, and lavatory, in that order, are located on the same wall, the clear space from the front of the water closet to the opposite wall may be reduced to 4 feet. The entrance door shall open out or slide, with a minimum clear opening of 32 inches.

(b) Bathtub water and waste controls shall have lever handles. Maximum water temperatures to water outlets shall not exceed 120 degrees Fahrenheit. The bathtub rim shall be no higher than 20 inches and no lower than 16 inches, and the interior length shall not exceed 5 feet 6 inches. A handrail, not less than 48 inches long, 5 inches above the rim, and centered on the back wall, shall be 1¼ inches in outside diameter, with 1½ inches clearance between rail and wall, and shall be fastened at ends and center so as to withstand a force of 300 pounds. The handrail and floor of the tub shall be nonslip when wet. Fixed tub enclosures are not allowed.

(c) A duplex electrical receptacle shall be provided within easy reach of a person seated in a wheelchair in front of the lavatory. The water closet, lavatory, and accessories shall otherwise conform to sections 315.7.2, 315.7.4, and 315.7.5.

(d) When a bathtub or water closet is in a separate room from the lavatory, the clear space between the front edge of the fixtures and the opposite wall shall be no less than 48 inches.

(e) When water closets do not have walls on each side for mounting handrails, a handrail shall be placed on the existing side wall space, if there is one, that is 42 inches long or no less than the wall length, and 1 handrail shall be placed on the wall behind the water closet 3 inches above the tank top or 33 inches above the finished floor for water closets without tanks. The design of handrails shall meet the requirements of subsection (2) of section 315.7.1.

(f) Where showers only are provided, the shower cubicle shall measure 3 feet by 3 feet inside dimensions. The threshold shall be no higher than 2 inches. The soap dish shall be mounted on the back wall and centered at 36 inches above the floor. The floor inside and outside the cubicle shall have a nonslip surface when wet. There shall be a clear floor space of not less than 5 feet by 5 feet outside of the cubicle.

315.7.9. Kitchens for use group R-1 and R-2 structures. Each unit containing kitchens, and designated for physically handicapped as specified in sections 315.1.1 and 315.1.2, shall contain 1 kitchen that shall comply, or be adjustable to comply, with the following requirements:

(a) A minimum of 5 feet clear floor space shall be provided between opposite cabinets or cabinets and walls, except that, where a toe space of 8¾ inches high by 6 inches deep is provided on each side, the clear space may be reduced to 4 feet.

(b) Counter height shall be 34 inches, if fixed, or may be adjustable.

(c) The sink shall be a maximum of 6 inches in depth, with lever-type controls. There shall be a space not less than 28 inches above the finished floor, 26 inches wide and 12 inches deep under the sink. Maximum water temperatures to water outlets shall not exceed 120 degrees Fahrenheit.

(d) A work space shall be provided that is not less than 26 inches wide, and has a clear opening 26 inches wide, 28 inches high, and 24 inches deep. This work space may be provided by an adjustable counter or pull-out sections.

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315.8. Seating accommodations: Places of assembly with fixed seating arrangements shall provide viewing positions for persons in wheelchairs in accordance with the following schedule:

Capacity of assembly space	Number of viewing positions
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

Viewing positions for wheelchair persons shall be provided in a reasonable and convenient section or sections of the facility by providing level clear space, devoid of any fixed seating arrangements.

These positions shall be located so as not to interfere with egress from any row of seats, and shall not infringe upon aisle requirements.

There shall be no steps in the aisles or in the access route used by the physically handicapped to reach the performance viewing positions, but the aisles may be inclined.

315.9. Checkout lanes and turnstiles: Buildings which include checkout lanes shall provide, on each floor, at least 1 checkout lane which is not less than 36 inches wide.

Buildings which utilize turnstiles to control pedestrian traffic shall provide a clearly marked alternate and independent access route which is not less than 36 inches wide.

History: 1954 ACS 79, p. 94, Eff. Nov. 6, 1974; 1954 ACS 89, p. 125, Eff. Nov. 13, 1976; 1954 ACS 101, p. 81, Eff. Nov. 21, 1979.

R 408.30428 Special historical buildings and districts.

Rule 428. Section 316.2 of the code is added to read as follows:

316.2. Repairs, alterations, and additions necessary for the preservation, restoration, or continued use of an existing building or structure may be exempt, provided both of the following conditions are satisfied:

(a) The building or structure has been designated by the Michigan history division, department of state, as being on the national register of historic places or the state register of historic sites, or the building or structure is eligible for either register.

(b) Sufficient evidence is presented to the barrier free design board to establish the fact that adherence to the barrier free design provisions of the general rules or any provisions thereof would destroy or diminish a significant feature of the building's or structure's historical character or integrity, or both.

History: 1954 ACS 101, p. 85, Eff. Nov. 21, 1979.

R 408.30429 Volatile flammables.

Rule 429. Section 402.1 of the code is amended to read as follows:

402.1. Requirements: Volatile flammables shall conform to the requirements of the flammable liquids rules, being R 28.639 to R 28.663 of the Michigan

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Administrative Code, as promulgated pursuant to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws, and administered by the department of state police, fire marshal division.

History: 1954 ACS 101, p. 85, Eff. Nov. 21, 1979.

R 408.30430 Liquefied petroleum gas.

Rule 430. Section 406.1 of the code is amended to read as follows:

406.1. General: Requirements for liquefied petroleum gas shall conform to the requirements of the liquefied petroleum gases rules, being R 28.3801 to R 28.3806 of the Michigan Administrative Code, as promulgated pursuant to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws, and administered by the department of state police, fire marshal division.

History: 1954 ACS 101, p. 85, Eff. Nov. 21, 1979.

R 408.30431 Dry cleaning establishments.

Rule 431. Section 412.1 of the code is amended to read as follows:

412.1. General: Dry cleaning establishments shall conform to the requirements of the dry cleaning act, being Act No. 327 of the Public Acts of 1947, as amended, being §29.201 et seq. of the Michigan Compiled Laws, and administered by the department of state police, fire marshal division.

History: 1954 ACS 89, p. 129, Eff. Nov. 13, 1976; 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30432 Gasoline storage and distribution.

Rule 432. Section 415.2 of the code is amended to read as follows:

415.2. Gasoline storage and distribution shall conform to the flammable liquids rules, being R 28.601 to R 28.740 of the Michigan Administrative Code, as promulgated pursuant to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws, and administered by the department of state police, fire marshal division.

History: 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30433 High rise buildings.

Rule 433. Sections 431.1 and 431.3 of the code are amended to read as follows:

431.1. Applicability: The provisions of this section apply to all buildings of the following use groups when such buildings have floors used for human occupancy located more than 40 feet above the lowest level of fire department vehicle access:

1. Use group B (business).
2. Use group R-1 (residential, hotel).
3. Use group R-2 (residential, multi-family).

431.3. Options: All buildings and structures more than 40 feet in height shall be provided with either an approved automatic fire suppression system in accordance with section 431.3.1 or safe areas of refuge (compartmentation in accordance with section 431.3.2). Buildings more than 75 feet in height shall be designed in accordance with section 431.3.1.

History: 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30442 Unit of egress width.

Rule 442. Section 608.1 of the code is amended to read as follows:

608.1. Unit of egress width: The unit of egress width for all approved types of means of egress parts and facilities shall be 22 inches with a credit of ½ unit for each 12 inches width in addition to 1 or more 22-inch units. Fractions of a unit of

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width less than 12 inches shall not be credited. A door 40 inches in width shall be deemed the equivalent of 2 full units of exit width. Each opening shall be computed separately in determining the number of required units of exit width.

History: 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30443 Means of egress doorways.

Rule 443. Section 612.8 of the code is amended, and section 612.9 of the code is added, to read as follows:

612.8. Door arrangement: (1) Single-acting doors in series may be operated by time delay closing devices, or shall be spaced 7 feet apart in a closed position to allow for use by persons in wheelchairs.

Exception: Power-operated doors, 1- and 2-family dwellings (use groups R-3 and R-4) and use group T.

(2) Double-acting doors shall be spaced not less than 5 feet apart when in a closed position.

612.9. Entrance doorway grading: All entrance doors designed to provide access for the physically handicapped shall have the surfaces at the inside and outside face of the doors at the same elevation. A hard surfaced area shall be provided at the exterior, that shall be not less than 5 feet in depth, measured from the face of the door, and shall extend not less than 3 feet beyond the latch side of the door. The floor and exterior surface shall not have a grade of more than ¼ inch per foot for a distance of 5 feet from either face of the door.

History: 1954 ACS 79, p. 98, Eff. Nov. 6, 1974; 1954 ACS 89, p. 129, Eff. Nov. 13, 1976; 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30445 Ramps.

Rule 445. Sections 615.2.1 and 615.3 of the code are amended, and section 615.7 of the code is added, to read as follows:

615.2.1. Width: The minimum width of an egress ramp shall be not less than that required for corridors by section 610.3. Ramps used to provide access for the physically handicapped, but not as an egress ramp, shall be not less than 44 inches wide.

615.3. Landings: Landings shall be provided at all ramp points of turning, entrance, exiting, and doors, and the distance of travel shall not be more than 30 feet between landings. All landings shall be of such length as to provide a minimum of 42 inches clear from any door swing to the ramp. Minimum landing length shall be 42 inches, and the bottom landing of any ramp or set of ramps and landings of a straight run shall be not less than 72 inches.

615.7. Guards: Guards shall be provided at the open sides of ramps and shall conform to the requirements of section 616.5.2.

History: 1954 ACS 79, p. 98, Eff. Nov. 6, 1974; 1954 ACS 89, p. 130, Eff. Nov. 13, 1976; 1954 ACS 101, p. 86, Eff. Nov. 21, 1979.

R 408.30446 Rescinded.

History: 1954 ACS 79, p. 98, Eff. Nov. 6, 1974; 1954 ACS 89, p. 129, Eff. Nov. 13, 1976; rescinded 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30448 Hazards in means of egress.

Rule 448. Section 625.5 of the code is added to read as follows:

625.5. Floor coverings: Where carpets are used as floor coverings in the means of egress or on ramps that provide access for the physically handicapped, they shall be high density, flat pile, and securely anchored.

History: 1954 ACS 79, p. 99, Eff. Nov. 6, 1974; 1954 ACS 89, p. 130, Eff. Nov. 13, 1976; 1954 ACS 101, p. 87, Eff. Nov. 21, 1979.

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R 408.30449 Frost protection.

Rule 449. Section 724.1 of the code is amended to read as follows:

724.1. Frost protection: Except when erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of all buildings and structures, except those of use group T, shall extend below the frost line of the locality and spread footings of adequate size shall be provided when necessary to properly distribute the load within the allowable bearing value of the soil, or such structures shall be supported on piles or ranging timbers when solid earth to rock is not available. Footings shall not be founded on frozen soils unless such frozen condition is of a permanent character.

History: 1954 ACS 101, p. 87, Eff. Nov. 21, 1979.

R 408.30456 Human impact loads.

Rule 456. Section 857.5.6.1 of the code is amended to read as follows:

857.5.6.1. Specific hazardous locations: The following shall be considered specific hazardous locations for purposes of glazing:

1. Glazing in doors.
2. Glazing in fixed and sliding panels of sliding-type doors (patio and mall type).
3. Glazing in storm doors or combination doors.
4. Glazing in bathtub doors and enclosures.
5. Glazing in shower doors and enclosures.
6. Glazing in operable and nonoperable openings in residential buildings within 12 inches horizontally of the nearest vertical edge of door in a closed position, and whose bottom edge is below the level of the top of the door.
7. Glazing in operable and nonoperable openings in nonresidential buildings within 48 inches of the nearest vertical edge of door in a closed position, and whose bottom edge is below the level of the door.
8. Glazing in nonresidential buildings, not covered above, that meet all the following conditions:

(a) The lowest edge of the glazing material is less than 18 inches above any floor or any walking surface.

(b) Exceeds 9 square feet.

(c) There is a walking surface on both sides either of which is within 36 inches of such panel and the horizontal planes of such walking surfaces are within 12 inches of each other.

Exceptions in all buildings:

1. Glazing panels where an intervening interior permanent wall is between the door and panel.
2. Glazing panels that have a horizontal framing or permanent chair rail not less than 1¼ inches in width, which is located between 24 and 36 inches above the walking surface.
3. Louvers of jalousie doors.
4. Openings in doors through which a 3-inch diameter sphere is unable to pass.
5. Leaded glass panels where no individual piece of glass has an area greater than 30 square inches.
6. Glazing materials used as curved glazed panels in revolving doors.
7. Commercial refrigerated cabinet glazed doors.

History: 1954 ACS 79, p. 99, Eff. Nov. 6, 1974; 1954 ACS 89, p. 131, Eff. Nov. 13, 1976; 1954 ACS 101, p. 87, Eff. Nov. 21, 1979.

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R 408.30457 Fire protection.

Rule 457. Section 1106.4 of the code is amended to read as follows:

1106.4. Fire protection: Drying rooms designed for high hazard materials and processes shall be protected by approved automatic sprinkler or fog systems, manually controlled steam smothering system, or other approved fire-extinguishing equipment conforming to the provisions of article 12 and the mechanical code listed in appendix B.

History: 1954 ACS 101, p. 88, Eff. Nov. 21, 1979.

R 408.30458 Rescinded.

History: 1954 ACS 89, p. 131, Eff. Nov. 13, 1976; rescinded 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30459 Rescinded.

History: 1954 ACS 79, p. 100, Eff. Nov. 6, 1974; rescinded 1954 ACS 89, p. 131, Eff. Nov. 13, 1976.

R 408.30460 Automatic fire alarm systems.

Rule 460. Section 1216.9.2 of the code is amended to read as follows:

1216.9.2. Alarms: Audible and visual alarms of an approved type shall be provided. The operation of any detection device shall cause all audible and visual alarms to operate. Alarm-sounding devices shall be an approved type, shall provide a distinctive tone, and shall not be used for any other purpose than that of a fire alarm. They shall be located so as to be effectively heard above all other sounds by all the occupants in every occupied space within the building. Visual alarm devices shall be mounted in, and be visible from, all points of any exitway. The bottom of the alarm shall not be mounted lower than 6 feet 8 inches above the floor.

History: 1954 ACS 89, p. 131, Eff. Nov. 13, 1976; 1954 ACS 101, p. 88, Eff. Nov. 21, 1979.

R 408.30461 Manual fire alarm systems (pull stations).

Rule 461. Section 1217.7.2 of the code is amended to read as follows:

1217.7.2. Alarms: Audible and visual alarms of an approved type shall be provided. The operation of any fire alarm device shall cause all audible and visual alarms to operate. Alarm-sounding devices shall be of an approved type, shall provide a distinctive tone and shall not be used for any other purpose than that of a fire alarm. They shall be of such character and so located as to be effectively heard above all other sounds by all the occupants in every occupied space within the building. Visual alarms shall be mounted in, and visible from, all points of any exitway. The bottom of the alarm shall not be mounted lower than 6 feet 8 inches above the floor.

History: 1954 ACS 89, p. 131, Eff. Nov. 13, 1976; 1954 ACS 101, p. 88, Eff. Nov. 21, 1979.

R 408.30495 Rescinded.

History: 1954 ACS 79, p. 100, Eff. Nov. 6, 1974; 1954 ACS 89, p. 131, Eff. Nov. 13, 1976; rescinded 1954 ACS 101, p. 80, Eff. Nov. 21, 1979.

R 408.30497 Appendix B.

Rule 497. Appendix B, unclassified miscellaneous, is amended to read as follows:

Unclassified Miscellaneous

Basic Property Maintenance Code ..... BOCA—1978
Building Materials and Equipment—
Coordination of Dimensions of ..... ANSI A62.1—57

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Demolition—Safety Requirements for ..... ANSI A10.6—69
Fallout Shelters—Suggested Building
Code Provisions for DOD-OCD-TR-36-1966
Flood Proofing Regulations ..... U.S. Army—1972
Floor and Wall Openings, Railings, and
Toe Boards—Safety Requirements for ..... ANSI A12.1—73
Installing Vitrified Clay Sewer Pipe—
Recommended Practice for ..... ASTM C12—74
Loads, Minimum Design in Buildings and Other Structures—
Building Code Requirements for ..... ANSI A58.1—72
Safety Requirements for Shoring Concrete
Formwork—Recommended ..... SSSI—73
Signs and Outdoor Display Structures—
Building Code Requirements for ..... ANSI A60.1—49
Waterproofing and Drainage of Floors—Manual on ..... NFiPA 92M—72

The unclassified miscellaneous category of appendix B (accepted engineering practice standards) shall include the 1- and 2-family dwelling code, BOCA, AInA, SSBC, ICBO 1975 edition, with 1976 supplement thereto, except section R-209, part IV, and part V; and with exceptions noted, is incorporated herein by reference together with section 857.5.6 of the basic building code, 1978 edition. The 1- and 2-family dwelling code is available for inspection at the Lansing office of the department of labor, bureau of construction codes; the code may be purchased from the Building Officials and Code Administrators International, Incorporated, 17926 South Halsted, Homewood, Illinois 60430, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $9.00.

History: 1954 ACS 89, p. 132, Eff. Nov. 13, 1976; 1954 ACS 101, p. 88, Eff. Nov. 21, 1979.

PART 6. MOBILE HOME CODE

R 408.30601 Applicable code.

Rule 601. (1) Rules governing the body and frame design and construction requirements, and installation of plumbing, heating and electrical systems in mobile homes shall be those contained in the standard for mobile homes, NFPA No. 501B-1973, ANSI No. A119.1-1974, incorporated herein by reference.

(2) The code may be examined at the office of the construction code commission in Lansing.

(3) The code may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210 or from the Construction Code Commission, 414 North Larch Street, Lansing, Michigan 48926 for a fee of $2.50 plus mailing.

History: 1954 ACS 84, p. 54, Eff. June 27, 1975.

AMENDMENTS AND ADDITIONS TO THE MOBILE HOME CODE

R 408.30611 Interior walls, partitions, and ceilings.

Rule 611. Part B, section 7.3 is amended to read as follows:

7.3. Interior walls, partitions and ceilings. The interior finish of habitable rooms and hallways (excluding molding, doors, trim, cabinets and splash panels) shall be of materials whose flame spread classification shall not exceed 200 when tested by the standard method of test for surface burning characteristics of building materials (ANSI A2.5-1970; ASTM E84-70; UL 723-1971; NFPA No. 255-1972). A

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door or doors serving a closet with an opening exceeding 21 square feet shall comply with this requirement. The interior finish of enclosures for furnaces and water heaters (including doors) shall be of materials whose flame spread rating shall not exceed 25.

History: 1954 ACS 84, p. 54, Eff. June 27, 1975.

R 408.30616 Exit facilities.

Rule 616. Part B, section 8.3.1, paragraph (c) is amended to read as follows:

8.3.1(c). Every room designed expressly for sleeping purposes, unless it has an exit door (see par. 8.3.1(b)), shall have at least 1 outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 22 inches in least dimension and 5 square feet in area with the bottom of the opening not more than 3 feet above the floor. Where a screen or storm window is required to be removed from this window to permit emergency egress, it shall be readily removable without requiring the use of tools.

History: 1954 ACS 84, p. 54, Eff. June 27, 1975.

R 408.30621 Glass and glazed openings.

Rule 621. Part B, section 8.5.1.1, is amended to read as follows:

8.5.1.1. Glazing in hazardous locations shall comply with table B-2.

TABLE B-2

Glazing in the Following Specific Hazardous Locations Shall Meet the Following Requirements:

Specific Hazardous Locations	Size of Individual Glazed Area	Requirements
Glazing in exit and entrance doors	All sizes	Each glazed area shall pass the requirements of ANSI Standard Z97.1-1972.
Fixed glazed panels	Fixed glazed panels over 300 sq. in.	Each glazed area shall pass the requirements of ANSI Standard Z97.1-1972.
Glazing in storm doors	All sizes	Each glazed area shall pass the requirements of ANSI Standard Z97.1-1972.
Glazing in sliding doors (both fixed and sliding panels)	All sizes	Each glazed area shall pass the requirements of ANSI Standard Z97.1-1972.
Glazing in all unframed doors (swinging)	All sizes	Each glazed area shall be fully tempered glass and pass the requirements of ANSI Standard Z97.1-1972.
Glazing in shower doors and tub enclosures	All sizes	Each glazed area shall pass the test requirements of ANSI Standard Z97.1-1972.

History: 1954 ACS 84, p. 54, Eff. June 27, 1975.

R 408.30626 Plans for physically handicapped.

Rule 626. Part B, section 8, is amended to read as follows:

8.6. Plans for physically handicapped. All manufacturers shipping into or building in the State of Michigan shall have mobile home floor plans available

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providing barrier free design for persons with physical limitations. These plans shall conform with the following sections of part 4 of the Michigan construction code, if and as required by the purchaser:

Section 318.5.

Section 318.78, parts (a), (b), (c) except 318.74 and 318.75, (d), (e) and (f).

Section 318.79 except first sentence and reference to 318.11 and 318.12, (a), (b), (c) and (d).

Sections 614.2, 617.1, 617.2, 617.3, 627.1, 627.2, 627.3 and 627.4.

History: 1954 ACS 84, p. 55, Eff. June 27, 1975.

R 408.30631 Mobile home fire protection equipment.

Rule 631. Part B, section 9, is amended to read as follows:

9. Mobile home fire protection equipment.

9.1. General. At least 1 listed smoke detector (which may be a single station alarm device) shall be installed in each mobile home. Detectors shall operate from an AC or combination AC/battery power source.

9.2. Smoke detector location. Smoke detector(s) shall be located outside of bedrooms, in a hallway or space communicating thereto, surface-mounted on or near the ceiling, and shall be installed in accordance with the manufacturer's instructions. Mobile homes having bedrooms separated by any 1 or combination of common use areas, such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least 2 detectors.

9.3. Alarm sounding device. Every detecting device shall cause the operation of an alarm signaling device or devices which shall be clearly audible in all bedrooms with all intervening doors closed.

9.3.1. All alarm sounding devices shall be rated not less than 85 decibels at 10 feet.

9.4. Detector trouble signals. Detectors requiring a light source for operation shall have an audible trouble signal on failure of the light source, but such failure shall not cause an alarm. Detectors not requiring a light source for operation shall have either a visible light to indicate operability or an audible trouble signal. Audible trouble signals shall be designed to operate at least every minute for 7 consecutive days.

9.5. Testing. The mobile home manufacturer should provide instructions (supplied by the device manufacturer) for the periodic testing of the detector(s).

9.6. Fire extinguisher. The manufacturer shall provide a listed 2A-10B-C portable fire extinguisher, as is set forth in NFPA No. 10-1974, standard for the installation, maintenance and use of portable fire extinguishers, which standard is incorporated herein by reference.

9.7. This standard may be examined at the office of the construction code commission in Lansing.

9.8. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210 or from the Construction Code Commission, 414 North Larch Street, Lansing, Michigan 48926 for a fee of $3.00 plus mailing.

9.9. The extinguisher shall be positioned in the kitchen area, in a convenient location, readily accessible but not necessarily visible.

History: 1954 ACS 84, p. 55, Eff. June 27, 1975.

R 408.30636 Water connection.

Rule 636. Part C, section 11.2.1, is amended to read as follows:

11.2.1. Water connection. Each mobile home with a water distribution system shall be equipped with a ¾-inch inlet coupling located within the rear half of the

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length of the mobile home. This inlet should be located as near as possible to a point 30 feet from the front of the mobile home, and left (road side) of the center line. This connection shall be tagged or marked "Fresh Water Connection" (or "Fresh Water Fill"). A matching cap or plug shall be provided to seal the water inlet when it is not in use, and shall be attached with a substantial chain. When supplied, heat tape shall be of the listed type, tested and labeled.

History: 1954 ACS 84, p. 56, Eff. June 27, 1975.

(By authority conferred on the construction code commission by section 4 of Act No. 230 of the Public Acts of 1972, being §125.1504 of the Michigan Compiled Laws)

PART 7. PLUMBING CODE

R 408.30701 Applicable code.

Rule 701. Rules governing the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials shall be those contained in the BOCA basic plumbing code, 1975 edition, except sections P-102.0, P-105.0, P-302, P-501.2, P-908.2, P-912.2, P-914.2, P-915.0, P-1101.5, P-1205.2, P-1400.0 to P-1404.0, P-1500.0 to P-1511.4, P-1605.8, P-1605.11.6, and P-1700.0 to P-1705.2; and with exceptions noted, they are incorporated herein by reference. The code is available for inspection at the Lansing office of the Michigan department of labor. The code may be purchased from the Building Officials and Code Administrators, International, Incorporated, 1313 East 60th Street, Chicago, Illinois 60637 or from the Michigan Department of Labor, Bureau of Construction Codes, Michigan Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926 at a cost of $9.50 each plus mailing costs.

History: 1954 ACS 81, p. 102, Eff. May 19, 1975; 1954 ACS 91, p. 45, Eff. June 16, 1977.

R 408.30709 Rescission.

Rule 709. Rules 1 to 141 of the rules of the state plumbing board, being R 338.901 to R 338.914 of the Michigan Administrative Code and appearing on pages 3801 to 3818 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 81, p. 102, Eff. May 19, 1975.

AMENDMENTS AND ADDITIONS TO BASIC PLUMBING CODE

R 408.30711 Title.

Rule 711. Section P-100.3 of the code is amended to read as follows:

P-100.3. Title. This part shall be known as the Michigan plumbing code and is hereinafter referred to as the plumbing code or this code.

History: 1954 ACS 81, p. 102, Eff. May 19, 1975; 1954 ACS 91, p. 46, Eff. June 16, 1977.

R 408.30712 Violations.

Rule 712. Section P-117.0 of the code is amended to read as follows:

P-117.0. Violations. Written notice of any violation of this code shall be given by the administrative authority to the violator within 7 days thereof, upon his failure to remove the violation within a reasonable time, prosecution for violation of this code shall be commenced against him.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; 1954 ACS 91, p. 46, Eff. June 16, 1977.

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R 408.30714 Definition of plumbing terms.

Rule 714. Section P-201.0 of the code is amended to read as follows:

P-201.0. Definition of plumbing terms. Administrative authority. The individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended; except when used in sections P-301.3.1, P-301.3.2, P-401.1, P-405.2.2, P-405.2.8, P-405.3.3, P-405.5.1, P-406.8, P-502.6, P-502.7, P-602.3.3, P-602.5.1, P-602.5.4, P-916.0, P-1002.3.1, P-1216.2, P-1605.11.4; it means the state administrative authority and not a local authority.

(All other definitions within the section remain the same.)

History: 1954 ACS 91, p. 46, Eff. June 16, 1977.

R 408.30715 Plans; prior approval required.

Rule 715. Section P-112.31 of the code is added to read as follows:

P-112.31. Plans, prior approval required. Plans submitted for approval for hospitals, nursing homes, and homes for the aged shall be approved by the department of health or the licensing or certifying agency having jurisdiction, or both, prior to submission to the administrative authority.

History: 1954 ACS 91, p. 46, Eff. June 16, 1977.

R 408.30721 Rescinded.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; rescinded 1954 ACS 91, p. 45, Eff. June 16, 1977.

R 408.30722 New buildings.

Rule 722. Section P-301.1 of the code is amended to read as follows:

P-301.1. New buildings. All plumbing materials and plumbing systems or parts thereof installed hereafter shall meet the provisions of this code.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; 1954 ACS 91, p. 46, Eff. June 16, 1977.

R 408.30723 Existing buildings.

Rule 723. Section P-301.2 of the code is amended to read as follows:

P-301.2. Existing buildings. In existing buildings or premises in which plumbing installations are to be altered, renovated, or replaced, such new materials and work shall meet the provisions of this code. Where the administrative authority shall find that the full performance of bringing such work into compliance with all requirements of this code would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability, a deviation may be granted by the administrative authority only where, and to the extent, necessary to relieve such exceptional or undue hardship, and only where, and to the extent, such deviation can be granted without impairing the intent and purpose of this code. A record, open to inspection by the public, shall be maintained by the administrative authority of each and every deviation allowed under the terms of this section.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; 1954 ACS 91, p. 46, Eff. June 16, 1977.

R 408.30724 Public systems available.

Rule 724. Section P-308.2 of the code is amended to read as follows:

P-308.2. Public systems available. A public water supply system or public sewer system, or both, shall be deemed available to premises used for human occupancy if such premises are within 200 feet, measured along a street, alley, or

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easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in this code may be made thereto.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; 1954 ACS 91, p. 47, Eff. June 16, 1977.

R 408.30725 Industrial-commercial chemical waste information.

Rule 725. Section P-309.3 of the code is added to read as follows:

P-309.3. Industrial-commercial chemical waste information. When plans of plumbing installations that involve industrial or commercial type wastes are submitted for approval, complete process information shall accompany the plans. The information shall include without limitation the following:

(a) Description of process yielding the waste.

(b) Composition and concentration of chemical mixtures in the process.

(c) Composition of wastes and concentration of constituents.

(d) Quantities of wastes to be treated and rates of discharge to treatment equipment.

(e) Capacity of largest process tank or tanks that will be simultaneously discharged.

(f) Water demands of the industrial waste producing process.

(g) Description of waste treatment equipment to be used, including capacities, methods of treatment, quality of effluent, nature and disposition of products resulting from treatment.

History: 1954 ACS 81, p. 103, Eff. May 19, 1975; 1954 ACS 91, p. 47, Eff. June 16, 1977.

R 408.30725a Radioactive material.

Rule 725a. Section P-309.4 of the code is added to read as follows:

P-309.4. Radioactive material. Possession of radioactive material is regulated by state or federal license. The disposal of radioactive material shall not create a hazard to operational or maintenance personnel of the institution or to the public. Radioactive waste disposal is controlled by the Michigan department of public health by conditions for disposal in a radioactive material license issued under authority of Act No. 305 of the Public Acts of 1972, being §325.451 et seq. of the Michigan Compiled Laws and the ionizing radiation rules, being R 325.5001 et seq. of the Michigan Administrative Code, or is controlled by the U.S. nuclear regulatory commission by conditions for disposal in a license issued under authority of the atomic energy act of 1954 and 10 C.F.R. Part 20.

History: 1954 ACS 91, p. 47, Eff. June 16, 1977.

R 408.30726 Freezing.

Rule 726. Section P-313.3 of the code is amended to read as follows:

P-313.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration. In climates with freezing temperatures, plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 47, Eff. June 16, 1977.

R 408.30731 Water service pipe.

Rule 731. Section P-405.1.2 of the code is amended to read as follows:

P-405.1.2. Water service pipe. Water service pipe shall be made of asbestos cement pipe, brass pipe, copper pipe, copper tube, cast iron water pipe, open-hearth iron pipe, plastic pipe, or steel pipe. Copper tube when used underground shall have a weight not less than copper water tube type L. All threaded ferrous

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pipe and fittings shall be galvanized or cement lined. When used underground in corrosive soil or fill, the piping material or protective coating or covering shall be as approved by the construction code commission.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 47, Eff. June 16, 1977.

R 408.30733 Glass pipe.

Rule 733. Section P-501.12 of the code is added to read as follows:

P-501.12. Glass pipe. Joints in glass piping shall be made with couplings or gasket with corrosion resistant compression clamp, and installed in accordance with the manufacturer's instructions.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30734 Grooved joints, rubber gasket, and clamp.

Rule 734. Section P-501.19 of the code is added to read as follows:

P-501.19. Grooved joints, rubber gasket, and clamp. Grooved joints shall consist of 2 properly prepared, grooved, ends of pipe or fittings sealed by an elastomeric gasket, and secured in place by a specially designed clamp for potable water and storm water.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30736 Prohibited connections on water systems.

Rule 736. Section P-506.0 of the code is added to read as follows:

P-506.0. Prohibited connections on water systems. Branch connections to water distribution piping shall only be made with fittings meeting the appropriate material standard. So-called saddle fittings and connections are prohibited.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30738 Short sweeps permitted.

Rule 738. Section P-602.2.2 of the code is amended to read as follows:

P-602.2.2. Short sweeps permitted. Short sweeps not less than 3 inches in diameter may be used in soil and waste lines where the change in direction of flow is from either the horizontal to the vertical or from the vertical to the horizontal, and may be used for making necessary offsets between the ceiling and the next floor above. Short sweep quarter bends shall not be used at the base of stacks.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30741 Prohibited fittings.

Rule 741. Section P-602.3.1 of the code is amended to read as follows:

P-602.3.1. Prohibited fittings. A tee branch shall not be used as a drainage fitting. A fitting or connection which has an enlargement chamber or recess with a ledge or shoulder, or reduction in pipe area shall not be used. Running threads, bands, or saddles shall not be used. Drainage or vent piping shall not be drilled, tapped, or welded.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30741a Drainage piping in food storage areas.

Rule 741a. Section P-602.34 of the code is added to read as follows:

P-602.34. Drainage piping in food storage areas. Refer to department of health regulations which prohibit the installation of exposed soil or waste piping above any working, storage, or eating surfaces in kitchens, dining rooms, or food storage areas in food service establishments.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

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R 408.30741b Building sumps in single- and 2-family dwellings.

Rule 741b. Section P-602.5.3 of the code is amended to read as follows:

P-602.5.3. Building sumps in single- and 2-family dwellings. A sump which receives only sub-soil discharge or other clear water wastes, such as condensate or cooling water, shall not be required to have either a gas-tight cover or a vent. Laundry wastes shall be excluded from such sumps.

If a basement or cellar water closet discharges into the building sump of a single- or 2-family dwelling, the sump shall be individually vented by means of 2-inch vent.

If no water closet is connected to the building sump, the sump shall be vented either by means of a 2-inch underground fixture waste, terminating in a stack, or a separate 2-inch underground vent changed to a 1½-inch stack at floor level and increased to a 3-inch at the roof, or a 2-inch vent shall be led outside the structure to terminate not less than 1 foot above grade and not less than 3 feet from a door, window or air duct. The vent shall not terminate in an unventilated space under a porch or terrace, nor in an inaccessible place. The vent terminal shall be equipped with a vent cap.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30741c Food handling establishments.

Rule 741c. Section P-701.1.1 of the code is amended to read as follows:

P-701.1.1. Food handling establishments. Establishments or institutions, other than private dwellings, shall have the drains from all fixtures, appliances, counters, compartments, storage rooms, refrigerator receptacles, appurtenances, or devices, which are used, designed, or intended to be used in the manufacture, preparation, processing, storage, or handling of food, ice, or drinks, connected to appropriately located indirect waste pipes which, in turn, shall discharge atmospherically over an indirect waste sink or other acceptable receptacle, except that dishwashing sinks, dishwashing machines, or culinary sinks not used for soaking or washing ready-to-serve foods, are excluded from the foregoing requirement.

The waste from dishwashing sinks and machines, or culinary sinks directly connected to the drainage system shall have a properly vented floor drain connected into the same branch, within 3 feet of the fixture.

History: 1954 ACS 91, p. 48, Eff. June 16, 1977.

R 408.30742 Swimming pools.

Rule 742. Section P-701.1.6 of the code is amended to read as follows:

P-701.1.6. Swimming pools. Pipes carrying waste water from swimming or wading pools, including pool drainage, back wash from filters, and water from floor drains which serve walks around pools, may be installed as piping for an indirect waste. Where the recirculation pump is used to discharge waste pool water to the drainage system, the pump discharge line shall be installed to convey an indirect waste to the sewer.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 49, Eff. June 16, 1977.

R 408.30743 Air gap or air break required.

Rule 743. Section P-701.2 of the code is amended to read as follows:

P-701.2. Air gap or air break required. All indirect waste piping shall discharge into the building drainage system through an air gap or air break, as set forth in section P-701.1 of this code.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 49, Eff. June 16, 1977.

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R 408.30743a Automatic laundry machines.

Rule 743a. Section P-701.3.6 of the code is amended to read as follows:

P-701.3.6. Automatic laundry machines. All automatic laundry machines shall be indirectly wasted. An automatic laundry machine waste shall not discharge into a bathroom fixture, kitchen sink, or other fixture used for culinary, utensil, or body cleansing.

History: 1954 ACS 91, p. 49, Eff. June 16, 1977.

R 408.30743b Water supply required.

Rule 743b. Section P-701.6 of the code is added to read as follows:

P-701.6. Water supply required. Water shall be individually supplied to all indirect waste receptors so as to maintain trap seal and cleansing facilities.

History: 1954 ACS 91, p. 49, Eff. June 16, 1977.

R 408.30744 Supermarket indirect waste system.

Rule 744. Section P-703.0 of the code is added to read as follows:

P-703.0. Supermarket indirect waste system. In supermarkets which have no basements, instead of discharging all branches from indirect waste sinks, air-gapped standpipes, and similar waste piping to a sanitary system, it will be permissible to assemble all such wastes into an underground system which discharges to an interceptor.

The interceptor shall be of watertight construction at least 4 feet deep, of vitrified clay pipe or equal. It shall have a minimum discharge pipe of 3 inches in diameter to the sanitary system, with a cleanout at floor level, on the outlet leg. The interceptor shall be a minimum of 24 inches in diameter. There shall be a 12 inch dirt pocket at the base, the water seal shall be 4 inches, the top shall have a solid cover and the interceptor shall be vented by a fresh air vent or stack whose diameter is 3 inches.

The drains on the fixture side of the interceptor shall discharge above the liquid level of the interceptor. The underground drain shall be not less than 3 inches in diameter and shall terminate in a vent stack the minimum size of which is 3 inches. All floor sinks, fixtures, or other trapped receptacles the waste from which must discharge with a vertical branch connected to the underground drain, shall be vented. A vent from the indirect waste system shall not be connected with a vent on the regular system of the premises.

History: 1954 ACS 91, p. 49, Eff. June 16, 1977.

R 408.30745 Scope.

Rule 745. Section P-900.1 of the code is amended to read as follows:

P-900.1. Scope. This article shall control the selection of piping, tubing, and fittings for venting systems and their proper installation. It shall also control the minimum diameter of vent pipe, individual vents, relief vents, and shall contain a table setting forth the size and length of vents and other items covering vent stacks and stack vents. In addition, vent grades and connections, height above fixtures, hydraulic gradient, relief vents for stacks, and fixture traps are included.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30745a Bathroom fixture venting.

Rule 745a. Section P-906.3 of the code is amended to read as follows:

P-906.3. Bathroom fixture venting. One complete bathroom, consisting of a water closet, bathtub, with or without overhead shower, and lavatory, or a

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substitution of a shower compartment for the bathtub may be vented by a 1½-inch revent, provided the connections of these fixtures are made to a 3-inch or larger stack by means of an approved "tee wye" or "F and W" type of fitting. If the bathroom fixtures are connected to a 4-inch or larger stack, such connections may also be made by means of a 4-inch tapped closet bend. The tappings of a closet bend or "tee wye" fitting shall not be greater than 2 inches in diameter. The revent may be washed by a lavatory in this type of installation.

Heel inlet closet bends are permitted only in cases where the fixtures connecting thereto are vented, and in no case shall the inlet be used to vent a bathroom group without being washed by a fixture.

The inverts of auxiliary openings in closet bends or other special fittings shall not be below the center line of the major horizontal opening.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30746 One bathroom group.

Rule 746. Section P-907.1 of the code is amended to read as follows:

P-907.1. One bathroom group. A group of fixtures consisting of 1 bathroom group and a kitchen sink or combination fixture, may be installed without individual fixture vents, in a 1-story building or on the top floor of a building, if each fixture drain connects independently to the stack and the water closet and bathtub or shower stall drain enters the stack at the same level.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30746a Waste stacks serving fixtures at different levels.

Rule 746a. Section P-907.2 of the code is amended to read as follows:

P-907.2. Waste stacks serving fixtures at different levels. Combinations of fixtures, each combination of which is rated at not more than 2 fixture units, may be connected to waste stacks at different floor levels without reventing as indicated in the following schedule:

1½ inch waste stack	2 fixture units
2 inch waste stack	4 fixture units
3 inch waste stack	8 fixture units
4 inch waste stack	36 fixture units

(a) The fixtures shall be within the specified 8 feet developed length from the trap seal to the stack and all other requirements fulfilled.

(b) Any fixture branch shall be vented if it is connected within 3 feet of a waste stack base, and above which, into the stack, other fixtures with a combined discharge of 4 fixture units or more are connected.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30747 Where individual venting required.

Rule 747. Section P-908.1 of the code is amended to read as follows:

P-908.1. Where individual venting required. When fixtures other than water closets discharge into only a 3-inch horizontal branch downstream from a water closet, each fixture connecting downstream shall be individually vented.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30748 Battery venting.

Rule 748. Section P-910.1 of the code is amended to read as follows:

P-910.1. Battery venting. A branch soil or waste pipe to which not less than 2 but not more than 8 water closets, other than blow-out type water closets, pedestal

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urinals, fixtures having floor outlet trap standards, shower stalls, or floor drains are connected in a battery, shall be vented by not less than a circuit or loop vent which shall be taken off downstream from the fixture most distant from the stack or vented line. In addition, lower floor branches serving more than 3 water closets shall be provided with a relief vent installed downstream from the fixture nearest the soil stack.

If more than 8 of the above fixtures are connected in a battery, an additional vent shall be provided for each 8 or fraction thereof.

History: 1954 ACS 91, p. 50, Eff. June 16, 1977.

R 408.30748a Fixtures back-to-back in battery.

Rule 748a. Section P-910.2 of the code is amended to read as follows:

P-910.2. Fixtures back-to-back in battery. When fixtures are connected to 1 horizontal branch through a double wye or a sanitary tee in a vertical position, a common vent for each 2 fixtures back-to-back or double connection shall be provided. The common vent shall be installed in a vertical position as a continuation of the double connection.

In back-to-back installations in which fixtures discharge into the horizontal branch through double wyes or special soil or waste fittings and the individual fixture traps are otherwise not too high, every other double connection shall be vented, being sure the most distant double connection is vented.

History: 1954 ACS 91, p. 51, Eff. June 16, 1977.

R 408.30748b Exceptions.

Rule 748b. Section P-910.3 of the code is amended to read as follows:

P-910.3. Exceptions. Drainage branches serving single fixtures which are connected on the main drain at intervals in excess of 54 inches shall not be considered a battery, and are not required to be vented or battery vented unless prohibited by other pertinent sections of this code which govern venting.

History: 1954 ACS 91, p. 51, Eff. June 16, 1977.

R 408.30748c Fixture groups discharging to a common horizontal branch.

Rule 748c. Section P-910.4 of the code is amended to read as follows:

P-910.4. Fixture groups discharging to a common horizontal branch. Groups of fixtures of several types, such as might be found in bathrooms, toilet rooms, utility rooms, or combinations thereof, are not to be classified as a battery unless 2 or more of the fixtures are similar and adjacent. However, if several types of fixtures discharge into a common horizontal branch and 1 or more of the fixtures has an individual rating of not less than 4 fixture units, then all connections downstream from that fixture shall be vented as a battery unless the fixture drain connections with the horizontal branch are 54 inches or more apart. Fixtures upstream from the water closet, or fixture with equivalent rating, shall have an intervening vent or be individually vented and otherwise comply with other venting requirements of this code.

History: 1954 ACS 91, p. 51, Eff. June 16, 1977.

R 408.30749 Maximum distance of fixture trap from vent.

Rule 749. Section P-912.1 of the code is amended to read as follows:

P-912.1. Maximum distance of fixture trap from vent. Single fixtures, which are within 8 feet in developed length from the seal of the trap to a main vented line, may be installed without additional venting, if the vertical drop does not exceed 3 feet. "S" traps are prohibited.

History: 1954 ACS 91, p. 51, Eff. June 16, 1977.

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R 408.30750 Venting of free standing fixtures.

Rule 750. Section P-914.1 of the code is amended to read as follows:

P-914.1. Venting of free standing fixtures. Single free standing fixtures such as island sinks, sinks in laboratory tables, etc., may be vented by increasing the vertical branch waste to the fixture trap to a minimum of 3 inches. The 3-inch vertical waste branch shall be equipped with a full size cleanout and shall be connected to a vented horizontal branch of not less than 3-inch size. However, fixtures whose rating is not more than 1 fixture unit may discharge into a vertical branch of 2-inch diameter.

History: 1954 ACS 91, p. 51, Eff. June 16, 1977.

R 408.30751 Building traps.

Rule 751. Section P-1001.7 of the code is amended to read as follows:

P-1001.7. Building traps. The use of building or house traps is optional except where specifically required by the administrative authority. Each building trap, when installed, shall be provided with a cleanout and with a relieving vent or fresh air intake on the inlet side of the trap which need not be larger than ½ the diameter of the drain to which it connects. The relieving vent or fresh air intake shall be carried above grade and terminate in a screened outlet located outside the building.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 51, Eff. June 16, 1977.

R 408.30752 Recesses for trap connections.

Rule 752. Section P-1001.9 of the code is added to read as follows:

P-1001.9. Recesses for trap connection. A recess provided for connection of the underground trap such as one serving a bathtub in slab-type construction shall have sides and bottom of corrosion resistant, insect and vermin proof construction.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30752a Fixture branches below grade in municipal systems only.

Rule 752a. Section P-1003.2 of the code is amended to read as follows:

P-1003.2. Fixture branches below grade in municipal systems only. In municipal systems only, backwater valves shall be installed in the building drain branch which receives only the discharge from fixtures located below ground level and subject to backflow or back pressure.

History: 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30753 Base of stacks.

Rule 753. Section P-1101.3 of the code is amended to read as follows:

P-1101.3. Base of stacks. An accessible cleanout shall be provided at or near the foot of each vertical waste or soil stack.

History: 1954 ACS 81, p. 104, Eff. May 19, 1975; 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30754 Building drain and building sewer junction.

Rule 754. Section P-1101.4 of the code is amended to read as follows:

P-1101.4. Building drain and building sewer junction. There shall be a cleanout near the junction of the building drain and the building sewer. This cleanout may be either inside or outside the building wall. If outside, the cleanout shall not be installed in public property nor more than 5 feet from the outside face of the wall or other permanent obstruction or foundation. If inside, the cleanout opening shall be not more than 24 inches from the inside face of the wall, except that buildings with unusually wide footings shall have the cleanout installed as close to the

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finished wall as possible, without encasement of the cleanout extension in the foundation.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30755 Underground drainage.

Rule 755. Section P-1102.1 of the code is amended to read as follows:

P-1102.1. Underground drainage. Cleanouts, when installed on an underground drain, shall be extended vertically to or above the finished grade level.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30757 Manholes for larger pipes.

Rule 757. Section P-1106.1 of the code is amended to read as follows:

P-1106.1. Manholes for larger pipes. For underground piping over 10 inches in diameter, manholes shall be provided and located at every major change of direction, grade, elevation, or size of pipe or at intervals of not more than 400 feet. Metal covers shall be provided for the manholes and shall be of sufficient weight to meet local traffic and loading conditions.

Within buildings, manhole covers shall be gas-tight and the manhole shall be vented with not less than a 4-inch pipe.

History: 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30758 Minimum number of plumbing fixtures; elementary and secondary schools.

Rule 758. Section P-1202.1 of the code is amended to read as follows:

P-1202.1. Minimum number of plumbing fixtures; elementary and secondary schools. The minimum number of plumbing fixtures to be installed in elementary and secondary schools shall be as follows:

Enrollment			WC/Girls		WC/Boys		Urinals/Boys		Lavatories Boys/Girls		Drinking Fountains
Boys	Girls	Total	E	S	E	S	E	S	E	S	
1-40	1-40	80	2	1	1	1	1	1	1	1	1
80	80	160	2	2	2	1	2	2	2	2	2
120	120	240	4	3	3	2	3	3	3	3	2
150	150	300	5	4	4	2	4	4	4	4	3
200	200	400	6	5	5	3	5	5	5	5	4
300	300	600	8	7	6	4	7	7	6	6	5
400	400	800	10	9	7	5	9	9	7	7	7
500	500	1000	12	11	8	6	11	11	9	9	8
600	600	1200	14	13	9	7	13	13	11	11	9
800	800	1600	17	16	11	8	17	16	12	12	11
1000	1000	2000	19	18	12	9	18	17	13	13	12

E—elementary
S—secondary
WC—water closet

History: 1954 ACS 91, p. 52, Eff. June 16, 1977.

R 408.30758a Minimum number of plumbing fixtures; buildings.

Rule 758a. Section P-1202.1 of the code is amended to read as follows:

P-1202.1. Minimum number of plumbing fixtures; buildings. The minimum number of plumbing fixtures to be installed in the following types of buildings shall be as follows:

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Type of Building Occupancy	Type of Fixture							
	Water Closets		Urinals	Lavatories		Drinking Fountains	Other Fixtures
	No. of Employees	No. of Fixtures		No. of Employees	No. of Fixtures		
Public buildings, offices, business mercantile, storage, and institutional employees	1-15	1	Urinals may be provided in men's toilet rooms in lieu of water closets but for not more than ½ of the required number of water closets	1-15	1	1 for each 75 persons	1 slop sink per floor
	16-35	2		16-35	2		
	36-55	3		36-55	3		
	56-80	4		56-80	4		
	81-110	5		81-110	5		
	111-150	6		111-150	6		
	1 fixture for each additional 40 employees or patrons			1 fixture for each additional 45 persons			
Working men temporary facilities	1-30 working men					1 fixture or equivalent for each 100 working men	

History: 1954 ACS 91, p. 54, Eff. June 16, 1977.

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R 408.30758b Minimum number of plumbing fixtures; restaurants and food service establishments.

Rule 758b. Section P-1202.1 of the code is amended to read as follows:

P-1202.1. Minimum number of plumbing fixtures; restaurants and food service establishments. The minimum number of fixtures to be installed in restaurants and food service establishments shall be as follows:

Type of Building Occupancy	Type of Fixture							
	Water Closets		Urinals	Lavatories		Drinking Fountains	Other Fixtures
	No. of Employees/ Patrons	No. of Fixtures		No. of Employees/ Patrons	No. of Fixtures		
Restaurants and food service establishment	1-15	1	Urinals may be provided in men's toilet rooms in lieu of water closets but for not more than ⅓ of the required number of water closets.	1-15	1	1 for each establishment	1 slop sink per floor
	16-35	2		16-35	2		
	36-55	3		36-55	3		
	56-80	4		56-80	4		
	81-110	5		81-110	5		
	111-150	6		111-150	6		
	1 fixture for each additional 40 employees/ patrons			1 fixture for each additional 45 persons			

History: 1954 ACS 91, p. 55, Eff. June 16, 1977.

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R 408.30759 Separate facilities.

Rule 759. Section P-1202.2 of the code is amended to read as follows:

P-1202.2. Separate facilities. In other than residential installations, where toilet and bathing facilities are provided to serve members of both sexes and are designed for use by more than 1 person at a time, separate facilities shall be installed for each sex. However, when total occupancy is 15 or less, 1 toilet room may suffice, if the room is designed for 1 person only and the door can be locked from the inside.

History: 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30761 Plastic connections.

Rule 761. Section P-1204.5.5 of the code is amended to read as follows:

P-1204.5.5. Plastic connections. Plastic water closet bends may be used when provided with a suitable 4-inch by 3-inch flange used to receive the fixture horn.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30762 Urinals; stall type; watertight pans required.

Rule 762. Section P-1205.4.1 of the code is added to read as follows:

P-1205.4.1. Urinals, stall type, watertight pans required. Urinals of stall type shall be constructed so as to have a watertight pan of lead or other approved materials approved by the construction code commission installed beneath them. The drain for the urinal shall be made with a drainable clamping ring assembly to the watertight pan.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30763 Floor drains; public toilet rooms.

Rule 763. Section P-1217.6 of the code is added to read as follows:

P-1217.6. Floor drains, public toilet rooms. In all public toilet rooms hereafter created containing 2 or more water closets, or 1 water closet and 1 urinal or more, not less than 1 approved floor drain shall be installed connecting to the soil system; however, stall urinals may serve as floor drains if the entire floor area may be drained to the urinals.

History: 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30763a Floor drains; according to floor area.

Rule 763a. Section P-1217.10 of the code is added to read as follows:

P-1217.10. Floor drains, according to floor area. In all toilet rooms in which floor drains are required there shall be not less than 1 floor drain for each 400 square feet of floor area or major fraction thereof.

History: 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30764 Hospital plumbing; scope of article 14.

Rule 764. Section P-1401.0 of the code is added to read as follows:

P-1401.0. Hospital plumbing; scope of article 14. The special devices and equipment which are installed and maintained in hospitals are also found in some degree in all of the following types of institutions and establishments: nursing homes, homes for the aged, orphanages, infirmaries, first aid stations, psychiatric facilities, clinics, professional offices of dentists and doctors, and many other care institutions or establishments, whether enumerated or not; also mortuaries, educational facilities, surgery, dentistry, research and testing laboratories, and

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establishments manufacturing pharmaceuticals, drugs, and medicines, and other structures having similar apparatus and equipment classified as plumbing.

R 408.30764 to R 408.30776c shall apply to hospitals and the above mentioned facilities. Plumbing systems serving these facilities shall conform not only to the requirements of R 408.30764 to R 408.30776c but also to the requirements contained in other parts of this code.

Refer to Michigan department of health rules and regulations governing hospitals, nursing homes, and homes for the aged.

History: 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30765 Special fixtures.

Rule 765. Section P-1402.0 of the code is added to read as follows:

P-1402.0. Special fixtures. Fixtures which are designed for any special use, therapy, special cleansing, or disposal of waste materials, or for combinations of such uses, shall be of smooth, impervious, corrosion-resistant materials, and if subjected to temperatures in excess of 180 degrees Fahrenheit, shall be able to withstand without damage, higher temperatures as may be specified.

History: 1954 ACS 91, p. 56, Eff. June 16, 1977.

R 408.30765a Special equipment.

Rule 765a. Section P-1402.11 of the code is added to read as follows:

P-1402.11. Special equipment. All devices, appurtenances, appliances, and apparatus intended to serve some special function, such as sterilization, distillation, processing, cooling, storage of ice or foods, etc., which may be connected to either the water supply or drainage systems, shall be provided with protection against back-siphonage, backflow, flooding, fouling, or any possibility of contaminating any portion of the water supply system, or the stoppage of any drain through normal use.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30765b Acceptance.

Rule 765b. Section P-1402.12 of the code is added to read as follows:

P-1402.12. Acceptance. All special plumbing fixtures, equipment, devices and apparatus shall be submitted to the construction code commission for its review and acceptance prior to installation.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30765c Clinic sink; design.

Rule 765c. Section P-1402.2 of the code is added to read as follows:

P-1402.2. Clinic sink, design. A clinic sink shall have an integral trap with a visible trap seal. The fixture shall be designed so as to permit complete removal of the contents by siphonic action, blowout action, or both, and to reseal the trap. A flushing rim shall provide water to cleanse the interior surface. The fixture shall have flushing and cleansing characteristics similar to those of a water closet.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30765d Accessibility.

Rule 765d. Section P-1402.3 of the code is added to read as follows:

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P-1402.3. Accessibility. Concealed piping in connection with special fixtures which contain steam traps, valves, relief valves, check valves, vacuum breakers, or other similar items that require periodic inspection, servicing, or both, shall be accessible for inspection, maintenance, or repair. Concealed piping which requires periodic inspection shall be accessible for inspection, maintenance, or repair.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30765e Sterilizer piping.

Rule 765e. Section P-1402.4 of the code is added to read as follows:

P-1402.4. Sterilizer piping.

a. Steam supply. Steam supplies to sterilizers, including those connected by pipes from overhead mains or branches, shall be drained to prevent any excess moisture from reaching the sterilizer. The condensate drainage from the steam supply shall be discharged by gravity.

b. Steam condensate return. Steam condensate return from sterilizers shall not be connected to pressure or vacuum return systems; only gravity returns shall be acceptable. Steam condensate returns from sterilizers shall not be connected to overhead mains or branches.

c. Condensers. Pressure sterilizers should be equipped with an acceptable means of condensing and cooling the exhaust steam vapors.

d. Gas-fired equipment. Gas-fired equipment, or apparatus requiring either water or drainage connections, or both, should meet standards of the American gas association.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30766 Vacuum system stations.

Rule 766. Section P-1402.50 of the code is added to read as follows:

P-1402.50. Vacuum system stations. Vacuum system stations shall be located according to convenience and practical use. The stations should be built into cabinets or recesses, but also shall be readily accessible. Vacuum stations should include a shut-off valve, vacuum regulator, and gauge. However, where bottle receptors are used, these devices may be a part of a bottle assembly.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30766a Vacuum system stations; cleanouts.

Rule 766a. Section P-1402.51 of the code is added to read as follows:

P-1402.51. Vacuum system stations, cleanouts. In order to provide cleanout facilities, each outlet connector valve, or assembly of valves, shall be removable at the connection of the valve, or assembly of valves, with the vacuum piping branch or main.

History: 1954 ACS 91, p. 57, Eff. June 16, 1977.

R 408.30766b Bottle (dry) systems.

Rule 766b. Section P-1402.52 of the code is added to read as follows:

P-1402.52. Bottle (dry) systems. A vacuum, or fluid suction, system intended for use as a bottle, or dry, system, shall specifically designate receptacles or an assembly of receptacles, which are equipped with an overflow preventive device, at each vacuum outlet station. Each vacuum outlet station should be equipped with a secondary safety receptacle, in series with the collecting receptacle, as an additional safeguard against fluids, other than air, entering the vacuum piping

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system. No secondary receptacle installed in series with a collecting receptacle shall be considered a stand-by or reserve receptacle. Where a stand-by or reserve receptacle is desired, it may be connected and valved in parallel with the collecting receptacle, but shall not bypass a secondary receptacle.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30766c Central system equipment.

Rule 766c. Section P-1402.53 of the code is added to read as follows:

P-1402.53. Central system equipment. A system equipped with collecting tanks, interceptors, or other means of collecting and or disposal to the sanitary waste system, shall provide for draining and cleaning while the system is in operation.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30766d Vacuum pump discharge.

Rule 766d. Section P-1402.54 of the code is added to read as follows:

P-1402.54. Vacuum pump discharge. The exhaust discharge from a vacuum pump used in connection with a vacuum, or fluid suction, system shall not create a nuisance, a hazard, or both, within, without, around, or about the premises.

The exhaust from a vacuum pump shall be piped separately to the outer atmosphere, and wherever practical to do so, above the highest roof. The exhaust discharge terminal shall be a minimum of 4 inches in diameter from at least 1 foot below the roof to its terminal not less than 1 foot above the roof.

Unless the exhaust is washed, filtered, or both, so as to eliminate any possibility of nuisance, hazard, or both, the exhaust terminal shall be a minimum distance of 25 feet from any door, window, air intake, or opening in a building, and a minimum distance of 20 feet above the ground, if side wall discharge.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30767 Radioactive materials.

Rule 767. Section P-1402.6 of the code is added to read as follows:

P-1402.6. Radioactive materials. Hospital plumbing used for radioactive materials shall conform to the requirements of R 408.30725a.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30767a Special elevations.

Rule 767a. Section P-1402.7 of the code is added to read as follows:

P-1402.7. Special elevations. Control valves, vacuum outlets, and devices which protrude from a wall shall be located at an elevation which will preclude bumping against the device.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30768 Recess rooms.

Rule 768. Section P-1403 of the code is added to read as follows:

P-1403. Recess rooms. Rooms which contain the recessed or concealed portions of sterilizing equipment, sterilizing stills, or both, shall be of sufficient size to provide adequate clear space for installation, service, and maintenance.

Recess rooms shall be accessible through a door or doors located on the floor level from which the sterilizing equipment is operated. The door or doors shall provide access to all portions of the recess and shall be large enough to permit passage of an average person without crawling under or climbing over any object or equipment and shall be large enough to permit removal, replacement, or both, of the largest piece of equipment contained in the room which is not removable through the end wall panel. The door or doors shall be located so as to permit

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entrance to, or exit from, the recess room without interfering with activity in an adjoining room.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30768a Floor drain required.

Rule 768a. Section P-1403.1 of the code is added to read as follows:

P-1403.1. Floor drain required. In all recess rooms containing the recessed or concealed portions of sterilizers, not less than 1 acceptable floor drain, connecting to the drainage system, shall be installed in a manner which will drain the entire floor area.

A recess room shall have a waterproof floor.

History: 1954 ACS 91, p. 58, Eff. June 16, 1977.

R 408.30768b Recess room floor drains; trap seal maintenance.

Rule 768b. Section P-1403.11 of the code is added to read as follows:

P-1403.11. Recess room floor drains, trap seal maintenance. The recess room floor drain waste and trap shall be a minimum diameter of 3 inches. It shall receive the drainage from at least 1 sterilizer within the recess room to assure maintenance of the floor drain trap seal. The sterilizer drain shall be installed on a branch taken off between the floor drain trap and the drain head. An individual sterilizer waste trap shall not be required on this type of installation.

History: 1954 ACS 91, p. 59, Eff. June 16, 1977.

R 408.30769 Ordinary fixtures.

Rule 769. Section P-1404.1 of the code is added to read as follows:

P-1404.1. Ordinary fixtures. Clear space about ordinary fixtures shall be in accordance with article 12 of the code.

History: 1954 ACS 91, p. 59, Eff. June 16, 1977.

R 408.30769a Clear space about special fixtures or equipment.

Rule 769a. Section P-1404.11 of the code is added to read as follows:

P-1404.11. Clear space about special fixtures or equipment. Clear space about special fixtures or equipment shall be as follows:

Fixtures	Front	Side	Rear
Bedpan washers (with door open)	42″	6″	6″ U 3″ V
Sinks, clinic	42″	12″	3″ W
Sinks, scrub-up	42″	4″ W	
Sinks, utility room	42″	4″ W	
Sterilizers, pressure (Free standing)	24″ Y	20″	10″
Sterilizers, pressure (Recessed)	24″ Y	20″	20″
Sterilizers, pressure instrument washer-sterilizer (Free standing)	24″ Y	20″	10″
Sterilizers, pressure instrument washer-sterilizers (Recessed)	24″ Y	20″	20″

U—Concealed type
V—Exposed type
W—If not flush with wall
X—In double door installations each door shall be considered the front
Y—Plus length of rack
Z—The administrative authority may permit 1 end of the table to be located closer to a water supply control panel, or a service or clinic sink. Embalming tables not directly connected to the waste system may be located with 1 end over a clinic sink.

History: 1954 ACS 91, p. 59, Eff. June 16, 1977.

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R 408.30769b Battery assemblies.

Rule 769b. Section P-1404.12 of the code is added to read as follows:

P-1404.12. Battery assemblies. Only in exposed installations of battery assemblies or combination groups of sterilizers may the clear space requirements on each adjoining side of the individual sterilizers be reduced, but there shall be provided not less than the space required to clean, inspect, repair, and maintain the equipment, and in no case shall there be less than 6 inches.

In a concealed or recessed installation of battery assemblies or combination groups of sterilizers, the clear space requirements for individual sterilizers shall apply.

History: 1954 ACS 91, p. 59, Eff. June 16, 1977.

R 408.30769c Mortuary preparation and autopsy rooms.

Rule 769c. Section P-1404.13 of the code is added to read as follows:

P-1404.13. Mortuary preparation and autopsy rooms. Portable mortuary preparation tables and autopsy tables shall discharge their wastes into a clinic sink. See article 14, section 1402.2 of the code. Stationary mortuary preparation tables and autopsy tables shall discharge their wastes through a trap directly connected to the drainage system.

History: 1954 ACS 91, p. 59, Eff. June 16, 1977.

R 408.30770 Material.

Rule 770. Section P-1405.1 of the code is added to read as follows:

P-1405.1. Material. Material for local vents serving bedpan washers and vents serving sterilizers shall be brass, copper, galvanized steel, galvanized wrought iron, or such other satisfactory rustproof and corrosion-resistant alloys or materials acceptable to the construction code commission. Connections of dissimilar metals should be avoided.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30770a Direction.

Rule 770a. Section P-1405.2 of the code is added to read as follows:

P-1405.2. Direction. A local vent stack, sterilizer vent stack, or both, shall be run vertically and separately through the roof of the building with not more than 1 offset of not more than 45 degrees with the vertical. Connections with any other piping system shall not be permitted, except as herein stated for drainage and trap seal supply. The roof terminal shall be a minimum of 4-inch diameter pipe from a point above 1 foot below the roof. A local vent stack, sterilizer vent stack, or both, except the increase at the roof terminal, shall be full size throughout its length.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30770b Vent connections prohibited.

Rule 770b. Section P-1405.3 of the code is added to read as follows:

P-1405.3. Vent connections prohibited. Connections shall not be made between local vents serving bedpan washers, sterilizer vents serving sterilizer apparatus, or normal sanitary plumbing systems or combinations thereof. Furthermore, only 1 type of apparatus shall be served by a given vent. Interconnection of gas exhaust vents and steam exhaust vents from combination gas and steam sterilizers is prohibited.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

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R 408.30771 Required.

Rule 771. Section P-1405.41 of the code is added to read as follows:

P-1405.41. Required. Bedpan washers shall be vented to the outer atmosphere above the roof by means of 1 or more local vents.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30771a Size.

Rule 771a. Section P-1405.42 of the code is added to read as follows:

P-1405.42. Size. The diameter of a local vent pipe for a bedpan washer shall not be less than 2 inches. A local vent serving a single bedpan washer may drain to the fixture served.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30771b Multiple installation.

Rule 771b. Section P-1405.43 of the code is added to read as follows:

P-1405.43. Multiple installation. Where bedpan washers are located above each other on more than 1 floor, a local vent stack may be installed to receive the local vent on the various floors. Not more than 3 bedpan washers shall be connected to a 2-inch local vent stack, 6 to a 3-inch local vent stack, and 12 to a 4-inch local vent stack.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30771c Vent connections.

Rule 771c. Section P-1405.431 of the code is added to read as follows:

P-1405.431. Vent connections. In multiple installations, the connections between a bedpan washer local vent and a local vent stack shall be made by use of the tee or tee-wye sanitary pattern drainage fittings, installed in an upright position.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30771d Trap required.

Rule 771d. Section P-1405.432 of the code is added to read as follows:

P-1405.432. Trap required. The base of the local vent stack, except when serving only 1 bedpan washer, shall be drained by means of a trapped and vented waste connection to the plumbing sanitary drainage system. The trap and waste shall be the same size as the local vent stack. See sections 1405.42, 1405.433 and 1406.6.1 of the code.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

R 408.30771e Trap seal maintenance.

Rule 771e. Section P-1405.433 of the code is added to read as follows:

P-1405.433. Trap seal maintenance. On the discharge or fixture side of the vacuum breaker a water supply pipe of not less than ¼ inch minimum tubing shall be taken from the flush supply pipe of each bedpan washer. This tubing shall be trapped to form not less than a 3-inch seal, and connected to the local vent stack on each floor. This water supply shall be installed so as to provide sufficient water to the local vent stack for cleansing, and for trap seal maintenance each time a bedpan washer is flushed.

History: 1954 ACS 91, p. 60, Eff. June 16, 1977.

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R 408.30772 Required.

Rule 772. Section P-1405.51 of the code is added to read as follows:

P-1405.51. Required. Sterilizer vents and stacks are required to serve pressure sterilizing equipment except when acceptable condensing apparatus is provided.

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

R 408.30772a Reduction of sizes prohibited.

Rule 772a. Section P-1405.52 of the code is added to read as follows:

P-1405.52. Reduction of sizes prohibited. The sterilizer vent, exhaust opening, or both, provided by the manufacturer should not be reduced in diameter.

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

R 408.30772b Connections.

Rule 772b. Section P-1405.53 of the code is added to read as follows:

P-1405.53. Connections. Multiple installations of pressure sterilizers shall have their vent connections to the sterilizer vent stack made by means of inverted wye fittings.

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

R 408.30772c Drainage.

Rule 772c. Section P-1405.54 of the code is added to read as follows:

P-1405.54. Drainage. The connection between sterilizer vent, exhaust openings, or both, and the sterilizer vent stack shall be designed and installed to drain to the funnel or basket-type waste fitting. In multiple installations the sterilizer vent stack shall be drained separately to the lowest sterilizer funnel or basket-type waste fitting or receptor.

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

R 408.30772d Pressure sterilizers.

Rule 772d. Section P-1405.551 of the code is added to read as follows:

P-1405.551. Pressure sterilizers. Pressure sterilizer vent stacks shall be 1½ inches minimum diameter; those serving combinations of pressure sterilizer exhaust connections shall be based on the following table:

TABLE P-1405.551
Pressure Sterilizers
Number of Connections of Various Sizes
Permitted to Various Sized Vent Stacks

Stack Size	Connection Size ¾"		1"		1¼"		1½"
•-1½"	3	or	2	or	1		
•••-1½"	2	and	1				
•-2"	6	or	3	or	2	or	1
•••-2"	3	and	2				
•••-2"	2	and	1	and	1		
•••-2"	1	and	1	and			1
•-3"	15	or	7	or	5	or	3
•••-3"			1	and	2	and	2
•••-3"	1	and	5	and			1

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

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R 408.30772e Pressure instrument washer-sterilizer.

Rule 772e. Section P-1405.552 of the code is added to read as follows:

P-1405.552. Pressure instrument washer-sterilizer. The minimum size of a pressure instrument sterilizer vent stack serving an instrument washer-sterilizer shall be 2 inches in diameter. Not more than 2 sterilizers shall be installed on a 2-inch stack, and not more than 4 on a 3-inch stack.

History: 1954 ACS 91, p. 61, Eff. June 16, 1977.

R 408.30773 Water service.

Rule 773. Section P-1406.1 of the code is added to read as follows:

P-1406.1. Water service. All hospitals shall have dual services installed in a manner to provide an uninterrupted supply of water in case of a water main break.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30773a Hot water mandatory.

Rule 773a. Section P-1406.2 of the code is added to read as follows:

P-1406.2. Hot water mandatory. All fixtures, devices, appliances, and appurtenances normally equipped for hot water shall be provided with an adequate supply of potable hot water.

All patients' handwashing and bathing facilities shall be provided with hot water in a temperature range of 110 to 120 degrees Fahrenheit.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30773b Hose connections.

Rule 773b. Section P-1406.3 of the code is added to read as follows:

P-1406.3. Hose connections. For ordinary hose connections the maximum height at which a hose is to be used shall be treated as its flood level.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30773c Prohibited water closet and clinic sink supply.

Rule 773c. Section P-1406.4 of the code is added to read as follows:

P-1406.4. Prohibited water closet and clinic sink supply. Jet or water-supplied orifices, except those supplied by the flush connections, shall not be located in, connected with, or both located in and connected with, a water closet bowl or clinic sink. This section shall not prohibit an acceptable bidet installation.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30773d Bedpan washer hose.

Rule 773d. Section P-1406.5 of the code is added to read as follows:

P-1406.5. Bedpan washer hose. A bedpan washer hose shall be equipped with wall-mounted, foot-operated valve. An acceptable vacuum breaker shall be located downstream from the control valve. The elevation of the vacuum breaker shall not be less than 5 feet above the toilet room or bathroom floor. A hose of sufficient length for use in cleansing a bedpan or urinal over the water closet or clinic sink shall be provided and shall be equipped with a spray nozzle. Unless the water closet combination is provided with a receptacle for draining and retaining the bedpan washer hose, a rack or hook shall be provided not less than 12 inches below the vacuum breaker for supporting the hose nozzle when the hose is not in use.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

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R 408.30774 Bedpan washers.

Rule 774. Section P-1406.61 of the code is added to read as follows:

P-1406.61. Bedpan washers. A hot or cold water supply to a bedpan washer shall be equipped with an acceptable vacuum breaker installed between the flushometer valve and the fixture at an elevation as specified in the vacuum breaker acceptance. Should the hot and cold water supplies be interconnected, each supply branch to the fixture shall be equipped with a check valve. For steam and water interconnection see section P-1605.119 of the code. See R 408.30771e for local vent trap seal maintenance.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30774a Electrically heated pressure sterilizers.

Rule 774a. Section P-1406.62 of the code is added to read as follows:

P-1406.62. Electrically heated pressure sterilizers. In an electrically heated pressure sterilizer installation, the water supply to the steam generator shall be equipped with an acceptable vacuum breaker. The vacuum breaker shall be installed on the discharge side of the control valve and at the elevation above the top of the sterilizer specified in the vacuum breaker acceptance. A check valve shall be installed between the vacuum breaker and the steam generator. A sediment separator with a screen of a minimum of 20 mesh per inch shall be installed between the check valve and the steam generator.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30774b Clinical, hydrotherapeutic, and radiological equipment.

Rule 774b. Section P-1406.63 of the code is added to read as follows:

P-1406.63. Clinical, hydrotherapeutic, and radiological equipment. Clinical, hydrotherapeutic, radiological, or any equipment, whether mentioned or not, which is water supplied or discharges to the waste system, or which is both water supplied and discharges to the waste system, shall meet the requirements of article 16 of the code covering cross-connections and article 7 of the code regarding indirect waste.

History: 1954 ACS 91, p. 62, Eff. June 16, 1977.

R 408.30774c Aspirator for vacuum (fluid suction) use.

Rule 774c. Section P-1406.64 of the code is added to read as follows:

P-1406.64. Aspirator for vacuum (fluid suction) use. Aspirators which create a vacuum for fluid suction shall be equipped with an acceptable vacuum breaker in the water supply between the control valve and the aspirator vacuum fitting. The elevation of the vacuum breaker shall be not less than 6 feet 6 inches above the floor, and the minimum distance between the bottom of the vacuum breaker, and the aspirator vacuum inlet shall not be less than the elevation as specified in the vacuum breaker acceptance.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30774d Vacuum (fluid suction) systems.

Rule 774d. Section P-1406.65 of the code is added to read as follows:

P-1406.65. Vacuum (fluid suction) systems. Water supply to a vacuum (fluid suction) system, except as provided for aspirators in R 408.30774c shall be protected against back siphonage by means of an acceptable air gap.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

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R 408.30774e Autopsy and embalming tables.

Rule 774e. Section P-1406.66 of the code is added to read as follows:

P-1406.66. Autopsy and embalming tables. The water supply to autopsy tables and embalming tables, including the sink compartments, flush device, aspirator, hose, or any similar water connection, shall be designed and installed to prevent back siphonage, backflow, or both, by means of an acceptable air gap, vacuum breaker installation or both.

Vacuum breakers on hose connections serving this type of equipment shall be not less than 6 feet 6 inches above the floor.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30774f Exhaust condensers.

Rule 774f. Section P-1406.67 of the code is added to read as follows:

P-1406.67. Exhaust condensers. Pressure sterilizers, if provided with a means of condensing the exhaust vapors, shall have the exhaust connected to a condensing chamber designed to permit cold water to condense all vapors. The vacuum breaker shall be installed on the discharge side of the water supply control valve at the elevation specified in the vacuum breaker acceptance. A check valve shall be installed between the vacuum breaker and the condenser. A fixed orifice flow control valve shall be installed before connecting to the condenser chamber.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30775 Bedpan washers and clinic sinks.

Rule 775. Section P-1407.1 of the code is added to read as follows:

P-1407.1. Bedpan washers and clinic sinks. Bedpan washers and clinic sinks shall be connected to the soil pipe system and follow the venting requirements as applied to water closets, except that bedpan washers require additional local vents. See R 408.30771.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30775a Indirect wastes required.

Rule 775a. Section P-1407.21 of the code is added to read as follows:

P-1407.21. Indirect wastes required. All sterilizers and stills shall be provided with individual and separate indirect wastes. Such wastes shall discharge through a fixed air gap of not less than 2 diameters of the waste tailpiece measured from the spill rim of the funnel or basket type waste fitting.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30775b Battery assemblies.

Rule 775b. Section P-1407.22 of the code is added to read as follows:

P-1407.22. Battery assemblies. A battery assembly of not more than 3 sterilizer wastes may drain to 1 trap, subject to the following:

1. The waste from each sterilizer shall discharge through a fixed air gap as required by R 408.30775a.

2. The trap and waste piping shall be sized according to the combined fixture unit rating and the trap shall be located immediately below one of the indirect waste connections.

3. The developed distance of a branch shall not exceed 8 feet from the trap to the most distant air gap fitting.

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4. All changes of direction in the branch shall be made by means of tee-wye or wye pattern fittings.

History: 1954 ACS 91, p. 63, Eff. June 16, 1977.

R 408.30775c Sterilizer exhaust condensers.

Rule 775c. Section P-1407.23 of the code is added to read as follows:

P-1407.23. Sterilizer exhaust condensers. If an exhaust condenser is used, the drain from the condenser shall be installed according to section 1407.21 of the code. A condenser drain shall be designed and installed so that the receptor, waste funnel, basket, or pan type indirect waste connection shall not overflow. Furthermore, the release of vapors and pressures shall not create excessive temperatures, a nuisance or hazard to personnel, the plumbing system, other equipment, or the surrounding area.

History: 1954 ACS 91, p. 64, Eff. June 16, 1977.

R 408.30775d Pressure sterilizers and pressure instrument washer-sterilizers.

Rule 775d. Section P-1407.24 of the code is added to read as follows:

P-1407.24. Pressure sterilizers and pressure instrument washer-sterilizers. In addition to the requirements of R 408.30775a and R 408.30775b, pressure sterilizer and pressure instrument washer-sterilizer drainage piping shall be designed, installed, and maintained in a manner to preclude the possibility of chamber negative pressure aspirating moisture into the chamber, interfering with sterilizing procedure or endangering the chamber contents.

History: 1954 ACS 91, p. 64, Eff. June 16, 1977.

R 408.30776 Aspirators.

Rule 776. Section P-1407.32 of the code is added to read as follows:

P-1407.32. Aspirators. Where aspirators are installed for removing blood, pus, or other fluids, the discharge from an aspirator shall be indirectly connected to a trapped waste of not less than 1½ inch pipe size with a tubular trap.

History: 1954 ACS 91, p. 64, Eff. June 16, 1977.

R 408.30776a Wastes.

Rule 776a. Section P-1407.321 of the code is added to read as follows:

P-1407.321. Wastes. The waste from a central vacuum (fluid suction) system, except station bottles, shall be directly connected to the sanitary drainage system through a trap.

History: 1954 ACS 91, p. 64, Eff. June 16, 1977.

R 408.30776b Piping.

Rule 776b. Section P-1407.322 of the code is added to read as follows:

P-1407.322. Piping. The piping of a central vacuum (fluid suction) system shall be brass, copper, galvanized steel, or galvanized wrought iron, or such other satisfactory rustproof and corrosion-resistant alloys or materials acceptable to the construction code commission. The minimum size branch shall be ½ inch. The minimum size main shall be 1 inch. The pipe sizing shall be based on the following:

1. Velocities of air flow are to be limited to 5,000 feet per minute (83.4 feet per second) to hold line noise to a reasonable level and avoid excessive pressure drop.

2. Pressure drops because of friction in piping systems are to be limited to 1 inch Hg (Mercury) per 100 feet of pipe or equivalent, and 4 inches Hg (Mercury) is the maximum allowable pressure drop for the entire system.

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3. See formula for calculating pipe size and tables P-1407.322a, P-1407.322b and P-1407.322c of the code.

All piping shall be provided with accessible cleanout facilities at each 90 degree change of direction on mains and at branch connections. All piping should be accessible for inspection, maintenance, and replacement.

All piping shall be supported in a manner to prevent sags, dips, and traps. A zone control station or change in direction shall not interfere with drainage of the piping system.

Piping systems shall be installed with pitch to provide gravity drainage toward the lowest portion of the system. So called "wet" disposal systems shall pitch toward the discharge connection to the sanitary drainage system. Systems specifically intended as non-disposal "dry" systems, and not equipped with a low elevation sanitary drainage connection, shall be provided with replaceable drip pocket cleanout facilities at the base of each main riser. Where impractical to avoid station outlet branch drops, pitch shall be from the high point of such drops. The formula for calculating pipe size in central vacuum systems is as follows:

$$V = 58 \sqrt{\frac{PD^5}{WL}}$$

Where:

V = Volume in cubic feet per minute
P = Difference in pressure in pounds per square inch
D = Inside diameter of pipe in inches
W = Weight of air in pipe in pounds per cubic foot
L = Length of pipe in feet

Note: This equation is derived from Fanning's equation using values in units of measurement as indicated.

This formula is the basis for sizing at 15 inches Hg. Vacuum, as provided in table P-1407.322c. It is a designer's prerogative to use a different design, pressure, and size according to the formula, if his results are within the established limits. The manufacturers will probably include this information in the engineering data for their equipment, and may also include ratio conversion factors or charts for sizing at various pressures.

TABLE P-1407.322a
Design Criteria for Hospital and Clinical
Central Vacuum Systems
Outlet Ratings

Location of Outlet	Allowance Per Outlet, Cubic Foot/Minute of Air at 15" Hg. Vacuum	Equivalent Allowance Per Outlet, Cubic Feet/ Minute of Air at Atmosphere	Percentage of Simultaneous Use Factor
Operating rooms, general medical	2	1	100%
O.B. rooms	2	1	100%
•Operating, dental, hospital central systems	1	½	20%
Operating, dental, clinical	1	½	50%
Operating, eye, ear, nose, throat	1	½	20%

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TABLE P-1407.322a (Cont.)

Location of Outlet	Allowance Per Outlet, Cubic Foot/Minute of Air at 15" Hg. Vacuum	Equivalent Allowance Per Outlet, Cubic Feet/ Minute of Air at Atmosphere	Percentage of Simultaneous Use Factor
Recovery	1	½	100%
Emergency room	2	1	100%
Patients' rooms, nurseries, wards, general medical	1	½	20%
Patients' rooms and wards, T.B. hospitals, and polio wards	1	½	40%
Treatment and examining rooms	1	½	20%
Autopsy	1	1	100%
Laboratory	2	½	40%

•Dental operating outlets in hospitals do not have the percent of use as compared to dental operating clinic outlets which are located in suites of rooms and have a separate vacuum suction system or a separate vacuum suction system other than the central vacuum suction system in a hospital.

TABLE P-1407.322b

Design Criteria for Hospital and Clinical
Central Vacuum Systems
Resistance of Fittings & Valves to Air Flow
All Values Expressed in Equivalent Length (Feet)
of Straight Pipe

Size	90° Elbow	Tee Branch Flow	Gate Valves
½"	2.0	2.6	2.0
¾"	2.2	2.8	2.0
1"	2.9	3.6	2.5
1¼"	3.5	4.5	3.0
1½"	3.9	5.8	3.1
2"	4.5	7.2	3.4
2½"	5.0	9.0	3.6
3"	5.7	10.5	3.9
4"	6.0	14.0	4.2

TABLE P-1407.322c

Design Criteria for Hospital and Clinical
Central Vacuum Systems
Pipe Sizing Table

Pipe Size	CFM Measured at 15" Hg. Vacuum	Pressure Drop Per 100' Equiv. Pipe Length Inches Hg.	Velocity Ft./Min.
½"	4	1.0	2660
¾"	10	1.0	3285

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TABLE P-1407.322c (Cont.)

Pipe Size	CFM Measured at 15" Hg. Vacuum	Pressure Drop Per 100' Equiv. Pipe Length Inches Hg.	Velocity Ft./Min.
1"	21	1.0	3800
1¼"	36	1.0	4310
1½"	58	1.0	4710
2"	110	0.9	5000
2½"	170	0.7	5000
3"	245	0.6	5000
4"	435	0.4	5000

Note: Values given are in accordance with the limitations indicated in section P-1407.322
History: 1954 ACS 91, p. 64, Eff. June 16, 1977.

R 408.30776c Prohibited location of soil and waste piping in specialized area.

Rule 776c. Section P-1407.5 of the code is added to read as follows:

P-1407.5. Prohibited location of soil and waste piping in specialized area. Exposed soil or waste piping shall not be located above any areas used for pharmaceutical preparation, clean or sterile goods preparation, or storage.

History: 1954 ACS 91, p. 66, Eff. June 16, 1977.

R 408.30777 Scope.

Rule 777. Section P-1600.1 of the code is amended to read as follows:

P-1600.1. Scope. The provisions of this article shall control the design and installation of water supply systems, both hot and cold.

Refer to Michigan department of public health rules for additional requirements on water supply systems pertaining to establishments subject to regulation, licensure, or both, by that department.

History: 1954 ACS 91, p. 66, Eff. June 16, 1977.

R 408.30777a Water hammer.

Rule 777a. Section P-1603.3 of the code is amended to read as follows:

P-1603.3. Water hammer. All building water supply systems shall be provided with devices to absorb high pressures so as to eliminate water hammer. These pressure absorbing devices shall be either air chambers or approved mechanical devices.

Water pressure absorbers shall be placed as close as possible to the fixture and at the ends of long runs of piping and near batteries of fixtures.

a. Air chambers. Where air chambers are installed, they shall be provided with a means of restoring the air in event the chamber becomes waterlogged.

b. Air chamber size. The diameter of air chambers located at the tops of water supply risers, vertical fixture branches, or both, shall be not less than the diameter of the pipe served by the air chamber. If less than 15 inches in length, the air chamber shall be at least 1 pipe size larger than the riser, branch, or both, and shall be of a length sufficient to provide a volume equivalent to that of an air chamber 15 inches in length.

c. Air chambers, location. Air chambers shall be installed at the tops of each hot and cold water supply riser. A single pair of air chambers may be provided for the

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water supplies to a bathroom group. Air chambers shall be installed at all automatic washer connections, fixtures equipped with quick closing valves and on all supplies equipped with solenoid water control valves.

d. Mechanical devices. Where mechanical devices are used, the manufacturer's specifications shall be followed as to location and method of installation.

History: 1954 ACS 91, p. 66, Eff. June 16, 1977.

R 408.30777b Prohibited location of potable supply tanks.

Rule 777b. Section P-1604.2.8 of the code is amended to read as follows:

P-1604.2.8. Prohibited location of potable supply tanks. Potable water gravity tanks or manholes of potable water pressure tanks shall not be located directly under any soil or waste piping or other source of contamination.

History: 1954 ACS 91, p. 67, Eff. June 16, 1977.

R 408.30778 Connections to boilers.

Rule 778. Section P-1605.7 of the code is amended to read as follows:

P-1605.7. Connections to boilers. Potable water connections to high pressure boilers and boiler feed water systems in which boiler water conditioning chemicals are introduced shall be made through an air gap or provided with an approved reduced pressure zone backflow preventer located in the potable water line where such chemicals are introduced.

Low pressure boilers not subject to chemical treatment shall be equipped with a double check valve assembly or other approved device in the water supply line to the boiler.

For the purpose of this section, a high pressure boiler is one whose pressure relief valve is set for more than 15 p.s.i.g. if steam, or more than 30 p.s.i.g. if a water boiler.

History: 1954 ACS 91, p. 67, Eff. June 16, 1977.

R 408.30778a Boiler treatment chemicals.

Rule 778a. Section P-1605.7.1 of the code is added to read as follows:

P-1605.7.1. Boiler treatment chemicals. Chemical treatment shall not be added to a previously untreated boiler feed water system without first securing a plumbing permit and providing protection to the water supply by the installation of an air gap or a reduced pressure zone backflow preventer in the water suppply line to the boiler.

History: 1954 ACS 91, p. 67, Eff. June 16, 1977.

R 408.30778b Protection required for water supplies to closed recirculating systems used for heating and cooling.

Rule 778b. Section P-1605.7.2 of the code is added to read as follows:

P-1605.7.2. Protection required for water supplies to closed recirculating systems used for heating and cooling. A potable water piping connected to a closed recirculating system used for heating and cooling shall be protected against backflow by either an air gap and surge tank or by a backflow preventer of the reduced pressure zone type, except when the following conditions are met:

a. No additives introduced into the system.

If the recirculated water is only potable water without any additives, a double check valve assembly may be substituted for the protection specified above. However, the owner of the building in which the system is located shall submit an affidavit to the effect that no additives will be used.

History: 1954 ACS 91, p. 67, Eff. June 16, 1977.

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R 408.30779 Pressure filter protection.

Rule 779. Section P-1605.8 of the code is added to read as follows:

P-1605.8. Pressure filter protection. If city water is to be passed through a pressure filter using granular or suspended media such as sand, zeolite, ion exchange resins, carbon, etc., in order to remove dissolved or suspended matter, not less than a single check valve shall be installed between the filter and the nearest upstream branch or point of use.

History: 1954 ACS 91, p. 67, Eff. June 16, 1977.

R 408.30779a Automatically regenerated water softeners.

Rule 779a. Section P-1605.8.1 of the code is added to read as follows:

P-1605.8.1. Automatically regenerated water softeners. Ion exchange resin water softeners of the automatically regenerated type, the operation of which requires that the brine tank water supply branch be directly connected to or submerged in the brine tank, shall be water supplied through a double check valve assembly installed upstream from the softener bypass.

History: 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30779b Deionizers and demineralizers.

Rule 779b. Section P-1605.8.2 of the code is added to read as follows:

P-1605.8.2. Deionizers and demineralizers. Deionizers and demineralizers which are regenerated with solutions of mineral acids and alkalies, shall have the water supply protected in accordance with the following:

a. Regenerating solutions applied by injectors. Where the regenerating solutions are applied to the resin beds by city water-operated injectors, a pressure type vacuum breaker shall be installed at the required elevation above the highest point in the deionized water system. If such an elevation for the protective device is not practicable, a reduced pressure zone type backflow preventer shall be installed in the city water branch supplying the system.

b. Regenerating solutions pumped. Where the regenerating solutions are pumped through the resin beds, as in mixed bed deionizing, a reduced pressure zone type backflow preventer shall be installed in the water supply branch to the system.

History: 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30780 Water supplies to refrigeration equipment.

Rule 780. Section P-1605.9 of the code is amended to read as follows:

P-1605.9. Water supplies to refrigeration equipment. A water control valve, either manually or automatically operated, shall not be installed on the water discharge piping from a refrigerant containing a component of a refrigerating system which is, for example, shell-and-tube condensers, double-pipe condensers, water-jacketed compressor cylinders, etc., supplied with potable water in such a way that there would be direct contact between potable water and the refrigerant upon leakage through the wall separating the 2 fluids.

History: 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30780a Manifolded water supplies to refrigeration equipment.

Rule 780a. Section P-1605.9.1 of the code is added to read as follows:

P-1605.9.1. Manifolded water supplies to refrigeration equipment. If 2 or more refrigerants containing components are served in parallel from a common water supply pipe and it is necessary to connect the water discharge piping into a common discharge manifold, valves may be installed on the individual discharge

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pipes between the components and the manifold, if a check valve is installed in the common water supply pipe upstream from all refrigerant containing components.

Also adjacent to and at the outlet side of the check valve, an approved pressure relief valve, set to relieve at 5 p.s.i. above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

History: 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30781 Used water return prohibited.

Rule 781. Section P-1605.10 of the code is amended to read as follows:

P-1605.10. Used water return prohibited. Water used for cooling of equipment or other processes shall not be returned to the potable water system. The water shall be discharged into a drainage system through an air gap or may be used for nonpotable purposes.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30781a Water outlets.

Rule 781a. Section P-1605.11.1 of the code is amended to read as follows:

P-1605.11.1. Water outlets. A potable water system shall be protected against backflow and backsiphonage by providing at each outlet (a) an air gap as specified herein between the potable water outlet and flood level rim of the fixture it supplies, or between the outlet and any other source of contamination, or, where an air gap is impracticable, (b) a backflow prevention device approved as hereinafter provided.

Distilled or deionized water systems shall be protected against backflow and backsiphonage the same as any other potable water supply. A distilled or deionized water system shall not be considered a secondary water system.

History: 1954 ACS 91, p. 68, Eff. June 16, 1977.

R 408.30781b Installation of devices.

Rule 781b. Section P-1605.11.5 of the code is amended to read as follows:

P-1605.11.5. Installation of devices.

a. Vacuum breakers. Vacuum breakers shall be installed with the critical level at least 6 inches above the flood level or rim of the fixture they serve, and on the discharge side of the last control valve to the fixture. No shut-off valve or faucet shall be installed downstream from the vacuum breaker. For closed equipment and vessels, such as pressure sterilizers, the top of the equipment or vessel shall be treated as the flood level rim. A check valve shall be installed on the discharge side of the vacuum breaker on pressure vessels.

b. Reduced pressure zone backflow preventer. A reduced pressure zone type backflow preventer may be installed subject to full static line pressure.

c. Pressure type vacuum breaker. Pressure type vacuum breakers may be installed so that they are continually subject to static line pressure; that is to say, a valve may be installed downstream from the vacuum breakers.

Pressure type vacuum breakers shall be installed a minimum of 12 inches above the equipment or piping served, whichever is the higher.

d. Devices of all types. Backflow and backsiphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

History: 1954 ACS 91, p. 69, Eff. June 16, 1977.

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R 408.30781c Connections subject to back pressure.

Rule 781c. Section P-1605.11.6 of the code is added to read as follows:

P-1605.11.6. Connections subject to back pressure. Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage and the water connection is subject to back pressure, such connection shall be made by means of an air gap with a surge tank and pump. Where this method is not feasible, the use of a reduced pressure zone backflow preventer may be allowed if the system design is submitted to the administrative authority for approval prior to installation.

History: 1954 ACS 91, p. 69, Eff. June 16, 1977.

R 408.30781d Cross connections where protective devices are required and critical level (C-L) settings for backflow preventers.

Rule 781d. Section P-1605.11.7a of the code is amended to read as follows:

P-1605.11.7a. Cross connections where protective devices are required and critical level (C-L) settings for backflow preventers.[1]

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level of receptacle
Cup beverage vending machines	C-L at least 12 inches above flood level of machine
Dental units	On models without built-in vacuum breakers C-L at least 6 inches above flood level rim of bowl
Dishwashing machines	C-L at least 6 inches above flood level of machine
Flushometers (closet & urinal)	C-L at least 6 inches above top of fixture supplied
Garbage can cleaning machine	C-L at least 6 inches above flood level of machine
Hose outlets	C-L at least 6 inches above highest point on hose line
Laundry machines	C-L at least 6 inches above flood level of machine
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet
Steam tables	C-L at least 6 inches above flood level
Tank and vats	C-L at least 6 inches above flood level rim or line
Trough urinals	C-L at least 30 inches above perforated flush pipe
Flush tanks	Equip with an approved float valve. In all cases the float valve shall be located above the overflow level of the tank and the outlet terminated 1 inch above the overflow or provided with a back-flow preventer located at least 1 inch above the overflow.

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Fixture or Equipment	Method of Installation
Hose bibs (where aspirators or ejectors could be connected).....	C-L at least 6 inches above flood level of receptacle served

[1]Critical Level (C-L) is defined as the level to which the backflow preventer (vacuum breaker) may be submerged before backflow will occur. Where C-L marking is not shown on the preventer, the bottom of the device shall be taken as the C-L.

Connections subject to back pressure—Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap or backflow preventer cannot be installed the administrative authority may require the use of an approved reduced pressure zone backflow preventer, and in extreme situations, may also require an approved pressure type vacuum breaker. A partial list of such connections is shown in table P-1605.11.8, partial list of cross connections subject to back pressure.

Note: The flood level indicated above shall be the spill rim of a fixture, the highest portion of piping downstream from a vacuum breaker, or the point of introduction of potential contamination, whichever is the highest. For hose connections the maximum height at which a hose is to be used shall be treated as its flood level.

For devices, fixtures, or equipment not listed, the installation heights shall be governed by the administrative authority.

History: 1954 ACS 91, p. 69, Eff. June 16, 1977.

R 408.30781e Water and steam interconnections protection.

Rule 781e. Section P-1605.11.9 of the code is amended to read as follows:

P-1605.11.9. Water and steam interconnections protection. If potable water and steam piping are interconnected for mixing and heating of the water, there shall be a vacuum breaker and check valve in the water line adjacent to the point of connection, and there shall be no shut-off valve in the common line downstream from the point of connection. The check valve shall be located on the discharge side of the vacuum breaker.

History: 1954 ACS 91, p. 70, Eff. June 16, 1977.

R 408.30782 Pressure relief valves.

Rule 782. Section P-1606.3.1 of the code is amended to read as follows:

P-1606.3.1. Pressure relief valves. The valves shall have a relief rating adequate to meet the pressure conditions in the equipment served. They shall be installed in the cold water supply line to the heating equipment served, except where scale formation from hard water may be encountered, in which case they may be installed in the hot water supply line from the heating equipment served. There shall be no shut-off valve between the pressure relief valve and the tank. The pressure relief valve shall be set to open at not less than 25 p.s.i. above the street main pressure, or not less than 25 p.s.i. above the setting of any house water pressure regulating valve. The setting shall not exceed the tank working pressure. The minimum size of both the inlet and discharge connections shall be ¾-inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 BTU per hour may have inlet and discharge connections of ½-inch pipe size.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 70, Eff. June 16, 1977.

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R 408.30783 Temperature relief valves.

Rule 783. Section P-1606.3.2 of the code is amended to read as follows:

P-1606.3.2. Temperature relief valves. Temperature relief valves shall be of adequate relief rating, expresed in BTU/hr., for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top 6 inches of the tank. The valve shall be set to open when the stored water temperature is 210 degrees Fahrenheit or less. The minimum size of both the inlet and discharge connections shall be ¾-inch pipe size except that relief valves protecting water heating systems with input of not more than 15,000 BTU per hour may have inlet and discharge connection of ½-inch pipe size.

History: 1954 ACS 81, p. 105, Eff. May 19, 1975; 1954 ACS 91, p. 71, Eff. June 16, 1977.

R 408.30784 Combination pressure-temperature relief valves.

Rule 784. Section P-1606.3.3 of the code is amended to read as follows:

P-1606.3.3. Combination pressure-temperature relief valves. Combination pressure-temperature relief valves shall comply with the applicable requirements for individual pressure and individual temperature relief valves and shall be installed so that the temperature sensing element is immersed in the hottest water within the top 6 inches of the tank. The minimum size of both the inlet and discharge connections shall be ¾-inch pipe size, except that relief valves protecting water heating systems with input of not more than 15,000 BTU per hour may have inlet and discharge connections of ½-inch pipe size.

History: 1954 ACS 81, p. 106, Eff. May 19, 1975; 1954 ACS 91, p. 71, Eff. June 16, 1977.

R 408.30785 Installation of relief valves.

Rule 785. Section P-1606.3.5 of the code is amended to read as follows:

P-1606.3.5. Installation of relief valves. A check valve or shut-off valve shall not be installed between a safety device and the hot water equipment used, nor shall there be a shut-off valve in the discharge pipe from the relief valve. Relief outlets, when connected to the building drainage system, shall be indirectly connected. A relief outlet or relief pipe shall not discharge so as to be a hazard or a potential cause of damage, or to otherwise be a nuisance. Relief piping shall be made of corrosion resistant material and shall drain continuously downward to the outlet.

Discharge tubes from relief valves shall terminate atmospherically not more than 4 inches from the floor with an unthreaded end. A discharge tube from a relief valve shall not terminate outdoors or in an unheated space.

History: 1954 ACS 91, p. 71, Eff. June 16, 1977.

R 408.30788 Drainage and vent systems.

Rule 788. Section P-1802.5.1 of the code is amended to read as follows:

P-1802.5.1. Drainage and vent systems.

1. Rough plumbing: Except for outside leaders and perforated or open jointed drain tile, the piping of plumbing drainage and venting systems shall be tested upon completion of the rough piping installation by water or air and proved watertight. The administrative authority may require the removal of any cleanout plugs to ascertain if the pressure has reached all parts of the system. Either of the following methods shall be used.

a. Water test: The water test shall be applied to the drainage system either in its entirety or in sections after rough piping has been installed. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system filled with water to point of overflow. If the system is

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tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be filled with water, but a section shall not be tested with less than 10 foot head of water. In testing successive sections, at least the upper 10 feet of the next preceding section shall be tested, so that a joint or pipe in the building (except the uppermost 10 feet of the system) shall not have been submitted to a test of less than a 10 foot head of water. The water shall be kept in the system or in the portion under test for at least 15 minutes before inspection starts; the system shall then be tight at all points.

b. Air test: The air test shall be made by attaching an air compressor testing apparatus to any suitable opening, and, after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of 5 pounds per square inch (psi) or sufficient to balance a column of mercury 10 inches in height. This pressure shall be held without introduction of additional air for a period of at least 15 minutes.

2. Finished plumbing: After the plumbing fixtures have been set and their traps filled with water, their connections shall be tested and proved gas and water tight. The following test method shall be employed:

a. Final test for gas and water tightness—The final test for sewer gas and water tightness of the completed drainage system shall be made by an operational test with all fixtures operative under normal water pressure and visible to the eye of the inspector inspecting for leaks.

History: 1954 ACS 91, p. 71, Eff. June 16, 1977.

R 408.30788a Water supply system.

Rule 788a. Section P-1802.5.3 of the code is amended to read as follows:

P-1802.5.3. Water supply system. Upon completion of a section or of the entire water supply system, it shall be tested and proved tight under a pressure not less than the working pressure under which it is to be used. If water is used for tests it shall be obtained from a potable source of supply.

History: 1954 ACS 91, p. 72, Eff. June 16, 1977.

R 408.30791 Definitions.

Rule 791. As used in R 408.30791 to R 408.30796:

(a) "Authorized master plumber" means a person who has met the qualifications to obtain plumbing permits from an administrative authority.

(b) "Building sewer permit" means a permit issued by an administrative authority for a building sewer.

(c) "Plumbing permit" means a permit issued by an administrative authority for plumbing and a plumbing system.

(d) "Private sewer permit" means a permit issued by an administrative authority for a private sewer.

History: 1954 ACS 81, p. 108, Eff. May 19, 1975; 1954 ACS 91, p. 72, Eff. June 16, 1977.

R 408.30792 Authorized master plumbers.

Rule 792. (1) To obtain plumbing permits, an applicant shall:

(a) Be an authorized licensed master plumber in this state.

(b) Be active in the business of serving the public as a master plumber in a county, city, village, or township in this state.

(c) Represent only 1 firm, which may operate 1 or more branches in this state bearing the same firm name, when a licensed master plumber is in charge and has the responsibility of supervision at each branch. A firm may have 1 or more authorized master plumbers to obtain permits. The names of the authorized

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master plumbers representing a firm shall be on record with the state plumbing board.

(2) To become an authorized master plumber, an application shall be made on a form furnished by the state plumbing board and filed with the board at Lansing, Michigan. An incomplete application will be returned to the applicant.

History: 1954 ACS 81, p. 106, Eff. May 20, 1975; 1954 ACS 91, p. 72, Eff. June 16, 1977.

R 408.30793 Plumbing permits.

Rule 793. (1) An applicant for a permit shall be an authorized master plumber.

(2) An application for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:

(a) Name of authorized master plumber.

(b) Master plumber license number.

(c) Name of the plumbing firm.

(d) Name of place of business.

(e) Name and address of the owner or agent for whom the work is being done.

(f) Location of work by city or township, county, street and number, or lot and block number when street number is not available.

(g) Type of building.

(h) Number and type of fixtures or devices to be installed or nature of construction, alteration or repair.

(3) An authorized master plumber is responsible for completion of the plumbing for which he has an active permit. Permits issued to an authorized master plumber representing a plumbing firm are valid for the firm to complete the plumbing upon his death. However, work shall be done under the supervision of a master plumber.

(4) If the authorized master plumber who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.

(5) When an emergency requires a plumbing permit, the authorized master plumber shall apply for a permit within 72 hours.

(6) An administrative authority may refuse to issue new permits to an authorized master plumber who has failed to correct violations or to any authorized master plumber representing a firm which has failed to correct violations.

History: 1954 ACS 81, p. 106, Eff. May 20, 1975; 1954 ACS 91, p. 72, Eff. June 16, 1977.

R 408.30795 Building sewer and private sewer permits.

Rule 795. (1) An application for a permit shall be made in writing on a form provided by an administrative authority. An incomplete application shall be returned to the applicant. The application shall contain:

(a) Name of the applicant.

(b) Name of the applicant's firm.

(c) Address of place of applicant's business.

(d) Name and address of the owner or agent for whom the work is being done.

(e) Location of work by city or township, county, street and number, or lot and block number when street number is not available.

(f) Type of building.

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(g) Nature of sewer construction, alteration or repair.

(2) A person is responsible for completion of the work for which he has an active permit.

(3) If the person who signs an application for a permit does not desire to do the work covered by it, either in part or in its entirety, he shall notify the administrative authority in writing, requesting that he be released from responsibility for that part of the work which he does not desire to do. However, he will be held responsible for the work which he has completed. The administrative authority's record shall indicate the extent of the completed work and the responsibility.

(4) When an emergency requires a sewer permit, a person shall apply for a permit within 72 hours.

(5) An administrative authority may refuse to issue new permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations.

History: 1954 ACS 81, p. 107, Eff. May 20, 1975; 1954 ACS 91, p. 73, Eff. June 16, 1977.

R 408.30796 Homeowner.

Rule 796. A homeowner installing his own plumbing, building sewer or private sewer and having knowledge of the plumbing code rules shall:

(a) Apply for the appropriate permit.

(b) Furnish a statement that all work will be performed by himself and by no one else.

(c) Pay the required fee.

(d) Apply for inspection by, and approval of, the administrative authority.

History: 1954 ACS 81, p. 107, Eff. May 20, 1975; 1954 ACS 91, p. 73, Eff. June 16, 1977.

PART 8. ELECTRICAL CODE

R 408.30801 National electrical code; incorporation by reference; inspection; purchase.

Rule 801. Rules governing the installation, replacement, alteration, relocation, and use of electrical systems or materials shall be those rules contained in the national electrical code, 1975 edition, as published by the national fire protection association, except as modified by these rules, with the exceptions noted. The national electrical code is incorporated in this part by reference, and is available for inspection at the Lansing office of the Michigan department of labor. The code may be purchased from the National Fire Protection Association, 470 Atlantic Ave., Boston, Mass. 02210, or from the Bureau of Construction Codes, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $5.50 each, plus mailing costs.

History: 1954 ACS 91, p. 73, Eff. Nov. 12, 1977.

R 408.30805 Rescission.

Rule 805. Rules 41 through 77 of the rules of the electrical administrative board, being R 338.1041 to R 338.1077 of the Michigan Administrative Code, are rescinded.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30806 Portion of the national electrical code not incorporated by reference.

Rule 806. Article 551, part A. recreational vehicles; except for section 551-2 and figure 551-13(c), is not incorporated in this part by reference.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

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R 408.30807 Title.

Rule 807. Title. This part shall be known as the Michigan electrical code, hereinafter referred to as the code.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

AMENDMENTS AND ADDITIONS TO ELECTRICAL CODE

R 408.30810 Scope.

Rule 810. Section 90-2 (a) (1) and 90-2 (b) (1) of the code is amended to read as follows:

90-2. Scope.

(a) Covered. This code covers:

(1) Electrical conductors and equipment installed within, or on, public and private buildings or other structures, including mobile homes, as well as other premises, such as yards, carnival, parking, and other lots, and industrial substations.

(b) Not covered. This code does not cover:

(1) Installations of electrical equipment in automotive vehicles, other than mobile homes, ships, watercraft, railway rolling stock, or aircraft.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30812 Enforcement.

Rule 812. Section 90-4 of the code is amended to read as follows:

90-4. Enforcement. The administrative authority shall make interpretations of the rules, deciding upon approval of listed equipment and materials, and shall grant any special permission required by these rules. In industrial establishments and in research and testing facilities, the administrative authority may waive specific requirements in this code, or may permit alternate methods, where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety and maintenance procedures.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30815 Maintenance of existing wiring.

Rule 815. Section 90-8 of the code is added to read as follows:

90-8. Maintenance of existing wiring. Every building, structure, or part thereof shall be kept in good electrical repair by the owner.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30816 Responsibility of persons.

Rule 816. Section 90-9 of the code is added to read as follows:

90-9. Responsibility of persons. A person shall not install, alter, maintain, service, or repair, or cause or permit the installation, altering, maintaining, servicing, or repairing of electrical equipment in or on any building, structure, or part thereof, or on any premises, if by the person's action the work does not conform to the provisions of the code.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30817 Disconnection of dangerous electrical equipment.

Rule 817. Section 90-10 of the code is added to read as follows:

90-10. Disconnection of dangerous electrical equipment. When the use of any electrical equipment is found imminently dangerous to human life or property, the administrative authority is hereby empowered to condemn it or disconnect it

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from its source of electric supply, except that the service entrance equipment or utility service drop wires shall not be disconnected unless such entrance equipment or utility wires in themselves constitute a hazard to life or property. When such equipment is so condemned or disconnected, a red tag shall be placed thereon listing the causes for the condemnation or disconnection and the penalty under the act for the unlawful use thereof. Written notice of condemnation or disconnection, and the causes therefore, shall be given to the owner or the occupant of the building, structure, or premises. A person shall not remove the tag or reconnect the electrical equipment to its source of electric supply, or use or permit to be used electrical current in any such electrical equipment, until such causes for the condemnation or disconnection are remedied and a permit for the electrical repairs thereof is obtained from the administrative authority.

History: 1954 ACS 91, p. 74, Eff. Nov. 12, 1977.

R 408.30818 Permits and certificates.

Rule 818. Sections 90-11, 90-12, 90-13, 90-14, 90-15, 90-16, 90-17, 90-18, 90-19, and 90-20 of the code are added to read as follows:

90-11. Permits and certificates. A person shall not equip a building with electrical equipment or make an alteration of, change in, or addition to electrical equipment without receiving a written permit to do the work described. When such electrical equipment, changes, or additions thereto are found to conform to the provisions of the code, and the work has passed inspection of the administrative authority, the administrative authority shall issue a certificate of final electrical inspection upon request of the permit holder to whom the permit was issued, that the provisions of the code have been complied with. However, such certificate shall not be granted until the electrical equipment is made to conform to the code. This section shall not apply to installations referred to in R 538.887.

90-12. Persons to whom permits shall be issued:

(1) A holder of a class 1 license.

(2) A person employing a licensed electrical journeyman to actively supervise the new installation of electrical equipment on premises owned or occupied, and used, by the applicant in the conduct of his business, and at which premises the licensed electrician performs his duties in those instances where business or industrial procedure requires the regular employment of a licensed electrical journeyman. However, an affidavit form furnished by the administrative authority shall be signed by both the employer and the licensed journeyman. This affidavit shall be kept on file in the offices of the administrative authority, and shall contain the following:

(a) Name and business address of the person employing the licensed electrical journeyman.

(b) Name, address, and current license number of the licensed electrical journeyman.

(c) License numbers of 2 previous years, and the name of licensing authority in order to establish the holding of a license for not less than 2 years.

(d) Statement to the effect that the employer and the licensed electrical journeyman will comply with the provisions of the code regulating installation of electrical equipment in the state. A new affidavit shall be filed before permits are issued if the licensed electrical journeyman terminates his employment.

(3) A homeowner who comes under the jurisdiction of the code.

90-13. Permit application forms. Applications for a permit under the code shall be on forms furnished by the administrative authority and shall be signed by the electrical contractor or his authorized agent.

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90-14. Revocation of permits. A permit issued in violation of the laws of this state, or as a result of false or fraudulent information or misinterpretation of conditions, is subject to revocation at the direction of the administrative authority. The person holding the permit shall be notified to appear and show cause why the permit should not be revoked. Failure to appear shall be deemed sufficient grounds for revocation of the permit.

90-15. Lapsed and expired permits. If work for which a permit is issued is not started within 6 months of the date of issue, or if work is abandoned for a period of 6 months, the permit shall lapse and cease to be in effect. The administrative authority may reinstate an expired permit within 1 year of its date of issue. A permit which has expired, lapsed, or been abandoned 1 year or more may be reinstated only by action of the bureau of construction codes in each case.

90-16. Permit holder quitting installation. If a person to whom a permit is issued for the installation and inspection of electrical equipment quits the installation for any reason, that person shall notify the administrative authority.

90-17. Partial completion of work. If an installation is partially completed, the permit holder, upon quitting the installation, shall notify the administrative authority and request an inspection. Acceptance of, or violations against, the work installed shall be recorded by the inspector on the permit record according to the findings of the inspector. A refund shall not be granted to the permit holder of the permit fee covering electrical equipment installed and inspected.

90-18. Owner hiring another licensed contractor to complete work. If a permit holder quits an installation after the electrical equipment is installed, and fails to notify the administrative authority, the owner or his agent may notify the administrative authority and request inspection. Upon inspection, the permit holder shall be sent a notice of any violation. The owner may then secure another licensed contractor to proceed with the work, when properly covered by a permit.

90-19. Transfer of electrical permit. If the permit holder gives written permission, or appears in person with another licensed contractor and grants permission, the permit shall be transferred to the licensed contractor. If permission is not granted by the original permit holder, the licensed contractor who completes the installation shall secure a permit covering the work he does and such licensed contractor shall be responsible in either case for all work done under his supervision.

90-20. Additional permits. Additional permits shall be required as follows:

(1) If more than 1 inspection is necessary on any violation notice.

(2) For special inspections required for the investigation of a violation of the code.

(3) For additional work not included on the original permit.

History: 1954 ACS 91, p. 75, Eff. Nov. 12, 1977.

R 408.30819 Plans and specifications.

Rule 819. Section 90-21 of the code is added to read as follows:

90-21. Plans and specifications. A detailed set of plans and specifications shall be submitted with the application for an electrical permit for any wiring or alteration to the electrical system in all buildings using more than 6 circuits, except single and 2-family dwellings. The electrical drawings shall include such details as lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, calculations, and a proposed method of construction drawn with symbols of a standard form. All conductors are assumed to be copper, unless otherwise stated on the plan. Specifications, when

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provided, shall also include the foregoing information. The selection of suitable disconnect and over current devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer. The administrative authority, when approving electrical plans, assumes no responsibility for the design or for any deviations from any applicable codes not explicitly agreed upon at the time of approval of electrical drawings. Plans and specifications approved by the administrative authority, or a certified copy thereof, where required, shall be available for the use of the administrative authority, or a certified copy thereof, where required, shall be available for the use of the administrative authority on the job.

History: 1954 ACS 91, p. 76, Eff. Nov. 12, 1977.

R 408.30820 Representative on job site.

Rule 820. Section 90-22 of the code is added to read as follows:

90-22. Representative on job site. The administrative authority reserves the right to require a representative of the contractor to be on the job when an inspection is made.

History: 1954 ACS 91, p. 76, Eff. Nov. 12, 1977.

R 408.30821 Safeguarding electrical equipment.

Rule 821. Section 90-23 of the code is added to read as follows:

90-23. Safeguarding electrical equipment. Electrical contractors shall not install electrical equipment that may be damaged by exposure or construction.

History: 1954 ACS 91, p. 76, Eff. Nov. 12, 1977.

R 408.30822 Scheduling inspection.

Rule 822. Sections 90-24, 90-25, and 90-26 of the code are added to read as follows:

90-24. Scheduling inspection. Not less than 24 hours' notice shall be given the administrative authority before inspection is required.

90-25. Inspection notices. Any notice of inspection of electrical equipment shall be posted, or removed, at the job site by the administrative authority only.

90-26. Inspection before concealing. A person shall not conceal, or cause to be concealed, any electrical equipment before such equipment is approved by the administrative authority.

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30823 Inspection and copying of records.

Rule 823. Section 90-27 of the code is added to read as follows:

90-27. Inspection and copying of records. Upon request in writing, the administrative authority shall make available for public inspection and copying, during its business hours, final orders or decisions in contested cases and the records on which such orders or decisions were made. Advance notice is required where these records are stored outside the immediate office area. Promulgated rules and written statements which interpret law, rules, or policy shall be available upon request during business hours. The administrative authority may charge not more than cost for each copy of any document.

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

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R 408.30824 Methods of obtaining information.

Rule 824. Section 90-28 of the code is added to read as follows:

90-28. Methods of obtaining information. The administrative authority is not responsible for code interpretations or other information relative to electrical installations given over the telephone. Requests for such information shall be made in person or in writing.

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30825 Advertising.

Rule 825. Section 90-29 of the code is added as follows:

90-29. Advertising. A person shall not use any word or words in a sign, display, business form or document, or advertising medium which indicates, or tends to indicate, that a person is qualified to supervise, install, repair, replace, remove, or service any electrical equipment which requires a permit or inspection, or both, pursuant to these rules from the administrative authority, unless such is uttered, published, or displayed by authority of a licensed electrical contractor (class 1 licensee).

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30826 Violations.

Rule 826. Section 90-30 of the code is added to read as follows:

90-30. Violations. If it is found that any electrical equipment does not conform to the provisions of the code, the person installing or responsible for installing such electrical equipment shall be notified in writing of such defect, misuse, or violation, and all such violations, defects, or misuses of such electrical equipment shall be corrected within a reasonable length of time, not to exceed 10 working days. When the corrections have been made, that person shall notify the administrative authority in writing not less than 24 hours prior to the time reinspection is desired. Any person failing to make correction of a violation within the time specified herein shall be denied the right to file any further permits to do electrical work until the corrections are made.

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30830 Definitions.

Rule 830. Article 100, part A, of the code is amended to read as follows:

"Administrative authority defined." "Administrative authority" means the individual official, board, department, agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the electrical code as adopted or amended. (All other definitions within article 100, part A, of the code shall remain the same.)

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30865 Nonmetallic sheathed cable; uses permitted or not permitted.

Rule 865. Section 336-3 is amended to read as follows:

336-3. Uses permitted or not permitted. Type NM and type NMC cables shall be permitted to be used in 1- and 2-family dwellings, or multi-family dwellings and other structures.

(a) Type NM. This type of nonmetallic-sheathed cable shall be permitted to be installed for both exposed and concealed work in normally dry locations. It shall be permissible to install or fish type NM cable in air voids in masonry block or tile walls where such walls are not exposed or subject to excessive moisture or dampness.

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Type NM cable shall not be installed where exposed to corrosive fumes or vapors; nor shall it be embedded in masonry, concrete, fill, or plaster; nor run in a shallow chase in masonry or concrete and covered with plaster or similar finish.

(b) Type NMC. Type NMC cable shall be permitted for both exposed and concealed work in dry, moist, damp, or corrosive locations, and in outside and inside walls of masonry block or tile.

(c) Uses not permitted for either Type NM or NMC. Types NM and NMC cables shall not be used as: (1) service-entrance cable, (2) in commercial garages, (3) in theaters and similar locations, except as provided in article 518, places of assembly, (4) in motion-picture studios, (5) in storage battery rooms, (6) in hoistways, (7) in any hazardous location, (8) embedded in poured cement, concrete, or aggregate.

History: 1954 ACS 91, p. 77, Eff. Nov. 12, 1977.

R 408.30880 Circuits in anesthetizing locations.

Rule 880. Section 517-63(f) is amended to read as follows:

517-63(f). Circuits in anesthetizing locations. (1) A general purpose lighting circuit connected to the normal grounded service shall be installed in each operating room. Exception: Where connected to any alternate source permitted in 700-6 which is separate from the source serving the emergency system.

History: 1954 ACS 91, p. 78, Eff. Nov. 12, 1977.

PART 9. MECHANICAL CODE

R 408.30901 Applicable code.

Rule 901. The Michigan rules governing the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures shall be those contained in the BOCA basic mechanical code, 1978 edition, including appendices A to E on pages 273 to 288, with the exception of the BOCA basic building code, 1978 edition, BOCA basic plumbing code, 1978 edition, national electrical code, 1978 edition, and sections M-109.3, M-110.6.1, M-114.2, M-114.3, M-121.0, M-122.0, M-122.1, M-122.2, M-122.2.1, M-122.2.2, M-122.2.3, M-122.2.4, M-122.2.5, M-122.3, M-122.4, M-122.4.1, M-122.4.2, M-122.4.3, M-122.5, M-122.5.1, M-122.5.2, M-122.5.3, M-122.5.4, and M-122.6; the definition of fire department in section M-201.0, M-300.12, M-301.3.3, M-301.3.4, table M-301.4, M-301.5.1, M-302.7.3, table M-303, M-303 to M-303.2, M-307.5.1, M-311.2.1, M-311.3.1, M-312.2.1, M-312.2.2, M-316.6.2, M-316.6.3, M-317.11, M-317.11.1, M-317.11.2, M-317.11.2.1, M-317.11.2.2, table M-317.11, M-317.11.3, M-317.11.4, M-318.1, M-320.1 to M-320.2.2, M-321.2 to M-322.1, M-323.4.4, M-324.2.2, M-324.3.1 to M-324.3.5, M-326.1.4, M-327.3, M-400.10, M-405.1.1, M-405.1.2, M-405.5, M-405.5.1, M-405.5.2, M-406.2, M-406.3, M-407.2 to M-407.2.3, M-409.8, M-409.12.5, M-409.12.6, M-410.4.3, M-419.0 to M-419.5, M-420.6.2 to M-422.1, M-423.1 to M-423.3, M-500.2 to M-503.1, M-601.1.3, M-601.1.7, figure M-602.7, M-603.1.1 to M-603.1.7, tables M-603.1 and M-603.1.1, M-605.2, M-609.4, M-609.9, M-613.2, M-623.2, M-624.14, M-624.15.2, M-624.17, M-624.18, M-624.21, M-624.23, M-624.23.1, M-624.24.2, M-624.24.3, M-624.27, M-625.4, M-625.7.1, M-702.10, M-902.3.1, M-1101.0 to M-1122.1; and, with exception noted; it is incorporated herein by reference. The code is available for inspection at the Lansing office of the Michigan department of labor, bureau of construction codes. The code may be purchased from the Building Officials and Code Administrators International, Incorporated, 17926 South Halstead Avenue, Homewood, Illinois 60430, or from the Michigan Department of Labor, Bureau of Construction Codes, State Secondary Complex, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $17.00 each.

History: 1954 ACS 101, p. 89, Eff. Apr. 5, 1980.

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AMENDMENTS AND ADDITIONS TO BASIC MECHANICAL CODE

R 408.30906 Title; purpose and intent.

Rule 906. Sections M-100.1, M-100.2, and M-100.3 of the code are amended to read as follows:

M-100.1. Title: This code shall be known as the mechanical code of the state of Michigan, hereinafter referred to as the "mechanical code" or "this code."

M-100.2. Scope: The design installation, maintenance, alteration, and inspection of mechanical systems, including heating systems, ventilating systems, cooling systems, steam and hot water heating systems, process piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, barbecues, incinerators, crematories, fire suppression systems, air pollution control systems, and systems utilizing solar or geothermal energy as an energy source shall comply with the requirements of this code.

M-100.3. General: It is the purpose and intent of this code to establish standards in terms of performance objectives, implemented by specific requirements, which provide reasonable safeguards to protect the public health and safety against the hazards of inadequate, defective, or unsafe mechanical installations.

History: 1954 ACS 101, p. 89, Eff. Apr. 5, 1980.

R 408.30907 Construction.

Rule 907. Section M-101.4 of the code is amended to read as follows:

M-101.4. Other regulations: Nothing in this code shall be construed to prevent the enforcement of state statutes or administrative rules which prescribe mechanical standards other than are provided herein.

History: 1954 ACS 101, p. 90, Eff. Apr. 5, 1980.

R 408.30908 Applicability; existing mechanical systems.

Rule 908. Section M-103.1 of the code is amended to read as follows:

M-103.1. General: This code also shall apply to existing mechanical systems, provided that existing mechanical systems may be continued in use without change, but subject to periodic inspections regulated by this code where such systems basically conform to standards of this code and present no apparent danger to life, limb, or property through methods of installation or operation. This code also applies to the following existing mechanical systems as if hereafter installed:

1. Mechanical systems in a building occupied for occupancies or uses other than those for which it was occupied at the time this code became applicable.

2. Mechanical systems in a building moved within jurisdictional limits subject to this code.

History: 1954 ACS 101, p. 90, Eff. Apr. 5, 1980.

R 408.30909 Adoption by reference; code requirements; listed appliances.

Rule 909. Section M-108.4.1 of the code is amended, and sections M-108.4.4 and M-108.4.5 are added, to read as follows:

M-108.4.1. Approval: Approval for the use of new materials shall be in accordance with section 21 of the act.

M-108.4.4. General: All of the nationally recognized standards referred to and appearing in the text and appendices of the BOCA basic mechanical code, 1978 edition, are hereby adopted by reference and incorporated into these rules.

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However, the requirements listed in each section of this code take precedence over the standards. These rules are sometimes hereinafter referred to as this code. All portions of mechanical systems installed and maintained in accordance with the regulations, specifications, standards, materials, equipment, systems, or method of construction therein specified shall be deemed to meet the purpose and intent of this code.

M-108.4.5. Listed appliances: When the requirements for listed appliances and their accessories are less restrictive or more restrictive than the requirements of this code, such listed appliances may be installed in accordance with the conditions specified in their listing. Listed appliances and their accessories installed or used not according to the conditions specified in their listing and all appliances not listed shall conform to the requirements of this code.

History: 1954 ACS 101, p. 90, Eff. Apr. 5, 1980.

R 408.30910 Duties and powers of the mechanical official.

Rule 910. Section M-110.6 of the code is amended to read as follows:

M-110.6. Rule making authority: New rules shall be promulgated in accordance with section 6 of the act.

History: 1954 ACS 101, p. 90, Eff. Apr. 5, 1980.

R 408.30911 Work permit; submitting plans and specifications to authority.

Rule 911. Sections M-111.1 and M-111.1.1 of the code are amended, and section M-111.4.1 is added, to read as follows:

M-111.1. Permits required: Mechanical work shall not be commenced until a permit for such work has been issued by the administrative authority, except in case of emergency. A mechanical permit is not transferable.

M-111.1.1. Permits not required: A permit is not required for any of the following:

1. A portable heating appliance.
2. Portable ventilation equipment.
3. A portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. A portable evaporative cooler.
7. A self-contained refrigerating system containing 10 pounds or less of refrigerant or actuated by motors of 1 horsepower or less.
8. A boiler or pressure vessel for which a permit is required by sections 17 and 18 of Act No. 290 of the Public Acts of 1965, as amended, being §§408.767 and 408.768 of the Michigan Compiled Laws, administered by the Michigan department of labor.

M-111.4.1. Examination of plans: All plans and specifications required to be submitted shall be examined by the administrative authority to determine conformance with the provisions of this code after the application has been filed and the application fee paid in accordance with section M-114.0.

When plans and specifications of unusual design or magnitude of construction are filed, the administrative authority may refer such plans and specifications to building officials and code administrators international or the Michigan construction code commission for advice and recommendations as to their safety of design and compliance with this code.

History: 1954 ACS 101, p. 90, Eff. Apr. 5, 1980.

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R 408.30912 Fees.

Rule 912. Section M-114.1 of the code is amended to read as follows:

M-114.1. General: A permit to begin work for new construction, alteration, removal, demolition, or other building operation shall not be issued until the fees prescribed by section 22 of the act have been paid to the enforcing agency or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

History: 1954 ACS 101, p. 91, Eff. Apr. 5, 1980.

R 408.30913 Inspections.

Rule 913. Section M-115.1 of the code is amended, and section M-115.1.1.1 is added, to read as follows:

M-115.1. General: All equipment for which a permit is required under this code shall be inspected or approved by the administrative authority, except as otherwise specified in article 5. Any portion of equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved by the administrative authority. When installation of any equipment is complete, a final inspection shall be made.

M-115.1.1.1. Inspection approval and denial: An inspection approval may, upon notice, be revoked by the administrative authority if it is found that the equipment fails in any respect to conform to the requirements of this code, or that the equipment is unsafe, dangerous, or a hazard to life or limb. The administrative authority may accept inspection certificate reports from an approved quality control and inspection agency in lieu of on-site inspection when on-site inspection is impractical. See article 5 for periodic inspection of boilers and pressures.

History: 1954 ACS 101, p. 91, Eff. Apr. 5, 1980.

R 408.30914 Notice of violations.

Rule 914. Sections M-117.1 and M-117.4 of the code are amended to read as follows:

M-117.1. Unlawful acts: It shall be unlawful for any person, firm, or corporation to erect, construct, alter, repair, remove, demolish, or operate mechanical equipment regulated by this code, or cause same to be done, contrary to, or in conflict with, or in violation of, any of the provisions of this code or the act.

M-117.4. Violation penalties: Prohibited acts and penalties shall be in accordance with section 23 of the act.

History: 1954 ACS 101, p. 91, Eff. Apr. 5, 1980.

R 408.30915 Stop-work order.

Rule 915. Sections M-118.1 and M-118.2 of the code are amended to read as follows:

M-118.1. Notice to owner: Upon notice from the mechanical official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be stopped in accordance with section 12 of the act.

M-118.2. Unlawful continuance: Any person who shall continue such work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be subject to penalty provisions under section 23 of the act.

History: 1954 ACS 101, p. 91, Eff. Apr. 5, 1980.

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R 408.30916 Definitions.

Rule 916. Section M-201.0 of the code is added or amended to read as follows:

(1) The following defined terms, appearing in section M-201.0 of this code, are amended to read as follows:

(a) "Air conditioning" means the process of treating air to meet the requirements of the conditioned space by controlling simultaneously its temperature, humidity, cleanness, and distribution.

(b) "Air conditioning system" means an interrelated assembly of appliances and equipment, usually consisting of heat exchangers, blowers, filters, supply, exhaust and return air ducts, including all apparatus installed in connection therewith.

(c) "Approved" means that which the administrative authority designates acceptable as a device, apparatus, or method which, by demonstration or test, or both, has proved workable and safe for its intended use. Construction and testing to nationally recognized standards as listed herein or certificates of compliance from the manufacturer may constitute the basis for acceptability.

(d) "Baffle" means any construction intended to change the direction of flow of a liquid or gas.

(e) "Damper" means a manually or automatically controlled device to regulate draft or the rate of flow of air or combustion gases.

1. Backdraft damper (shutter): A device which, when mounted in a duct or opening, permits the flow of air in 1 direction only. It is normally opened by the energy of the air stream, but may be opened or closed, or both, by external mechanical means.

2. Barometric: See "Draft regulator."

3. Butterfly: A plate or blade installed in a duct, breeching, or flue connection which rotates on an axis.

4. Guillotine: An adjustable blade installed vertically in a breeching, or flue connection usually counter-balanced for easy operation.

5. Sliding: An adjustable blade installed in a duct, breeching, or flue connection.

6. Fire: See "Fire damper."

(f) "Furnace, floor" means a self-contained connected or vented furnace designed to be supported from the floor or the space being heated with a means for observing the flame and lighting the appliance from the space being heated.

(g) "Gas" means an aeroform fluid, having neither independent shape nor volume, which has weight, occupies space, tends to expand indefinitely, and which can be changed to a liquid or a solid state only by increasing pressure with decreased or controlled temperature or by decreasing temperature with increased or controlled pressure. The word shall include natural gas, manufactured gas, mixed gas, or liquefied petroleum products with BTU content based on the altitude at which the gas is to be consumed.

(h) "Heater radiant" means a space heater utilizing a ceramic, stainless steel, clayback or equivalent as a radiating medium, utilizing the principle of transmitting heat through space by wave motion; the passage of heat from one object to another without warming the air space between.

(i) "Heater, room (space)" means a heating unit for direct heating of the space in and adjacent to that in which the unit is located without external heating pipes or ducts.

(j) "Noncombustibles" means materials which have a flame spread of 25 or less and a smoke developed rating of 50 or less when tested in accordance with the "Standard Test Method for Fire Hazard Classification of Building Materials," underwriters laboratories, 723, 1971 edition.

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(k) "Pressure vessel" means a tank, vessel, or receptacle, other than a boiler, pressure piping, or machined part for the keeping, transfer, or use under pressure either steam, vapor, compressed air, gas, or liquid. See section M-801.0 for definition of pressure vessels used in refrigerating systems.

(l) "Rating input" means the gross amount of fuel or energy measured in BTUH, watts, or joules per hour that can be safely burned, or utilized by, an appliance at a given altitude.

(m) "Supply air system" means an assembly usually consisting of connected ducts, plenums, fittings, registers, and grilles through which air is conducted from the supply unit to the space or terminal point of use. See also "Return air system."

(n) "Tempered air" means air heated before distribution.

(o) "Unit system" means a self-contained system which has been assembled and tested at the factory prior to its installation and containing the functional elements indicated by its name, such as air conditioning unit, room cooling unit, humidifying unit, and heating unit.

(p) "Ventilation" means the process of supplying ventilation air to any space by natural or mechanical means. Provisions shall be made for simultaneous removal of air from the space.

(2) The following defined terms, appearing in section M-201.0 of this code, are added to read as follows:

(a) "Air, exhaust" means air removed from a space and not reused.

(b) "Air, outdoor" means air taken from outdoors and therefore not previously circulated through the system.

(c) "Air, recirculated" means return air again supplied to the space.

(d) "Air, returned" means air removed from a space and recirculated or exhausted.

(e) "Air, supply" means that air delivered to each or any space in the system or the total delivered to all spaces in the system, which is used for ventilating, heating, cooling, humidification, dehumidification, and other similar uses.

(f) "Air, ventilation" means that portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space. See section M-317.1.1.

(g) "BTU" means British thermal units.

(h) "BTU/hr." means British thermal units per hour.

(i) "Catwalk" means a narrow walkway.

(j) "CFH" means cubic feet per hour.

(k) "CFM" means cubic feet per minute.

(l) "°" means degree.

(m) "Direct wall vent furnace." See "Furnace."

(n) "Duct, air" means a tube, conduit, or passageway made of sheet metal or other approved materials, not necessarily airtight, used for conveying air or other gases from one location to another.

(o) "Equipment" means all mechanical or electrical appliances, apparatus, devices, or components of any mechanical system.

(p) "Exfiltration" means airflow outward through cracks in interstices, around windows and doors, and through floors and walls of the space or building.

(q) "F." means Fahrenheit.

(r) "Ft." means feet or foot, whichever is applicable.

(s) "Furnace, direct vent wall" means a system consisting of an appliance, combustion air, and flue gas connections between the appliance and the outside atmosphere, and a vent cap supplied by the manufacturer and constructed so that all air for combustion is obtained from the outside atmosphere and all flue gases are discharged to the outside atmosphere.

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(t) "Gals./hr." means gallons per hour.

(u) "Hr." means hour.

(v) "In." means inch.

(w) "Infiltration" means the inward air leakage through cracks and interstices, around windows, doors, and through floors and walls of the space or building.

(x) "LPG" means liquefied petroleum gas.

(y) "May" means that which is permissive and not mandatory.

(z) "Mechanical exhaust system" means a system for removing air from a room or space by mechanical means.

(aa) "Mechanical supply system" means a system for forcing air into a room or space by mechanical means.

(bb) "Natural ventilation" means the movement of air into and out of a space through intentionally provided openings, such as windows and doors or through nonpowered ventilators.

(cc) "Occupancy use group." See sections 202 and 203 of the building code.

(dd) "Psig" means pounds per square inch gauge.

(ee) "Shall" means that which is mandatory and not discretionary.

(ff) "Should" means that which is permissive and not mandatory.

(gg) "Ventilation air." See "Air, ventilation."

(hh) "W.C." means water column.

(ii) "Zero governor" means a regulating device that is normally adjusted to deliver gas at atmospheric pressure within its flow rating.

History: 1954 ACS 101, p. 92, Eff. Apr. 5, 1980.

R 408.30917 Heating, ventilating, and air conditioning.

Rule 917. Sections M-300.1, M-300.4, M-300.8, M-300.9, M-300.13.1, M-300.13.5, and M-300.14 of the code are amended, and sections M-300.5.1, M-300.13.10, and M-300.16 are added, to read as follows:

M-300.1. Scope: The provisions of this article shall govern the construction, installation, alteration, maintenance, and repair of all warm air furnaces, such as oil-burning, solid fuel-burning, gas-burning, and liquefied petroleum gas-burning equipment, electrical appliances, and appliances utilizing solar or geothermal energy as an energy source for air heating, ventilating, air conditioning, and air pollution control, and blower and exhaust appliances and systems.

M-300.4. Type of fuel: An appliance shall not be converted from the fuel use intended to a different fuel without conforming to the appliance, burner manufacturer's, or registered professional engineer's instructions, or as approved by the department for the fuel to be used.

M-300.5.1. Floor-mounted appliances or equipment without legs or protective bases installed in locations, such as, but not limited to, basements, equipment rooms, utility rooms, machinery rooms, or boiler rooms, which are subject to flooding, floor washing, or other wet conditions, shall be mounted on a minimum 1 inch high nonflammable housekeeping pad to prevent deterioration by moisture corrosion, unless exempted by the department.

M-300.8. Temporary heating during construction: Fuel-fired heaters for temporary heating during construction shall be of a type approved by the department and operated in a safe manner. All heating equipment, other than approved portable units used during construction, shall be wired and operated so that all controls function in a normal manner.

M-300.9. Guards: Pulleys, belts, and similar equipment shall be provided with a protective guard.

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M-300.13.1. Liquid fuel-burning appliances having an integral or directly attached fuel tank shall not be installed unless approved by the administrative authority.

M-300.13.5. Furnace cement shall not be used for the repair of heat exchangers. Furnace cement may be used for the sealing of joints where required for case iron heat exchangers. Welding repair of heat exchangers shall be in accordance with the manufacturer's recommendations or as approved by the administrative authority.

M-300.13.10. Floor flooding: Floor registers and wall registers, where the lower edge of the wall register is less than ½ inch above the room floor or door threshold, whichever is higher, shall not be allowed in toilet rooms, bathrooms, washrooms, laundry rooms, utility rooms, basements, or in any room so equipped that floor flooding may become a possibility or where chemicals or other contaminants may enter the ducts.

M-300.14. Fuel-fired heat exchangers: Where all or a portion of the ventilating air entering a heat exchanger is taken directly from the outside at winter design temperature, the heat exchanger through which such air passes shall be constructed of an approved noncorrosive material unless provisions are made to assure a mixture temperature of not less than 55 degrees Fahrenheit, or as approved by the manufacturer.

M-300.16. Bonnets, plenums, or fittings for furnaces shall be extended at least the full size of the furnace discharge opening for a distance of 18 inches from the furnace casing, or for a distance required to insure proper air flow.

History: 1954 ACS 101, p. 94, Eff. Apr. 5, 1980.

R 408.30918 Warm-air heating, ventilating, and air conditioning systems; all occupancies except 1- and 2-family dwellings.

Rule 918. Sections M-301.3.1, M-301.4, M-301.4.1, M-301.4.2, M-301.10.2, M-301.11, M-301.12.1, M-301.12.4, M-301.12.6, M-301.13.2, and M-301.14 of the code are amended, and section M-301.11.1 is added, to read as follows:

M-301.3.1. Fuel-fired heat exchangers shall not be located downstream from a cooling unit unless the equipment is accepted for such use by a nationally recognized testing or inspection agency, the manufacturer, or the administrative authority.

M-301.4. Duct construction: Duct construction shall conform to the provisions of the following sections:

M-301.4.1. Ducts and plenums may be constructed of approved material in accordance with their approval and the applicable standards listed in appendix B. Aluminum ducts shall not be used for commercial kitchen rangehood exhausts or in systems where air entering the duct is over 250 degrees Fahrenheit unless approved by the administrative authority.

M-301.4.2. Ducts or plenums may be of independent construction or may be formed by parts of the building structure itself, such as, but not limited to, cavity walls, concrete tunnels, and ceiling plenum spaces, if constructed of sheet metal or other approved materials similar in structural rigidity and if substantially airtight. See section M-300.6. Duct work located outdoors and exposed to the elements shall be made watertight unless approved by the administrative authority.

M-301.10.2. For additional requirements, see section M-612.

M-301.11. Fire dampers: Except when proper fire tests have shown that fire dampers are not necessary to maintain the integrity of the fire-resistance rated assembly, fire dampers complying with the standards listed in appendix B and in R 29.1 to R 29.298 of the Michigan Administrative Code, as promulgated pursuant

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to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of state police, fire marshal division, shall be installed in the locations listed below:

1. Ducts penetrating a required fire wall. When a fire wall is of 3 hour or greater fire endurance, a fire door is required.
2. Ducts passing through a required fire separation wall.
3. Ducts penetrating a required fire-resistance rated shaft wall. Subducts extending 22 inches vertically upward may be used in lieu of fire dampers for exhaust ducts.
4. Ducts penetrating the ceiling of a required fire-resistance rated floor/ceiling assembly or roof/ceiling assembly.
5. Ducts penetrating a required fire-resistance rated corridor or walls.

M-301.11.1. Location: The designer of an air duct system shall show on the plans the location of all automatic fire doors and fire dampers as required by code.

M-301.12.1. Outside air intake openings for ventilating air shall be located not less than 10 feet, measured in any direction, from any flues, vents, chimneys, gas meters, gas regulators, streets, alleys, parking lots, loading docks, or other hazardous or noxious sources.

M-301.12.4. Where outside ventilating air intake and exhaust openings are located in any areaway below grade, the top of the areaway shall be not less than 12 inches above the grade level. Ventilating air intake shall be not less than 12 feet, measured horizontally from the edge of the traveled portion of any street, alley, or parking lot.

M-301.12.6. All outside air intake and exhaust openings shall be protected against water entering the system when it will cause damage.

M-301.13.2. Where mechanical ventilation is required by this code, controls shall be provided so that the minimum ventilation air requirements are maintained continuously during periods of occupancy. This is not intended to preclude the use of variable air volume systems or systems which regulate the ventilation air to match the varying occupancy loads.

M-301.14. Negative pressure affecting combustion: Ventilation systems shall be designed and installed so that negative pressure from the ventilation system cannot affect the air supply for combustion, nor draw products of combustion from appliances, vents, or fireplaces. See sections M-317.1.6, M-317.1.7, and M-624.4.1.

History: 1954 ACS 101, p. 94, Eff. Apr. 5, 1980.

R 408.30919 Warm-air heating, ventilating, and air conditioning systems in 1- and 2-family dwellings.

Rule 919. Sections M-302.2.3, M-302.2.4, M-302.2.5, M-302.3, M-302.5, M-302.7.1, and M-302.7.4 of the code are amended, and section M-302.2.8.1 is added to read as follows:

M-302.2.3. Joints and seams of supply and return ducts shall be securely fastened and so constructed as to be substantially airtight. Round pipe slip joints shall have a lap of at least 1 inch, and each joint shall be individually fastened in an approved manner. Tape, if used for sealing joints, shall be of an approved material having a maximum flame spread rating of 25 and a maximum smoke developed rating of 50.

M-302.2.4. Supports and hangers for ducts shall be provided as necessary to prevent sagging and to secure the ducts in their place, and shall consist of strips or rods of metal or other approved material attached to joists or other framing

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members. Nails shall not be driven through fittings or ducts at any point. Lugs or straps shall not be formed by cutting holes in fittings or ducts.

M-302.2.5. The panning of joists or studs for return air ducts shall be of hot-dipped galvanized sheet metal at least no. 32 gage or no. 28 B & S gage aluminum or other approved material.

M-302.2.8.1. Air balance devices: Adequate air balancing devices shall be installed in the system to insure proper adjusting of the air system.

M-302.3. Appliance settings and controls: See article 6 and article 8.

M-302.5. Private garage heating: The discharge opening of warm air ducts extending from any dwelling to its attached garage shall be not less than 6 feet 6 inches from the floor of the garage. Outside air shall be supplied to the return air system through a duct having a capacity equal to, or greater than, the capacity of the garage warm air supply. The supply duct shall be provided with a backdraft damper and a fire damper of approved design.

M-302.7.1. A fuel-fired heat exchanger shall not be located downstream from a cooling unit unless the equipment is accepted for such use by a nationally recognized testing or inspection agency, the manufacturer, or the administrative authority.

M-302.7.4. Fuel-fired appliances may be installed in a private garage provided that the burners and pilots are not less than 18 inches above the floor. Direct vent wall heaters may be located within a private garage. The appliances shall be located or reasonably protected so that it is not subject to physical damage by a moving vehicle.

History: 1954 ACS 101, p. 96, Eff. Apr. 5, 1980.

R 408.30920 Clearances and controls.

Rule 920. Section M-304.0 of the code is amended to read as follows:

M-304.0. Clearance and controls: See article 6.

History: 1954 ACS 101, p. 96, Eff. Apr. 5, 1980.

R 408.30921 Heating appliances located in attic spaces.

Rule 921. Sections M-305.0, M-305.1, M-305.2.2, and M-305.3.3 of the code are amended to read as follows:

M-305.0. Heating appliances located in attic spaces.

M-305.1. Installation: Heating appliances shall not be installed in attic or attic spaces unless approved for installation in such space. Liquefied petroleum gas-fired appliances shall not be installed in attics or furred spaces, unless such spaces are provided with an approved means for removal of unburned gas. All heating appliances shall be provided with a means of shutting off the heating energy, such as, but not limited to, electric, gas, and oil, at a readily accessible location within the living space on the first floor level of the dwelling or at the meter. Shutting off the energy shall not require a tool.

M-305.2.2. The entrance to the access passageway shall be located not more than 20 feet from the furnace unless otherwise approved by the administrative authority.

M-305.3.3. An attic furnace platform shall not bear on or contact the ceiling joists unless such platform is protected as provided in section M-305.3.2, and the joists are designed for such loads. If supported by the roof joists, the design live and dead load shall not be exceeded. The furnace shall be provided with at least 1 inch ventilated clearance from the bottom of the unit to the nonflammable platform. For clearance to combustible materials, see section M-612.

History: 1954 ACS 101, p. 95, Eff. Apr. 5, 1980.

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R 408.30922 Roof-mounted appliances.

Rule 922. Sections M-306.1 and M-306.2.3 of the code are amended to read as follows:

M-306.1. General: In addition to the other provisions of this article, a roof-mounted appliance shall conform to the following requirements.

M-306.2.3. An appliance shall have an accessible 110-120 volt grounding-type convenience outlet on the roof within 25 feet of the appliance.

History: 1954 ACS 101, p. 96, Eff. Apr. 5, 1980.

R 408.30923 Heating appliances located in crawl spaces.

Rule 923. Sections M-307.0, M-307.1, M-307.2, M-307.3 and M-307.5.2 are amended, and section M-307.3.1 is added, to read as follows:

M-307.0. Heating appliances located in crawl spaces.

M-307.1. Crawl space: A minimum height of 36 inches shall be maintained at the appliance, access routes, and required system service points from the ground level to the bottom of the floor structural system above.

M-307.2. Clearance: For clearance to combustible materials see section M-612. Bonnets, plenums, or fittings for furnaces shall be extended at least the full size of the furnace discharge opening for a distance of 18 inches from the furnace casing, or for a distance required to insure proper air flow.

M-307.3. Installation: A heating appliance on grade shall be placed on a concrete slab not less than 4 inches in thickness or equivalent nonflammable base, and such base shall be above the level of the surrounding ground in the crawl space. The slab shall be constructed to extend not less than 6 inches on all sides of the heating appliance.

M-307.3.1. A heating appliance shall be provided with a means of shutting off the heating energy, such as, but not limited to, electric, gas, and oil at a readily accessible location within the living space on the first floor level of the dwelling or at the meter. Shutting off the energy shall not require a tool.

M-307.5.2. An access opening shall be provided, and the heating appliance shall be located not more than 20 feet therefrom.

History: 1954 ACS 101, p. 96, Eff. Apr. 5, 1980.

R 408.30924 Floor furnaces in 1- and 2-family dwellings.

Rule 924. Section M-308.1 of the code is amended, and section M-308.1.1 is added, to read as follows:

M-308.1. A floor furnace shall not be installed except for replacement only. Only furnaces that are approved for service with direct contact with combustible floors may be installed. A floor furnace shall be installed in accordance with its listing or in accordance with sections M-308.1.1 to M-308.4.2.

M-308.1.1. A flat floor furnace shall be installed not less than 6 inches from a wall. A wall register floor furnace shall be installed not less than 6 inches from an inside room corner.

Exception: Replacement floor furnaces of the same or lesser input rating may be installed in the original location as approved by the department.

History: 1954 ACS 101, p. 97, Eff. Apr. 5, 1980.

R 408.30925 Service stations; heating appliances.

Rule 925. Sections M-310.2, M-310.3, and M-310.4 of the code are amended to read as follows:

M-310.2. Location of heating appliances: Heating appliances that are installed in service stations shall be located not less than 18 inches from the floor to the

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bottom of the burner or pilot of the unit, and not less than 8 feet from the floor in the lube area unless approved by the department. A heating appliance shall not be located below grade.

M-310.3. Bonnets, plenums, or fittings for furnaces shall be extended at least the full size of the furnace discharge opening for a distance of 18 inches from the furnace casing, or for a distance required to insure proper air flow.

M-310.4. Ducts: Return air and supply air shall be provided to the furnace through approved ducts. Duct construction shall be in accordance with SMACNA-76, "Low Pressure Duct Construction Standard," the standard of the sheet metal and air conditioning contractors' national association, incorporated, which is incorporated herein by reference. This standard may be purchased from Sheet Metal and Air Conditioning Contractors' National Association, Incorporated, 8224 Old Courthouse Road, Tysons Corner, Vienna, Virginia 22180, at a cost of $20.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $20.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 97, Eff. Apr. 5, 1980.

R 408.30926 Space, recessed, and through-the-wall heaters.

Rule 926. Sections M-311.0, M-311.1, M-311.1.1, M-311.1.2, M-311.2.2, and M-311.3.4 of the code are amended to read as follows:

M-311.0. Space, recessed, and through-the-wall heaters.

M-311.1. General: Space, recessed, and through-the-wall heaters shall not be installed as a central heating system unless listed and approved by a nationally recognized agency for such use or as otherwise approved by the department.

M-311.1.1. For flameguard requirements, see section M-609.2.1.

M-311.1.2. A space heater shall be installed so as not to cause a fire hazard to walls, floors, curtains, furniture, open doors, or to the free movement of persons within the room. See article 6 for clearances.

M-311.2.2. Combustion air intakes or vents, or both, shall be located on the exterior of the building, and such openings shall be not less than 12 inches above the exterior finished grade. When such heaters are located in garages or accessory use buildings where motor-driven vehicles or devices utilizing volatile liquids are housed or stored, combustion air openings and vents shall be located not less than 18 inches from the exterior finished grade, and the interior pilot light access opening shall be located not less than 18 inches from the finished floor. Where combustion air intake openings are located immediately adjacent to a driveway, the exterior 18-inch height requirements shall apply. The equipment shall be protected from any type of mechanical injury from vehicular traffic. Vents from such heaters shall not be located within 12 inches of any window, door, or opening into a building unless approved by the department.

M-311.3.4. For flameguard requirements, see section M-609.2.1.

History: 1954 ACS 101, p. 97, Eff. Apr. 5, 1980.

R 408.30927 Infrared space heaters; gas-fired, oil-fired, and electric.

Rule 927. Sections M-312.0, M-312.1, M-312.2, M-312.3, M-312.3.1, M-312.3.2, and M-312.3.3 of the code are amended, and sections M-312.1.1, M-312.3.4, and M-312.4 of the code are added, to read as follows:

M-312.0. Infrared space heaters, gas-fired, oil-fired and electric.

M-312.1. General: An approved electric infrared heating unit and a vented infrared fuel-fired heating unit shall be listed by a nationally recognized testing

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agency and installed in accordance with its listing. Units shall not be installed where the atmosphere contains hologenated hydrocarbons, corrosive agents, or contains particulate matter, such as foundry dust, welding fumes, or other detrimental contaminates or dust in such quantities as to clog or impair the equipment or interfere with proper combustion.

M-312.1.1. Prohibited equipment: Unvented oil-fired infrared heating units are not permitted.

M-312.2. Burner controls: All units shall be equipped with approved controls. In the event of a flame or ignition failure, the controls shall provide for shutoff of fuel to the main burner for units operating on oil or natural gas, and 100% shutoff of fuel to the main burner and pilot burner for units operating on propane gas. No manual controls shall be permitted.

M-312.3. Unvented gas-fired units: Unvented infrared heating units may be installed in occupancies classified as industrial (use group F), and in certain other use group occupancies, such as repair garages, loading docks, parking garages, and certain warehouses and in certain other areas as approved by the administrative authority, provided the units are approved for such use without vents and are installed in accordance with their listing and the following provisions of this code.

M-312.3.1. Infrared space heater location, mounting heights, and clearances to combustibles shall be determined by a nationally recognized testing agency and installed in accordance with their listing.

M-312.3.2. Prior to installation, adequate information shall be submitted to the administrative authority for the purpose of evaluating each proposed heater location.

M-312.3.3. Natural or mechanical ventilation shall be provided for the space to be heated. Provision shall be made for both outside air supply and exhaust. Natural or mechanical ventilation shall consist of sufficient inlet and outlet areas strategically located and having the capacity to reduce the concentration of the products of combustion to those maximum levels specified in the "Occupational Health Standards for General Industry" administered by the Michigan department of public health, being R 325.2401 to R 325.2448 of the Michigan Administrative Code, as promulgated pursuant to Act No. 146 of the Public Acts of 1919, as amended, and continued in effect through the operation of Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws; also being 39 C.F.R. §1910.94, June 27, 1974, promulgated pursuant to 29 U.S.C. §651 et seq. by the United States department of labor. The normal air quantity for natural and propane gas is 3.8 and 4.55 cfm per 1,000 BTUs per hour input respectively. Minimum unobstructed free area for both gravity exhaust and air intake openings shall be 1.2 square inches per 1,000 BTUs per hour heater input. Mechanical exhaust fans or gravity exhaust outlets shall be located at the highest practical location in the space to be heated, but shall not be located below the level of the heaters.

M-312.3.4. Interlock: The mechanical ventilation system, when used, shall be interlocked with the units so that the units are operable only when the supply or exhaust fan is in operation.

M-312.4. Negative pressure: See sections M-301.14, M-317.1.6, and M-317.1.7.

History: 1954 ACS 101, p. 98. Eff. Apr. 5, 1980.

R 408.30928 Suspended fuel-fired unit heaters.

Rule 928. Sections M-313.2 and M-313.7.1 of the code are amended to read as follows:

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M-313.2. Clearance: For clearance to combustible materials, see section M-612. Heaters approved for lesser clearance may be installed accordingly.

M-313.7.1. Ducts shall not be used in conjunction with low-static pressure unit heaters unless approved for such use.

History: 1954 ACS 101, p. 99, Eff. Apr. 5, 1980.

R 408.30929 Gravity warm-air systems.

Rule 929. Section M-314.3 of the code is amended to read as follows:

M-314.3. Material: Warm-air ducts shall be constructed entirely of approved materials.

History: 1954 ACS 101, p. 99, Eff. Apr. 5, 1980.

R 408.30930 Conversion burners in warm-air furnaces.

Rule 930. Sections M-315.1, M-315.1.1, and M-315.4 of the code are amended to read as follows:

M-315.1. General: Prior to the installation of a conversion burner, the contractor shall ascertain whether the entire heating system is in safe condition for the installation of such burner.

M-315.1.1. Controls and clearances to combustible construction shall conform to the requirements of section M-612.

M-315.4. A gravity furnace shall not be converted for use as a forced air furnace unless approved by the manufacturer or the administrative authority.

History: 1954 ACS 101, p. 99, Eff. Apr. 5, 1980.

R 408.30931 Direct gas-fired makeup air heaters.

Rule 931. Sections M-316.1, M-316.2, M-316.3, M-316.4, M-316.5, M-316.6, M-316.6.1, and M-316.7 of the code are amended to read as follows:

M-316.1. Installation: Direct gas-fired makeup air heaters may be installed only in occupancies of use groups H (high hazard), S (storage), F (factory and industrial), and garages, laundries, or commercial kitchens unless otherwise approved by the department.

M-316.2. Negative pressure: Direct gas-fired makeup air heaters may be used to correct a negative pressure condition within a building.

M-316.3. Discharge: The total discharge of such equipment shall not exceed 100% of the total air volume exhausted. Air exhaust may be accomplished by mechanical or natural means.

M-316.4. All air passing through a burner section shall be brought in from outside.

M-316.5. Air delivered by such equipment shall contain no more than the maximum levels of products of combustion as specified in the "Occupational Health Standards for General Industry" administered by the Michigan department of public health, being R 325.2401 to R 325.2448 of the Michigan Administrative Code, as promulgated pursuant to Act No. 146 of the Public Acts of 1919, as amended, and continued in effect through the operation of Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws; also being 39 C.F.R. §1910.94, June 27, 1974, promulgated pursuant to 29 U.S.C. §651 et seq. by the United States department of labor.

M-316.6. Controls: Such equipment shall be provided with sensing devices designed and installed to shut off the gas burner in the event of combustion air failure, fuel supply failure, ignition failure, flame failure, power failure or interruption, or air flow reduction below that required for safe combustion.

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M-316.6.1. Such equipment shall be provided with both a thermostatic device for normal operation of the gas burner component and a high temperature limit control. The latter shall be set at a temperature not to exceed the manufacturer's recommendations.

M-316.7. Clearance: Such equipment shall be installed in accordance with their listing or in accordance with the requirements for other low-heat appliances or equipment in table M-612.5.1 in article 6.

History: 1954 ACS 101, p. 99, Eff. Apr. 5, 1980.

R 408.30932 Ventilation.

Rule 932. Sections M-317.1 to M-317.10.7 and tables M-317.2, M-317.3, M-317.4, M-317.6, M-317.7, M-317.8, M-317.9, and M-317.10 are amended, and table M-317.5 is added, to read as follows:

M-317.1. Ventilation: The following ventilation requirements shall apply.

M-317.1.1. Ventilation required: The requirements for ventilation air quantities supplied to a space as specified in the tables of this section are based on human occupancy and are for 100% outdoor air. This ventilation air quantity is intended to maintain an acceptable air quality level in the space under consideration. It is not intended to control temperature or humidity or to supply the air quantities required for the control of domestic or industrial contaminants. Except for areas designated by superior figures ([1]) in the tables, or where recirculation is prohibited by this code, or by other codes or standards having precedence, the outdoor air quantity may be reduced to 33% of that required by the tables if filtering equipment is utilized. If, in addition, high efficient absorption or other odor or gas removal equipment is employed, the outdoor air requirements may be reduced to 15% of that required by the tables. However, in no case shall the outdoor air quantity be less than 5 cfm per person. The quality of all ventilation air supplied to the space shall be such that the maximum allowable air pollutant concentrations shall not exceed that specified in the "Occupational Health Standards for General Industry" administered by the Michigan department of public health, being R 325.2401 to R 325.2448 of the Michigan Administrative Code, as promulgated pursuant to Act No. 146 of the Public Acts of 1919, as amended, and continued in effect through the operation of Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws; also being 39 C.F.R. §1910.94, June 27, 1974, promulgated pursuant to 29 U.S.C. §651 et seq. by the United States department of labor. These standards also contain requirements for recirculation of air.

Air from any boiler room, furnace room, bathroom, trash room, janitor storage room, toilet room, garage, or from any work room or storage room containing toxic, flammable, corrosive, odorous, radioactive, or pathogenic materials shall not be recirculated to a return air system serving other areas unless approved by the administrative authority. Air shall not be recirculated from 1 dwelling unit to another dwelling unit unless approved by the administrative authority.

A ventilation system shall be provided, maintained, and operated to accomplish the required ventilation service for all occupied areas within the scope of this article. The use group of doubtful occupancies shall be determined by the building official.

M-317.1.2. Installation: The installation of all ventilating systems shall be in accordance with the provisions of this code; the building code, being R 408.30401 et seq. of the Michigan Administrative Code, promulgated pursuant to Act No. 230 of the Public Acts of 1972, as amended, being §125.1501 et seq. of the

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Michigan Compiled Laws, and administered by the Michigan department of labor.

M-317.1.3. Occupancy: The ventilation requirements herein prescribed shall be based on the type of occupancy of the room, and the minimum quantities of air to be supplied or exhausted, or both, shall be as stated in this article.

A single ventilating system serving 2 or more occupied areas may be arranged for selective delivery of the entire air supply to any area, provided these areas are not occupied simultaneously.

M-317.1.3.1. Ventilation during occupancy: All ventilating and exhaust systems shall be operated to satisfy the requirements of this article during periods the building is occupied, unless otherwise exempted by this article.

M-317.1.4. Natural ventilation: The air movement, outside air supply, and air distribution for all occupied areas shall conform to the requirements of this article, unless all of the following requirements have been satisfied:

1. Windows, doors, louvers, monitors, ventilators, or ventilating skylights or other approved means may be used as natural means of ventilation.

2. The total openable area of natural means of ventilation shall amount to not less than 1/20 of the floor area served.

Exception: In funeral homes, the openable area of the outside window shall be not less than 1/10 of the floor area served. All window openings shall preferably be above grade.

3. Adequate provisions shall be made so that heat, smoke, gas, dust, spray, hazardous fumes, vapors, steam, or other contamination shall not be present in the air in sufficient quantities to obstruct vision or be injurious to health, safety, or welfare.

M-317.1.4.1. Openings below grade: Windows or outdoor openings that are below grade shall not be considered unless a clear space is provided outside the window, having a width at least equal to the distance the bottom of the window is below grade. "Width" means the horizontal distance measured at right angles to the plane of the window.

M-317.1.5. Exhaust systems: Exhaust systems shall be provided, maintained, and operated in all occupied areas where machines, vats, tanks, furnaces, forges, salamanders and any other equipment or process produce or throw off dust or particles sufficiently light to float in the air or which emit heat, odors, fumes, spray, gas, or smoke in such quantities as to be irritating or injurious to health or safety, and shall discharge such exhaust to the outdoors in a manner approved by the administrative authority.

Exception: Exhaust air may be recirculated to the space when properly treated to meet the requirements of section M-317.1.1.

M-317.1.6. Tempered makeup air supply systems: Ventilating supply systems shall be installed, operated, and maintained where exhaust systems are installed or where negative air pressure exists causing either or both a reduction of exhaust cfm or backdrafting of fuel-fired equipment. This makeup air supply system shall have a heating potential to temper the air to the intended space temperature at the occupied location. See section M-301.14 and M-624.4.1.

M-317.1.7. Pressure balance of ventilation systems: Means shall be provided for the natural or mechanical relief of excess air or the supply of deficient air for any ventilation system. See sections M-301.14 and M-317.1.6.

Exception: Systems designed to operate at differential air pressures.

M-317.2. General requirements for assembly (use group A) occupancies: These requirements shall apply to all spaces occupied for assembly use and shall comply with the applicable requirements of table M-317.2.

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M-317.2.1. Fire curtains: To avoid deflecting the fire curtain of any theater or assembly hall stage for which a fire curtain is required, means shall be provided to equalize the air pressure on both sides of the curtain.

M-317.2.3. Motion picture booths: Fumes, gases, and other harmful contaminants shall be effectively removed by mechanical exhaust ventilation directly from their source, including projectors, spotlights, and similar equipment, and discharged to the outside air. An exhaust system or systems, including the exhaust unit and connecting ducts, shall be arranged to serve all the sources of harmful contamination in such booth area. The capacity of the exhaust system shall be not less than 15 cfm for each arc lamp or other source of contamination. Balancing dampers, when installed, shall be welded or locked in place after balancing the exhaust system. The exhaust system shall be entirely independent of any other system serving the building.

TABLE M-317.2
Use Group A

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
ASSEMBLY		
Food Services (See section M-317.10.7)		
Dining rooms	70	10
Kitchens	20	30[1]
Cafeterias, short order, drive-ins, seating areas	100	30
Bars (Stand-up)	150	30
Cocktail lounges	100	30
Schools		
Classrooms	50	10
Multiple use rooms	70	10
Laboratories	30	10
Craft shops, vocational training shops	30	10
Music rehearsal rooms	70	10
Auditoriums	150	5
Gymnasiums	70	20
Libraries	20	7
Common rooms, lounges	70	10
Offices	10	7
Lavatories	100	15
Locker rooms	20	[3]
Lunchrooms, dining halls	100	10
Corridors	50	15
Utility rooms	3	5
Dormitory bedrooms	20	7

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Museums		
Exhibit hall	70	7
Work rooms	10	10
Warehouses	5	5
Legislative Halls		
Legislative chambers	70	20
Committee and conference rooms	70	20
Foyers, corridors	50	20
Offices	10	10
Press lounges	20	20
Press/radio/TV	20	20
Theatres		
Ticket booths	—	5
Lobbies, foyers, and lounges	150	20
Auditoriums (No smoking)	150	5
Auditoriums (Smoking)	150	10
Stages with proscenium and curtains	70	10
Green rooms and workrooms	100	10
Ballrooms		
Public	100	15
Bowling Alleys (Seating area)	70	15
Gymnasiums and Arenas		
Playing floors (Minimal or no seating)	70	20
Locker rooms	20	—[3]
Spectator area	150	—
Ramps, foyers, and lobbies	150	10
Pool rooms	25	20
Amusement parlors	25	20
Tennis, squash, and handball courts (Indoor)	—	20
Swimming pools	25	15[2]
Ice skating and curling rinks	70	10
Roller rinks	70	10
Churches and Temples	150	5
Transportation (Terminals)		
Waiting rooms	50	15
Garages (Enclosed)	—	1.5[4]
Ticket and baggage areas, corridors, and gate areas	50	15
Control towers	50	25

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Hangars	2	10[5]
Platforms	150	10
Concourses	150	10
Repair shops (Other than motor vehicle repair)	—	10

[1]Ventilation requirements for food service establishments (kitchens) are as set forth in R 325.2501 to R 325.2505 of the Michigan Administrative Code, and administered by the Michigan department of public health.
[2]Ventilation requirements for swimming pools are as set forth in R 325.2111 to R 325.2199 of the Michigan Administrative Code, and administered by the Michigan department of public health.
[3]2 cfm per square feet floor area exhaust or 10 cfm per locker with direct locker exhaust.
[4]Cfm per square feet of floor area.
[5]Exhaust problems handled separately. See section M-317.1.5.

M-317.3 General requirements for business (use group B) occupancies: These requirements shall apply to all spaces occupied for business use and shall comply with the applicable requirements of table M-317.3.

M-317.3.1. Ventilation of service stations inside buildings.

M-317.3.1.1. Explosion vapor removal: Vapors shall be withdrawn from the enclosure in which they are generated and discharged to the outside of the building in the most direct manner practicable. See section M-317.1.5.

M-317.3.1.2. Supply and exhaust locations: Supply and exhaust openings shall be located to produce a sweeping or purging effect that will tend to avoid pockets in which vapors may accumulate.

M-317.3.1.3. Sampling device: An explosive vapor sampling device shall be installed at the exhaust opening and shall be equipped with an approved audible alarm. Such device shall be set to operate at 20% below the lower explosive limit.

TABLE M-317.3
Use Group B

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
BUSINESS		
Banks (See sales floors, table M-317.7, and offices in this table.)		
Vaults	—	5
Barber, Beauty, and Health Services		
Beauty shops (Hair dressers)	50	25
Reducing salons (Exercise rooms)	20	25
Sauna baths—steam rooms	—	5
Barber shops	25	7

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Photo Studios		
Camera rooms, stages	10	5[1]
Darkrooms	10	10
Shoe Repair Shops		
Workrooms/trade areas	10	10
Offices		
General office space	10	15
Conference rooms	60	25
Drafting/art rooms	20	7
Doctor's consultation rooms	—	10
Waiting rooms (Doctors and employment agencies)	30	10
Lithographing rooms	20	7
Diazo printing rooms	20	7
Computer rooms	20	5
Keypunch rooms	30	7
Communication		
TV/radio broadcasting booths, studios	20	30[1]
Motion picture and TV stages	20	30
Pressrooms	100	15
Composing rooms	30	7
Engraving rooms	30	7
Telephone switchboard rooms (Manual)	50	7
Telephone switchgear rooms (Automatic)	—	7
Teletypewriter/facsimile rooms	—	5
Research Institutes		
Laboratories:		
Light duty: Nonchemical	50	15
Chemical	50	15
Heavy-duty	50	15
Radioisotope (Chemical and biologically toxic)	50	15
Machine shops	50	15
Darkrooms, spectroscopy rooms	50	10
Animal rooms	20	40
Service Stations (Inside building)	—	2[2]
Veterinary Hospitals		
Kennels, stalls	20	25
Operating rooms	20	25
Reception rooms	30	10

[1]Thermal effects determine requirements.
[2]Cfm per square feet floor area exhaust.

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M-317.4. General requirements for factory and industrial (use group F) occupancies: These requirements shall apply to all spaces occupied for factory and industrial use and shall comply with the applicable requirements of table M-317.4.

TABLE M-317.4
Use Group F

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
FACTORY AND INDUSTRIAL		
Metallurgy	—	—[1]
Control rooms	—	15
Crane cabs	—	20
Halls containing equipment, such as cupolas, melting furnaces, oxygen furnaces, and pot lines	—	35
Metalworking and Metal Finishing	—	—[1]
Foundry mold, core-making, and shakeout areas	—	35
Halls housing heavy metalworking, such as foundry pouring rooms, drop forges, scarfing and rolling stands, and cast iron machining	—	35
Halls housing medium metalworking, such as finish and nonferrous machining, punch press and brake operations, spot-welding, and extruding	—	35
Gas- and arc-welding booths	—	35
Halls housing light metalworking: appliance, aircraft, automotive, and machine assembly	—	20
Automotive engine test, drive-away areas in automotive assembly plants	—	—[2]
Paint spray booths	—	—[2]
Pickling, etching, and plating lines	—	—[2]
Degreasing booths, steam cleansing booths	—	—[2]
Sandblasting booths, frit spraying booths	—	—[2]
Rooms serving porcelain enamel and heat-treating furnaces	—	—[2]
Grinding and polishing rooms	—	30[2]

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Chemicals and Pharmaceuticals		
Rooms containing grinders, mullers, blenders, pulverizers, pelletizers, sieving and other dusty operations	—	30[1]
Rooms containing reaction vessels, stills, contactors, extractors, evaporators, and other potential gas emitters	—	20[1]
Rooms containing drying ovens	—	15[1]
Fermentation rooms	—	15[1]
Pillmaking and capsule-filling booths	—	10[1]
Packaging areas	—	10[1]
Utility rooms (Refrigeration plants, heating plants)	—	7
Control and computer rooms	—	7
Textiles, Clothing Manufacture		
Carding rooms; nonwoven fabric production and pile fabric shearing areas	—	15
Spinning rooms (Natural and staple fibers)	—	15
Spinning rooms (Synthetic continuous fiber production)	—	15
Yarn rewinding, warping rooms	—	15
Yarn and cloth, dyeing and coating; cloth printing rooms	—	15
Weaving and knitting rooms	—	15
Cutting and sewing lofts	—	15
Plastics and Rubber Processing		[1]
Rooms containing mixing and compounding operations (Dry or liquid)	—	15
Rooms housing thermoplastic thermosetting forming operations, such as extrusion, injection molding, bead molding, and vacuum forming	—	15
Foam-molding rooms (Especially urethane)	—	15
Glassfiber reinforced plastic lay-up rooms	—	15
Trimming, grinding, and polishing rooms	—	25
Vacuum-coating rooms	—	15
Painting, printing, and adhesive assembly operations	—	15

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Rubber calendering rooms	—	15
Molding vulcanizing, lamination rooms	—	15
Electrical, Electronics, and Aerospace		
Semiconductor processing rooms	—	10
Circuit board etching, soldering rooms	—	20
Magnetic tape production areas	—	10
Clean rooms (Class 100)	—	10
Clean rooms (Class 10,000)	—	10
Clean rooms (Class 100,000)	—	10
Encapsulation operations (Plastic, glass, and ceramics)	—	10
Coil winding capacitor, relay and transformer manufacturing areas	—	10
Lamp and tube manufacture	—	10
TV picture and image tube manufacturing areas	—	10
Magnet, magnetic core manufacturing areas	—	10
Wood Products, Papermaking		
Sawmills, lumber planing, sanding, wood turning, shaping, drilling and routing operations, veneer-making areas	—	20[1]
Glueing and plywood manufacturing areas	—	20[1]
Chipboard, bagasseboard, and hardboard manufacturing areas	—	20[1]
Rubbing, staining, varnishing, and painting rooms	—	20[2]
Crate and pallet making, building prefabrication (Nailing operations) areas	—	20
Lumber and panel warehouses	—	20
Chipping, barking, and grinding operations areas	—	20[1]
Pulping operations, digesters, bleachers	—	10[1]
Papermaking operations (Beaters, fourdrinier machiners, dryers, creped wadding machines, calenders)	—	10[1]
Winding, slitting, curing, envelope making rooms	—	10
Paper warehouses	—	20

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Corrugated board honeycomb manufacture, box making room	—	20[2]
Coating rooms	—	20[2]
Brewing, Distilling, Wineries, Bottling		[3]
Grain mixing and handling areas	—	20[2]
Yeast production areas	—	20[2]
Fermentation areas	—	20[2]
Distillation rooms	—	20[2]
Fruit handling, crushing areas	—	20[2]
Caves	—	20
Warehouses	—	20
Filtration rooms, blending rooms	—	20
Bottling areas	—	20
Soft drink compounding areas	—	20
Carbonating areas	—	20
Food Processing		[3]
Fruit and vegetable sorting and cleaning areas	—	20
Cutting, chopping, shredding, crushing, and squeezing areas	—	20[4]
Canning operations	—	20[4]
Bakeries, cereal processing, candymaking	—	20[4]
Fish processing	—	20[2]
Meat curing, canning	—	20[4]
Dairies (Fluid milk operations)	—	20
Cheesemaking, yogurt	—	20
Flour milling, bagging, and other similar processes	—	30[1]
Sugar purification and salt purification	—	20
Control rooms for coffee roasting, grinding	—	10
Vacuum drying operations	—	10
Tea and spice handling, packaging	—	20
Packaging	—	20
Refrigeration plants, steam plants	—	20[4]
Tobacco Processing		
Blending and shredding	—	20
Redrying, reconstituting	—	20
Cigar manufacturers	—	20
Cigarette manufacturers, pipe tobacco packaging	—	20

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Power Plants		
Control rooms	—	10
Boiler rooms	—	35
Generator rooms	—	20
Sewage Treatment Plants		
Control rooms	—	10
Compressor/blower motor room	—	20
Glass and Ceramic Manufacture		
Sand handling and mixing areas	—	20
Melting furnace support areas	—	20[4]
Platemaking, pouring areas	—	20[4]
Bottlemaking, blowing machinery areas	—	20[4]
Fiber spinning areas	—	20[4]
Grinding rooms	—	20[4]
Ceramics (Powder) pressing and molding areas	—	20
Potters workrooms (Wet)	—	20
Kiln and sintering furnace service areas	—	20[4]
Frit and glaze sprayrooms	—	20[1]
Agriculture		
Fodder, seed, and grain handling, storage	—	20[1]
Animal husbandry	—	20
Vegetable and fruit handling, storage	—	20[3]
Dairy products	—	20[3]
Natural fiber handling	—	20
Tobacco handling, warehousing	—	20
Mushroom growing	—	10

[1]Special contaminant control system may be required.
[2]Special solvent and exhaust problem handled separately. See section M-317.1.5.
[3]Spaces maintained at 50 degrees Fahrenheit or below are exempt from these requirements unless occupancy is continuous. Ventilation from adjoining spaces and infiltration is permissible.
[4]Thermal effects determine requirements.

M-317.5. General requirements for high hazard (use group H) occupancies: These requirements shall apply to all spaces occupied for high hazard use and shall comply with the applicable requirements of table M-317.5.

M-317.5.1. Spray painting, dipping rooms, and booths.

M-317.5.1.2. Spray applications: The design and installation of spray applications using flammable or combustible materials shall be in accordance with NFiPA-33-1977, the spraying application standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue,

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Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-317.5.1.3. Dipping applications: The design and installation of dip tanks containing flammable or combustible materials shall be in accordance with NFiPA-34-1974, the dip tanks standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

TABLE M-317.5
Use Group H

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Dry Cleaners and Laundries		
Commercial dry cleaning plants	—	—[1]
Dry cleaning establishments (Coin operated)	—	—[1]
Laundries (Nonresidential type)	—	20[2]

[1]Act No. 327 of the Public Acts of 1947, as amended, being §29.201 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of state police, fire marshal division and the Michigan department of public health, division of occupational health.
[2]Act No. 17 of the Public Acts of 1968, as amended, being §331.411 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of public health.

M-317.6. General requirements for institutional (use group I) occupancies: These requirements shall be in accordance with HEW #HRA79-14500, "Minimum Requirements of Construction and Equipment for Hospitals and Medical Care Facilities," the standard of the department of health, education, and welfare, health resources administration, which is incorporated herein by reference. This standard may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

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TABLE M-317.6
Use Group I

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
INSTITUTIONAL		
General hospital	—	—
Long-term facilities		
Nursing homes, chronic disease hospitals, and extended care facilities	—	—
Outpatient facilities	—	—
Rehabilitation facilities	—	—
Public health center	—	—
State public health laboratory and other health care facilities	—	—
Prisons, Jails, Police and Fire Stations		
Cell blocks	20	7
Eating halls	70	10
Guard stations	40	7
Ready rooms	40	7
Drill halls	70	15
Indoor target ranges	70	20

M-317.7. General requirements for mercantile (use group M) occupancies: These requirements shall apply to all spaces occupied for mercantile use and shall comply with the applicable requirements of table M-317.7.

TABLE M-317.7
Use Group M

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
MERCANTILE		
General	—	—
Sales floors and showrooms (Basement and grade floors)	30	7
Sales floors and showrooms (Upper floors)	20	7
Storage areas (Serving sales floors and storage rooms)	5	5
Dressing rooms	—	7
Malls and arcades	40	7
Shipping and receiving areas	10	15
Elevators	—	7

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Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
Supermarkets		
Meat processing rooms	10	5
Drug Stores		
Pharmacists' work rooms	10	20
Specialty Shops		
Pet shops	—	1[1]
Florists	10	5
Greenhouses	1	5

[1]Cfm per square feet floor area.

M-317.8. General requirements for residential (use group R) occupancies: These requirements shall apply to all spaces occupied for residential use and shall comply with the applicable requirements of table M-317.8.

Exception: Mechanical ventilation is not required in residential occupancies R-3 and R-4 which comply with section M-317.1.4.

TABLE M-317.8
Use Group R

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
RESIDENTIAL		
General living areas and bedrooms	5	5
Kitchens	—	20
Finished basement or cellars	—	5
Utility rooms	—	5
Hotels, Motels		
Bedrooms (Single, double)	5	7
Living rooms (Suites)	20	10
Corridors	5	5
Lobbies	30	7
Conference rooms (Small)	70	20
Assembly rooms (Large)	140	15

M-317.9. Ventilation requirements for storage (use group S) occupancies: These requirements shall apply to all spaces occupied for storage use and shall comply with the applicable requirements of table M-317.9.

M-317.9.1. Motor vehicle repair shops: Ventilation requirements for areas housing 5 or more vehicles driven by internal combustion engines shall be in accordance with NFiPA-88B-1973, the standard for motor vehicle repair shops of the national fire protection association, which is incorporated herein by reference.

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This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-317.9.1.1. Show rooms: A separate ventilating system shall be provided for show rooms or offices, where such occupancies are located adjacent to repair or storage areas and would require ventilation in accordance with table M-317.9. This requirement does not apply to service stations. This shall not be construed to preclude using exhaust air from the show room and office to the repair or storage area.

M-317.9.2. Public garages: Ventilation requirements for areas housing 5 or more vehicles driven by internal combustion engines shall be in accordance with NFiPA-88B-1973, the standard for repair garages of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

All enclosed basement and underground parking structures shall be continuously ventilated by a mechanical system. Recirculation of air is not allowed. Heating of makeup air is not required.

M-317.9.3. For ventilation requirements for service stations, see section M-317.3.

TABLE M-317.9
Use Group S

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
STORAGE		
Public garages (Enclosed)	--	1.5[1]
Motor vehicle repair shops	—	1.5[1]
Offices	—	15
Storage rooms	—	15
WAREHOUSES		
General	—	7

[1]Cfm per square feet floor area.

M-317.10. Ventilation requirements for special areas: Ventilation requirements shall conform to the following and to table M-317.10.

M-317.10.1. Wardrobes and locker rooms: This classification shall include all wardrobes, cloak rooms, lockers, locker rooms, and similar areas in all buildings within the scope of this code and shall comply with the applicable requirements of table M-317.10.

M-317.10.1.1. Ventilation required: Ventilation shall be provided and maintained for all areas of this use. Wherever practicable, such ventilation shall be

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accomplished by exhaust methods, and in any case, the quantity of the exhaust shall be greater than that of the supply.

M-317.10.1.2. Schools: Required ventilation in wardrobes or cloak rooms in school buildings located adjacent to, or connected with, occupied areas covered by section M-317.2, may be accomplished by use of inlets admitting air from adjacent classrooms or similar areas in conjunction with an exhaust system.

M-317.10.1.3. Tempered air: Tempered air supplied to locker rooms may be exhausted through adjoining toilet, shower, or swimming rooms.

M-317.10.1.4. Industrial: In places of industrial employment where enclosed locker rooms are provided, a tempered outside air supply shall be provided for the locker rooms and may be exhausted through the adjoining toilet or shower room.

M-317.10.2. Janitor closets and swimming pool rooms.

M-317.10.2.1. Ventilation required: Ventilation shall be provided and maintained for all janitor closet and swimming pool rooms. Such ventilation shall be accomplished by exhaust methods with the effectiveness of the exhaust greater than that of the supply.

M-317.10.2.2. Shower installations: For multiple shower installations, a mechanical exhaust shall be provided of 50 cfm per head or 12 air changes per hour, unless the room has a direct positive air supply, in which case the exhaust may be gravity.

M-317.10.3. Toilet and bathrooms: A bath and toilet room shall be ventilated by 1 of the following methods:

1. Windows opening to the outer air that are not less than 3 square feet in area.
2. Individual gravity vents or ducts with a minimum cross-sectional area of ½ square foot and ⅓ additional square foot for each additional water closet or urinal above 2 in number. Such ducts shall be of adequate height and so located as to insure a minimum supply of 2 cubic feet of air per square foot of room area.
3. A skylight with not less than 3 square feet in area of ventilating opening.
4. By any system of mechanical ventilation capable of exhausting quantities of air as specified in table M-317.10.

M-317.10.4. Enclosed passages or tunnels for vehicles using internal combustion engines: If a passageway or tunnel is used for vehicles using internal combustion engines, the method of ventilation shall be as approved by the administrative authority.

M-317.10.5. Smokeproof enclosure ventilation: All smokeproof enclosures shall be provided with ventilation as required by the building code.

M-317.10.6. Range hoods and fans in noncommercial occupancies.

M-317.10.6.1. Requirements with natural ventilation: When the kitchen is provided with natural ventilation as specified in section M-317.1.4 and is provided with a range hood including a fan or a range hood and a ceiling or low sidewall fan, the exhaust air shall be directed to the outside in the most practical direct manner. A recirculating-type range hood incorporating a fan and a filtering element may be used if designed for that purpose and listed by a nationally recognized testing agency.

M-317.10.6.2. Requirements with mechanical ventilation: When a kitchen is provided with a range hood such as listed in section M-317.10.6.1 and is not provided with natural ventilation as specified in section M-317.1.4, mechanical supply ventilation should be provided in an amount equal to that being exhausted. The exhaust air shall be directed from the range hood to the outside in the most practical manner. A recirculating-type range hood incorporating a fan and filtering element may be used if designed for that purpose and listed by a nationally recognized testing agency.

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M-317.10.7. Ventilation requirements for commercial kitchens: Ventilation for commercial kitchens shall meet the requirements of the Michigan department of public health, "Ventilation Standard for Food Service Establishments in Michigan," being R 325.2501 to R 325.2505 of the Michigan Administrative Code, and administered by the Michigan department of public health.

TABLE M-317.10
Special Areas

Occupancy	Estimated Persons Per 1,000 Square Feet Floor Area. (Use Only When Design Occupancy Is Not Known)	Required Ventilation Air In Cfm Per Human Occupant
SPECIAL AREAS		
Locker rooms	—	—[1]
Wardrobes	—	2[2]
Public toilet rooms	100	40[3]
Private toilet rooms	—	25[3]
Swimming pools (Indoor)	25	15
Survival shelters	—	5

[1]2 cfm per square feet floor area exhaust or 10 cfm per locker with direct locker exhaust.
[2]Cfm per square feet floor area.
[3]Cfm per water closet or urinal, exhaust.

History: 1954 ACS 101, p. 99, Eff. Apr. 5, 1980.

R 408.30933 Blower and exhaust systems for removing dust, stock, and vapors (excluding paint spray rooms and booths and single-family occupancies).

Rule 933. Section M-319.1 of the code is amended to read as follows:

M-319.1. General: Blower and exhaust systems for dust, stock, or vapors hereafter installed as part of, or attached to parts of, a building shall be constructed and installed in accordance with NFiPA-91-1973, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 113, Eff. Apr. 5, 1980.

R 408.30934 Commercial cooking appliances.

Rule 934. Section M-320.0 of the code is amended to read as follows:

M-320.0. Commercial cooking appliances: See section M-613.

History: 1954 ACS 101, p. 113, Eff. Apr. 5, 1980.

R 408.30935 Commercial hoods and fans.

Rule 935. Section M-321.1 of the code is amended to read as follows:

M-321.1. See section M-317.10.7.

History: 1954 ACS 101, p. 114, Eff. Apr. 5, 1980.

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R 408.30936 Clothes dryers.

Rule 936. Sections M-323.1, M-323.2.1, M-323.2.3, M-323.3.1, M-323.3.4, M-323.4.1 and M-323.4.3 of the code are amended to read as follows:

M-323.1. Installation: A clothes dryer shall be connected to an exhaust duct in accordance with the manufacturer's recommendations. Dryer vent systems shall be independent of all other systems and shall convey the products of combustion or moisture, or both, to the outside.

M-323.2.1. Dryer vents shall be adequately installed and shall be galvanized steel or aluminum or other corrosion-resistant material with a flame spread of 25 or less, with a minimum diameter as recommended by the manufacturer. The diameter shall not be less than the outlet of the appliance.

M-323.2.3. When flexible exhaust ducts are installed, they shall be a part of a manufacturer's approved exhaust kit or its equivalent and shall be installed in accordance with the manufacturer's instructions. Connections to the dryer and to the vent terminal shall be made with an approved draw band.

M-323.3.1. Venting systems serving more than 1 dryer shall be designed in accordance with the manufacturer's recommendations or acceptable engineering practice.

M-323.3.4. Adequate means of ventilation shall be provided to permit proper combustion of fuels. See section M-317.1.6.

M-323.4.1. Venting systems for commercial dryers shall be designed in accordance with the manufacturer's recommendations or acceptable engineering practice.

M-323.4.3. Adequate means of ventilation shall be provided to permit proper combustion of fuels. See section M-317.1.6.

History: 1954 ACS 101, p. 114, Eff. Apr. 5, 1980.

R 408.30937 Filters.

Rule 937. Sections M-324.2.3, M-324.2.6, M-324.3, and M-324.4 of the code are amended to read as follows:

M-324.2.3. Air filters shall not be capable of producing large volumes of noxious products when exposed to fire. Filters qualifying as class 1 and class 2 shall be accepted as meeting these requirements.

M-324.2.6. Filter pads for evaporative coolers shall meet the requirements of NFiPA-90A type 1 or type 2 filters.

M-324.3. Filters in commercial range hoods: Such filters shall meet the requirements described in section M-317.10.7.

M-324.4. Filters (special): Filters to be used in conjunction with spray painting or dipping operations shall be nonflammable or of a type having a combustibility not in a class of filter recommended by a nationally recognized testing agency for such purpose.

History: 1954 ACS 101, p. 114, Eff. Apr. 5, 1980.

R 408.30938 Underground duct systems; counterflow furnaces.

Rule 938. Sections M-326.1.2 and M-326.2 of the code are amended to read as follows:

M-326.1.2. Underground duct systems of metal or other approved materials installed in or below concrete floors or slabs shall be fully encased in not less than 2 inches of concrete or shall be installed in accordance with the manufacturer's recommendations and shall be securely anchored to prevent flotation prior to encasement in the concrete.

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M-326.2. Counterflow (downflow) furnaces: When used in conjunction with an underground duct system, a counterflow furnace shall be installed in accordance with the clearance requirements of section M-612.

History: 1954 ACS 101, p. 114, Eff. Apr. 5, 1980.

R 408.30939 Evaporative coolers.

Rule 939. Sections M-327.1.1, M-327.2, and M-327.5 of the code are amended, and section M-327.6 is added, to read as follows:

M-327.1.1. For installation on roofs, see section M-306.0.

M-327.2. Pads: Evaporative cooling filter pads shall be of an approved material. See section M-324.2.6.

M-327.5. Air passage: Air passing through an evaporative cooler shall not pass through the heat exchanger of a furnace unless the equipment is approved for such use by a nationally recognized testing agency, the manufacturer, or the administrative authority.

M-327.6. Protection: When units are located in areas subject to freezing conditions, provisions shall be made to protect or drain all water tanks and piping to prevent freezing.

History: 1954 ACS 101, p. 114, Eff. Apr. 5, 1980.

R 408.30940 Scope of article; installing or repairing boilers without license prohibited; steam and water heating equipment.

Rule 940. Sections M-400.1, M-400.2, M-400.3, and M-400.13 of the code are amended, and section M-400.1.1 is added, to read as follows:

M-400.1. Scope: The provisions of this article govern the construction, installation, alteration, and repair of all steam and water heating installations for heating, cooling, and certain process piping for all steam and hot water systems not specifically covered by the requirements established by the boiler board, being R 408.4001 to R 408.4999 of the Michigan Administrative Code, promulgated pursuant to Act No. 290 of the Public Acts of 1965, as amended, being §408.751 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of labor.

M-400.1.1. No person shall engage in the business of installing or repairing boilers unless he shall first obtain a license from the Michigan department of labor, boiler division.

M-400.2. Equipment: All equipment used for steam or water heating systems and related process piping shall be constructed, installed, and maintained in accordance with this article and ASME-77, section 4, the standard of the American society of mechanical engineers, which is incorporated herein by reference. This standard may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, at a cost of $55.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $55.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-400.3. Type of fuel: See section M-300.4.

M-400.13. Prohibited installations: Gas, liquid, or solid fuel-burning appliances shall not be installed in garages unless otherwise permitted by other portions of this code. Piping shall not be installed in the shafts, pits, or penthouses of elevators. Used equipment shall not be installed prior to approval by the administrative authority. Cast-iron boilers and cast-iron radiation are not permitted in steam or water heating systems operating at pressures in excess of 15

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psig for steam and 30 psig for water, unless such boilers or radiation are designed and tested for high working pressures and listed by a nationally recognized testing or inspection agency.

History: 1954 ACS 101, p. 115, Eff. Apr. 5, 1980.

R 408.30941 Boilers and generators generating heat in the form of hot water or steam.

Rule 941. Section M-401.1 of the code is amended to read as follows:

M-401.1. General: All boilers and generators used to generate heat in the form of steam or hot water shall be erected, assembled, or installed in accordance with the manufacturer's recommendations, the requirements of this code, and the requirements established by the boiler board, being R 408.4001 to R 408.4999 of the Michigan Administrative Code, promulgated pursuant to Act No. 290 of the Public Acts of 1965, as amended, being §408.751 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of labor.

History: 1954 ACS 101, p. 115, Eff. Apr. 5, 1980.

R 408.30942 Boilers installed or connected in batteries.

Rule 942. Section M-403.1 of the code is amended, and section M-403.3 is added, to read as follows:

M-403.1. General: Where boilers are installed in batteries of 2 or more with cross-connected steam and return headers, such boilers shall be installed so that the operating water line or level of all boilers to be operated as a unit will be at the same level. Refers to gravity return systems only.

M-403.3. Boilers connected in batteries and connected to common headers: Boilers connected in batteries and connected to a common header shall be piped and valved in accordance with ASME-77, section 4, the standard of the American society of mechanical engineers, which is incorporated herein by reference. This standard may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, at a cost of $55.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $55.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 115, Eff. Apr. 5, 1980.

R 408.30943 Safety or relief valves and reducing valves.

Rule 943. Sections M-405.2 and M-405.7 of the code are amended to read as follows:

M-405.2. Location: All pressure relief valves shall be installed in openings provided by the manufacturer of the equipment. If such openings are not provided, the valves shall be installed in the piping of the equipment at or near the top of the boiler as close to the equipment as possible. Valves or stopcocks are not permitted between boiler or pressure vessel and pressure relief valves. Reduction in the size of the relief valve connections is not permitted.

M-405.7. Pressure valves (hot water heating systems).

History: 1954 ACS 101, p. 116, Eff. Apr. 5, 1980.

R 408.30944 Blowoff valves.

Rule 944. Section M-407.1 of the code is amended to read as follows:

M-407.1. General: A steam boiler shall be provided with a proper size blowoff or drain valve or valves of the quick opening or ¼ turn type. Such blowoff or drain

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valves shall be installed in the opening of the boiler provided by the manufacturer or in the return header at the boiler and shall be so installed that the boiler completely drains. The blowoff or drain valve shall be not less than ¾ inch size. The blowoff or drain valve shall not be connected directly to any sanitary sewer system. When drained to a sewer, it shall drain to an open floor drain, approved receptor, or to a regular blowoff tank or sump. The temperature of the discharge water shall not exceed 140 degrees Fahrenheit when it enters the sanitary sewer system. The blowoff or drain may discharge into an approved leaching pit.

History: 1954 ACS 101, p. 116, Eff. Apr. 5, 1980.

R 408.30945 Low water cutoff controls; water feeders.

Rule 945. Sections M-408.1 and M-408.1.1 of the code are amended to read as follows:

M-408.1. General: A low water cutoff control shall be installed on all automatic-fired steam boilers or generators in such a manner that the automatic-firing device shuts off when the level of the water is within 1 inch of the bottom of the gauge glass.

M-408.1.1. A water feeder may be installed to operate and maintain the water at the proper operating level in steam boilers. Combination feeders and low water cutoffs are permitted.

History: 1954 ACS 101, p. 116, Eff. Apr. 5, 1980.

R 408.30946 Piping for steam and hot water heating systems; welding; gaskets.

Rule 946. Sections M-409.5, M-409.9, and M-409.12.2 of the code are amended, and section M-409.5.1 is added, to read as follows:

M-409.5. Piping through walls and floors: Piping passing through walls, ceilings, floors, beams, or any portion of the building structure shall be free to expand and contract and shall not be embedded in plaster, concrete, or masonry. Such piping shall be provided with metal sleeves or thimbles when passing through concrete, or masonry walls, ceilings, floors, or beams, and such sleeves or thimbles shall be not less than ⅜ inch larger than the outside diameter of the pipe plus the insulation. Openings through wooden floors, ceilings, walls, and beams shall be not less than ⅜ inch larger than the outside diameter of the pipe or the pipe plus insulation.

M-409.5.1. Radiant heating systems: See section M-417.0.

M-409.9. Welding: Where welding is used as a means of connecting or joining branch mains to the main steam piping, provisions shall be made for the expansion of the pipe at this point so that undue stresses or strains are not placed on the welds or piping.

M-409.12.2. Required gaskets shall be made of material approved for the pressure and temperature to which they are to be subjected.

History: 1954 ACS 101, p. 116, Eff. Apr. 5, 1980.

R 408.30947 Pitch or grade of steam mains.

Rule 947. Section M-410.2 of the code is amended to read as follows:

M-410.2. Steam mains: Steam mains shall be pitched or graded downward in the direction of the flow of steam from the boiler. The grade or pitch shall be not less than 1 inch per each 20 feet of horizontal pipe run. The high point shall be established at or near the boiler. The pitch or grades shall be carried to the end or ends of the steam mains. The ends of the steam mains shall be properly dripped and connected into the return piping of the system so that the condensate will be carried back to the boiler directly or to a boiler return pump or return trap. This

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section does not apply when steam and condensate flow in the opposite direction in the same pipe.

History: 1954 ACS 101, p. 116, Eff. Apr. 5, 1980.

R 408.30948 Automatically fired water heating boiler; low water cutoff or control.

Rule 948. Section M-412.1 of the code is amended to read as follows:

M-412.1. General: All automatically fired water heating boilers shall be provided with an externally mounted low water cutoff or control.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

R 408.30949 Check valve.

Rule 949. Section M-413.3 of the code is amended to read as follows:

M-413.3. See plumbing code, being R 408.30701 to R 408.30796 of the Michigan Administrative Code, promulgated pursuant to Act No. 230 of the Public Acts of 1972, as amended, being §125.1501 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of labor. See specifically R 408.30778.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

R 408.30950 Heating with steam from utility central steam heating systems or other types of steam distributing systems.

Rule 950. Section M-415.3 of the code is amended to read as follows:

M-415.3. Return condensate: The return condensate from a building heated by a central steam supply may be either discharged into a return condensate system or wasted into a sewer drain connection or approved leaching well. This condensate, when discharging into a sanitary sewer system, shall not be in excess of 140 degrees Fahrenheit and shall discharge into an open floor drain or a special drain connection or approved receptor. If the floor drain or drain connection to the sewer is above the level of the return piping so that it cannot flow by gravity, an automatic sump pump shall be installed to pump the condensate from the sump to the sewer drain.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

R 408.30951 Boiler and combination boiler and cooling unit; clearances.

Rule 951. Section M-423.4 of the code is amended to read as follows:

M-423.4. Boiler room: A boiler or combination boiler and cooling unit shall be installed in a space that allows a minimum clearance of 24 inches on all service sides.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

R 408.30952 Scope of article.

Rule 952. Section M-500.1 of the code is amended to read as follows:

M-500.1. Scope: The maintenance and safety of all steam boilers, steam cleaners, and steam generators presently installed and hereafter erected shall be governed by the requirements established by the boiler board, being R 408.4001 to R 408.4999 of the Michigan Administrative Code, promulgated pursuant to Act No. 290 of the Public Acts of 1965, as amended, being §408.751 et seq. of the Michigan Compiled Laws, and administered by the Michigan department of labor. The enforcing agency administering and enforcing this code may adopt provisions for annual inspections and fees for steam boilers, steam cleaners, and steam generators not provided for in the boiler act.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

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R 408.30954 Fuel piping.

Rule 954. Sections M-601.0, M-601.2.4, M-601.2.6, and M-601.2.7 of the code are amended, and sections M-601.2.6.1 and M-601.2.6.2 are added, to read as follows:

M-601.0. Fuel piping.

M-601.2.4. Shutoff valves: A fuel outlet hereafter connected to an appliance within a dwelling shall be equipped with an approved, manually operated lever handle or wheel-type shutoff valve. The valve shall be operable without the use of tools and shall be located adjacent to, and outside of, each appliance upstream of a union or connector. The shutoff valve shall be in addition to any shutoff valve that may be located on the appliance.

M-601.2.6. Concealed piping.

M-601.2.6.1. Piping in partitions: Concealed gas piping shall be located in hollow rather than solid partitions. Tubing shall not be run inside walls or partitions unless protected against physical damage.

M-601.2.6.2. Piping in floors:

(a) Except as provided in section M-601.2.6.2(b), gas piping in solid floors, such as concrete, shall be laid in channels in the floor suitably covered to permit access to the piping with a minimum of damage to the building. When piping in floor channels may be exposed to excessive moisture or corrosive substances, it shall be suitably protected.

(b) When approved by the department and acceptable to the serving gas supplier, gas piping may be embedded in concrete floor slabs constructed with portland cement. Piping shall be surrounded with a minimum of 1½ inches of concrete and shall not be in physical contact with other metallic structures, such as reinforcing rods or electrically neutral conductors. When piping may be subject to corrosion at the point of entry into the concrete slab, it shall be suitably protected from corrosion. Piping shall not be embedded in concrete slabs containing quickset additives or cinder aggregate.

M-601.2.7. Prohibited installations: Gas piping shall not be installed in or through chimneys, hoistways, or vents.

Exception: Gas piping may be installed in air ducts when it can be shown that the piping system has successfully withstood a pneumatic pressure of not less than 100 psig for a period of not less than ½ hour. The contractor installing these piping systems shall be held responsible for the test, and he shall certify the application and the success of the test.

History: 1954 ACS 101, p. 117, Eff. Apr. 5, 1980.

R 408.30955 Underground outside gas piping.

Rule 955. Sections M-602.1, M-602.5, and M-602.7.1 of the code are amended, and section M-602.8 is added, to read as follows:

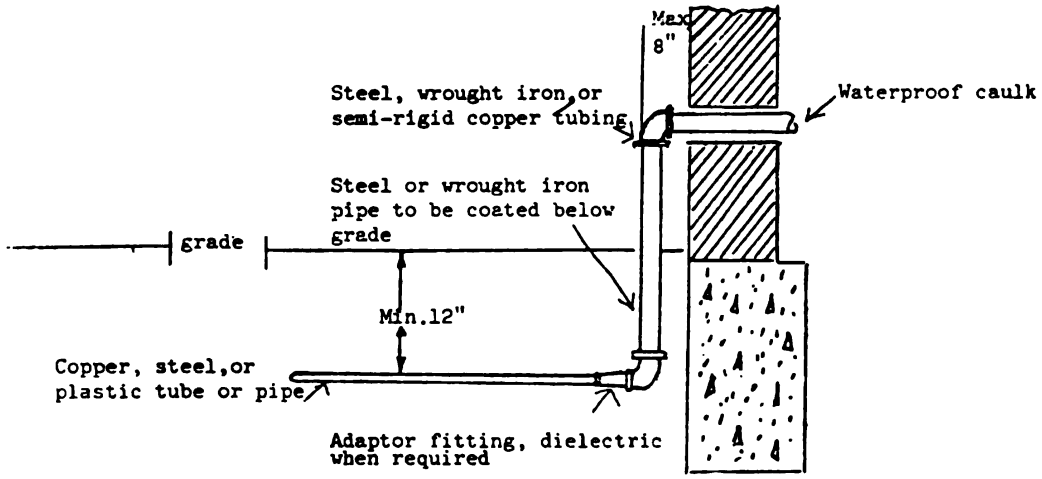
M-602.1. General: The provisions of this section apply to outside metered gas and LPG piping installed underground.

M-602.5. Pipe entry into building: All underground piping shall enter into the building above grade. See figure M-602.7.

M-602.7.1. When underground plastic tube or pipe, steel tube, or copper tube is supplied by interior gas piping, the interior piping shall be extended through the outside wall, above grade, with steel, wrought iron, or semi-rigid copper tubing. Underground connections made to the copper tube, steel tube, or plastic tube or pipe shall be made at a point not less than 12 inches below the surface of the ground. See figure M-602.7. The opening in the foundation or wall through which the extended pipe or tubing passes shall be sealed with waterproof material.

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FIGURE M-602.7
Underground Outside Gas Piping



UNDERGROUND CONNECTION

M-602.8. Test requirements on underground piping: Before being concealed, underground piping shall be tested using pneumatic pressure and an approved leak testing medium. The test shall be conducted in the presence of an inspector from the department. The pneumatic test pressure shall be not less than 3 psig for metered gas piping and at least normal operating pressure for LPG piping. Piping shall not be concealed until tested and proven leak-free in the manner prescribed herein.

Exception: Small diameter tubing used for outdoor appliances, such as, but not limited to, gas lights and gas grills are exempt from this requirement.

History: 1954 ACS 101, p. 118, Eff. Apr. 5, 1980.

R 408.30956 Sizing of gas piping.

Rule 956. Sections M-603.1, M-603.2, and M-603.2.4 of the code are amended, and tables M-603.2.1, M-603.2.2, M-603.2.3, M-603.2.4, M-603.2.5, M-603.2.6, M-603.2.7, and M-603.2.8 are added, to read as follows:

M-603.1. General: Pipe or semi-rigid tubing used for installation, extension, alteration, and repair of any house piping shall be of ample size to supply the full number of outlets for the purpose intended.

M-603.2. Sizing of piping systems: The size of the gas piping system shall be determined by the use of table M-603.2.1, M-603.2.2, M-603.2.3, M-603.2.4, M-603.2.5, M-603.2.6, and M-603.2.7.

Figure M-603.2.4 is an example showing the use of these tables.

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TABLE M-603.2.1

Maximum Capacity of Pipe in Cubic Feet of Gas Per Hour
(Based on a 0.60 Specific Gravity Gas)
Gas Pressures at 0.5 psig or Less and a Pressure Drop of 0.3 Inch Water Column

Nominal Iron Pipe Size, Inches	Internal Diameter, Inches	Length of Pipe, Feet													
		10	20	30	40	50	60	70	80	90	100	125	150	175	200
¼	.364	32	22	18	15	14	12	11	11	10	9	8	8	7	6
⅜	.493	72	49	40	34	30	27	25	23	22	21	18	17	15	14
½	.622	132	92	73	63	56	50	46	43	40	38	34	31	28	26
¾	.824	278	190	152	130	115	105	96	90	84	79	72	64	59	55
1	1.049	520	350	285	245	215	195	180	170	160	150	130	120	110	100
1¼	1.380	1,050	730	590	500	440	400	370	350	320	305	275	250	225	210
1½	1.610	1,600	1,100	890	760	670	610	560	530	490	460	410	380	350	320
2	2.067	3,050	2,100	1,650	1,450	1,270	1,150	1,015	990	930	870	780	710	650	610
2½	2.469	4,800	3,300	2,700	2,300	2,000	1,850	1,700	1,600	1,500	1,400	1,250	1,130	1,050	980
3	3.068	8,500	5,900	4,700	4,100	3,600	3,250	3,000	2,800	2,600	2,500	2,200	2,000	1,850	1,700
4	4.026	17,500	12,000	9,700	8,300	7,400	6,800	6,200	5,800	5,400	5,100	4,500	4,100	3,800	3,500

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TABLE M-603.2.2

Maximum Capacity of Pipe in Cubic Feet of Gas Per Hour
(Based on a 0.60 Specific Gravity Gas)
Gas Pressures at 0.5 psig or Less and a Pressure Drop of 0.5 Inch Water Column

Nominal Iron Pipe Size, Inches	Internal Diameter, Inches	Length of Pipe, Feet													
		10	20	30	40	50	60	70	80	90	100	125	150	175	200
¼	.364	43	29	24	20	18	16	15	14	13	12	11	10	9	8
⅜	.493	95	65	52	45	40	36	33	31	29	27	24	22	20	19
½	.622	175	120	97	82	73	66	61	57	53	50	44	40	37	35
¾	.824	360	250	200	170	151	138	125	118	110	103	93	84	77	72
1	1.049	680	465	375	320	285	260	240	220	205	195	175	160	145	135
1¼	1.380	1,400	950	770	660	580	530	490	460	430	400	360	325	300	280
1½	1.610	2,100	1,460	1,180	990	900	810	750	690	650	620	550	500	460	430
2	2.067	3,950	2,750	2,200	1,900	1,680	1,520	1,400	1,300	1,220	1,150	1,020	950	850	800
2½	2.469	6,300	4,350	3,520	3,000	2,650	2,400	2,250	2,050	1,950	1,850	1,650	1,500	1,370	1,280
3	3.068	11,000	7,700	6,250	5,300	4,750	4,300	3,900	3,700	3,450	3,250	2,950	2,650	2,450	2,280
4	4.026	23,000	15,800	12,800	10,900	9,700	8,800	8,100	7,500	7,200	6,700	6,000	5,500	5,000	4,600

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TABLE M-603.2.3

Maximum Capacity of Semi-Rigid Tubing in Cubic Feet of Gas per Hour for Gas Pressures of 0.5 Psig or Less and a Pressure Drop of 0.3 Inch Water Column (Based on a 0.60 Specific Gravity Gas)

Outside Diameter Inch	Length of Tubing, Feet													
	10	20	30	40	50	60	70	80	90	100	125	150	175	200
⅜	20	14	11	10	9	8	7	7	6	6	5	5	4	4
½	42	29	23	20	18	16	15	14	13	12	11	10	9	8
⅝	86	59	47	40	36	33	30	28	26	25	22	20	18	17
¾	150	103	83	71	63	57	52	49	46	43	38	35	32	30
⅞	212	146	117	100	89	81	74	69	65	61	54	49	45	42

TABLE M-603.2.4

Maximum Capacity of Semi-Rigid Tubing in Cubic Feet of Gas per Hour for Gas Pressures of 0.5 Psig or Less and a Pressure Drop of 0.5 Inch Water Column (Based on a 0.60 Specific Gravity Gas)

Outside Diameter Inch	Length of Tubing, Feet													
	10	20	30	40	50	60	70	80	90	100	125	150	175	200
⅜	27	18	15	13	11	10	9	9	8	8	7	6	6	5
½	56	38	31	26	23	21	19	18	17	16	14	13	12	11
⅝	113	78	62	53	47	43	39	37	34	33	29	26	24	22
¾	197	136	109	93	83	75	69	64	60	57	50	46	42	39
⅞	280	193	155	132	117	106	98	91	85	81	71	65	60	55

TABLE M-603.2.5

Approximate Gas Input for Some Common Appliances

Appliance	Input Btu per hr. (Approximate)
Range, free standing, domestic	65,000
Built-in oven or broiler unit, domestic	25,000
Built-in top unit, domestic	40,000
Water heater, automatic storage	
30 to 40 gallon tank	45,000
Water heater, automatic storage	
50 gallon tank	55,000
Water heater, automatic instantaneous	
(2 gallon per minute)	142,800
Capacity (4 gallon per minute)	285,000
(6 gallon per minute)	428,400
Water heater, domestic, circulating or side arm	35,000
Refrigerator	3,000
Clothes dryer, type 1 (domestic)	35,000
Gas light	2,500
Incinerator, domestic	35,000

For specific appliances or appliances not shown above, the input should be determined from the manufacturer's rating.

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TABLE M-603.2.6

Maximum Capacity of Semi-Rigid Tubing in Thousands of Btu per Hour of Undiluted Liquefied Petroleum Gases (Based on a Pressure Drop of 0.5 Inch Water Column)

Outside Diameter, Inch	Length of Tubing, Feet									
	10	20	30	40	50	60	70	80	90	100
⅜	39	26	21	19	—	—	—	—	—	—
½	92	62	50	41	37	35	31	29	27	26
⅝	199	131	107	90	79	72	67	62	59	55
¾	329	216	181	145	131	121	112	104	95	90
⅞	501	346	277	233	198	187	164	155	146	138

TABLE M-603.2.7

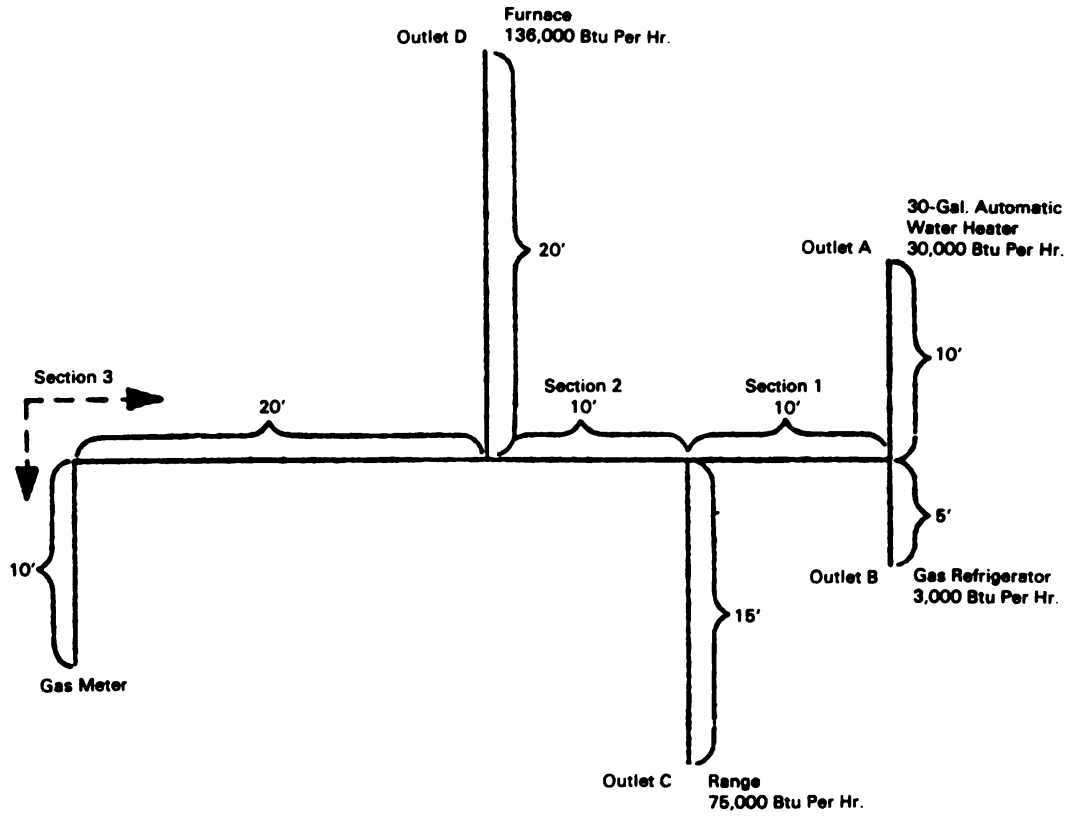
Maximum Capacity of Semi-Rigid Tubing in Thousands of Btu per Hour of Undiluted Liquefied Petroleum Gases (Based on a Pressure Drop of 0.5 Inch Water Column)

Nominal Iron Pipe Size, Inches	Length of Pipe, Feet											
	10	20	30	40	50	60	70	80	90	100	125	150
½	275	189	152	129	114	103	96	89	83	78	69	63
¾	567	393	315	267	237	217	196	185	173	162	146	132
1	1,071	732	590	504	448	409	378	346	322	307	275	252
1¼	2,205	1,496	1,212	1,039	913	834	771	724	677	630	567	511
1½	3,307	2,299	1,858	1,559	1,417	1,275	1,181	1,086	1,023	976	866	787
2	6,221	4,331	3,465	2,992	2,646	2,394	2,205	2,047	1,921	1,811	1,606	1,496

M-603.2.4. Example of piping system design: Determine the required pipe size of each section shown in figure M-603.2.4 with a designated pressure drop of 0.50 inch water column. Gas to be used has 0.65 specific gravity and a heating value of 1,000 Btu per cubic foot.

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FIGURE M-603.2.4



Solution:

(1) Maximum gas demand for outlet A:

$$\frac{\text{Consumption (rating plate input, or table M-603.2.5 if necessary)}}{\text{Btu of gas}} =$$

$$\frac{\text{30,000 Btu per hour rating}}{\text{1,000 Btu per cubic foot}} = \frac{\text{30 cfh}}{\text{(or 30 cfh)}}$$

Maximum gas demand for outlet B: $\frac{\text{Consumption}}{\text{Btu of gas}} = \frac{3{,}000}{1{,}000} =$ 3 cfh

Maximum gas demand for outlet C: $\frac{\text{Consumption}}{\text{Btu of gas}} = \frac{75{,}000}{1{,}000} =$ 75 cfh

Maximum gas demand for outlet D: $\frac{\text{Consumption}}{\text{Btu of gas}} = \frac{136{,}000}{1{,}000} =$ 136 cfh

(2) The length of pipe from the gas meter to the most remote outlet A is 60 feet. This is the only distance used.

(3) Use the column marked 60 feet in table M-603.2.2 provided this is the table designated for use by the serving gas supplier.

Outlet A, supplying 30 cfh, requires ⅜-inch pipe.

Outlet B, supplying 3 cfh, requires ¼-inch pipe.

Section 1, supplying outlets A and B, or 33 cfh, requires ⅜-inch pipe.

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Outlet C, supplying 75 cfh, requires ¾-inch pipe.
Section 2, supplying outlets A, B, and C, or 108 cfh, requires ¾-inch pipe.
Outlet D, supplying 136 cfh, requires ¾-inch pipe.
Section 3, supplying outlets A, B, C, and D, or 244 cfh, requires 1-inch pipe.

(4) Gas piping systems that are to be supplied with gas of a specific gravity of 0.70 or less can be sized directly from tables M-603.2.1 and M-603.2.2, unless the authority having jurisdiction specifies that a gravity factor be applied. When the specific gravity of the gas is greater than 0.70, the gravity factor shall be applied.

(5) If the gravity factor is applied to this example, the values in the column marked 60 feet in table M-603.2.8 would be multiplied by the multiplier (.96) from table M-603.2.5, and the resulting cubic feet per hour values would be used to size the piping.

TABLE M-603.2.8
Multipliers to be Used With
Tables M-603.2.1 Through M-603.2.4
When Applying Gravity Factor

Specific Gravity	Multiplier	Specific Gravity	Multiplier
.35	1.31	1.00	.78
.40	1.23	1.10	.74
.45	1.16	1.20	.71
.50	1.10	1.30	.68
.55	1.04	1.40	.66
.60	1.00	1.50	.63
.65	.96	1.60	.61
.70	.93	1.70	.59
.75	.90	1.80	.58
.80	.87	1.90	.56
.85	.84	2.00	.55
.90	.82	2.10	.54

History: 1954 ACS 101, p. 119, Eff. Apr. 5, 1980.

R 408.30957 Minimum size of gas piping.

Rule 957. Sections M-604.1 and M-604.2 of the code are amended to read as follows:

M-604.1. General: The diameter of the rigid piping supplying gas to a natural gas appliance shall not be of smaller size than the inlet connection of the appliance manifold.

M-604.2. Remodeling: In remodeling or extending existing house gas piping, connections shall be made only when sizes can be maintained in accordance with section M-603.0.

History: 1954 ACS 101, p. 125, Eff. Apr. 5, 1980.

R 408.30958 Leak test methods for gas piping systems.

Rule 958. Sections M-605.1 and M-605.3 of the code are amended to read as follows:

M-605.1. Test of gas piping for tightness: Before any new system of nonindustrial gas piping is put in service, and before any appliances have been attached thereto, except as provided in (b) below, it shall be pressure tested in accordance with (a) or (b) below to assure that it is gastight. The contractor or installer of these piping systems shall be held responsible for the test, and he shall certify the

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application and success of the test. A "new system of gas piping" means piping installed during the construction of new buildings.

(a) With no appliances connected, nonindustrial piping systems for other than undiluted liquefied petroleum gases shall withstand a pressure of not less than 3 psig for a period of not less than 10 minutes without showing any drop in pressure. Pressure shall be measured with a manometer or slope gauge, or an equivalent device so calibrated as to be read in increments of not greater than $\frac{1}{10}$ psig. The source of pressure shall be isolated before the pressure tests are made.

(b) Nonindustrial piping systems for undiluted liquefied petroleum gases shall withstand the pressure test in accordance with (a) above, or, when appliances are connected to the piping system, shall withstand a pressure of not less than 10 inches nor more than 14 inches water column (8 ounces per square inch) for a period of not less than 10 minutes without showing any drop in pressure. Pressure shall be measured with a water manometer or an equivalent device calibrated so as to be read in increments of not greater than $\frac{1}{10}$ inch water column. The source of pressure shall be isolated before the pressure tests are made.

(c) The test specified herein shall be in addition to those tests required for underground piping contained in section M-602.8.

M-605.3. Method: Leaks in gas piping shall be located by applying soapy water or an approved leak detecting agent to the exterior of the piping, or by the use of a combustible gas detector. Open flames or acid shall not be used to locate leaks, nor shall water be introduced into the gas piping.

History: 1954 ACS 101, p. 125, Eff. Apr. 5, 1980.

R 408.30959 Fuel oil storage tanks, equipment, and piping; installation.

Rule 959. Sections M-608.0, M-608.1, M-608.2, M-608.3, M-608.4, M-608.5, M-608.6, and M-608.7 of the code are amended, and sections M-608.1.1, M-608.2.1, M-608.2.2, M-608.2.3, M-608.2.4, M-608.2.5, M-608.2.5.1, M-608.2.6, M-608.2.7, M-608.4.1, M-608.4.2, M-608.4.3, M-608.4.4, M-608.6.1, M-608.6.2, M-608.7.1, M-608.7.2, M-608.7.3, M-608.7.4, M-608.7.4.1, M-608.7.4.2, M-608.7.4.3, M-608.7.4.4, and tables M-608.2.1 and M-608.2.2 are added, to read as follows:

M-608.0. Installation of fuel storage tanks, equipment, and piping.

M-608.1. General: Fuel storage tanks, piping, vents, valves, and oil-burning equipment shall be installed as specified by this code and in accordance with NFiPA-31-1974, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $4.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $4.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-608.1.1. Liquefied petroleum gas storage tanks: Aboveground liquefied petroleum gas storage locations with less than 2,000 gallons individual water capacity, or less than 4,000 gallons aggregate water capacity, shall be installed in accordance with NFiPA-58-1976, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $5.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $5.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

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M-608.2. Equipment installation burners and controls.

M-608.2.1. Combustion safeguards: An oil burner shall be provided with an approved automatic combustion safeguard that will effectively prevent the abnormal discharge of oil in case of ignition or flame failure. Approved types of combustion safeguards are listed in table M-608.2.1.

TABLE M-608.2.1
Oil Combustion Safeguards

Type of Burner	Type of Combustion Safeguard	Timing Requirements of Safeguards
Heat vaporization	Approved constant level anti-flooding device	None.
Less than 5 gal./hr.	Approved device for ignition trial and flame failure	2 minutes.
5 gal./hr. or more	Approved device for ignition trial and flame failure	Ignition trial 60 seconds. Flame failure 10 seconds.
Domestic type rotary vaporization	Constant level device and approved device for ignition trial and flame failure	2 minutes.

M-608.2.2. Limit controls: Oil-burning equipment shall be provided with an approved means of automatically shutting off the burner when the limits of temperature or pressure, or both, as provided in table M-608.2.2 are exceeded.

Exceptions: On oil-fired room heaters or heat vaporization burners, the limit control may place the burner on low flame operation.

TABLE M-608.2.2
Equipment and Limit Control Settings

Type of Equipment	Maximum Limit Control Setting
Mechanical warm-air furnace	200 degrees Fahrenheit (except by special permission of the department)
Gravity warm-air furnace	300 degrees Fahrenheit
High-pressure steam boiler	Allowable working pressure of the boiler
Low-pressure, hot-water, space heating boiler	250 degrees Fahrenheit
High-pressure, space heating, hot-water boiler	The temperature corresponding to the maximum allowable working pressure of the boiler
Hot-water supply heater or boiler	210 degrees Fahrenheit (except by special permission of the department)

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M-608.2.3. Limit controls and low water cutoffs in main electrical circuit: When a limit control or low water cutoff is used to interrupt the main electrical supply to the burner, the control shall be so arranged as to open the main electrical supply to the burner, whether the switching is integral with the sensing element or remote from the same.

M-608.2.4. Combustion air-oil interlock: An installation equipped with forced or induced draft fans, or both, shall have an approved control device. The device shall immediately shut off the oil supply upon air supply failure. Controls actuated by the failure of the power supply to the blower motor shall not meet this requirement. This requirement is not applicable to listed heat vaporization burners.

M-608.2.5. Combustion and ventilation air: Means shall be provided to ensure that sufficient combustion and ventilation air are provided for the oil-burning equipment installed. The methods used to provide the combustion and ventilation air shall comply with the applicable provisions contained in sections M-610 and M-624.4 for oil-fired equipment fired at or over 3 gallons per hour.

M-608.2.5.1. Negative pressures: If the oil-fired equipment is subjected to a negative pressure condition, the condition shall be corrected in accordance with the applicable provisions of section M-624.4.1.

M-608.2.6. Venting: Venting of oil-fired equipment: Oil-fired equipment shall be vented in accordance with the applicable requirements of sections M-703 and M-710.

M-608.2.7. Equipment clearances and accessibility: The equipment shall be installed to allow sufficient and reasonable accessibility for inspection, cleaning, repair, and flame observation under all firing conditions. The clearance requirements provided in section M-612.5 shall be followed for the installation of the equipment.

M-608.3. Grades of fuel oil: The grade of fuel oil used with any burner shall be consistent with the manufacturer's listing for the equipment, but in no case shall it have a flashpoint less than 110 degrees Fahrenheit when tested by the Pensky Martins closed cup testing method.

M-608.4. Fuel oil.

M-608.4.1. Gravity flow: Gravity flow of fuel oil from the tank to the burner is permitted only when each storage tank does not exceed 275-gallon capacity.

M-608.4.2. Forced flow: Fuel oil shall not be forced from storage tanks, auxiliary tanks, or drums by positive pressure.

M-608.4.3. Oil preheaters: When oil preheaters are used to bring fuel oil to its atomizing temperature and viscosity, they shall be of an approved type and equipped with a relief valve to prevent excessive oil pressure. Means shall be provided to prevent the introduction of oil or other liquids harmful to the boiler operation.

M-608.4.4. Oil lines: Oil supply lines to burners shall be provided with approved strainers.

M-608.5. Ventilation of trapped vapors: Ventilation shall be provided to prevent the accumulation of any trapped vapors below the combustion chamber.

M-608.6. Oil burners with gas pilots.

M-608.6.1. Types of fuel: The fuel for gas pilots shall be limited to natural gas, unless otherwise approved by the department.

M-608.6.2. Gas pilot piping: The pilot supplying piping shall be provided with an approved shutoff valve located near the burner and shall be equipped with an approved vented gas pressure regulator. The installation of the piping shall conform to the gas piping installation requirements as established in this code.

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M-608.7. Installation of piping.

M-608.7.1. General: Fuel oil piping shall be installed in a workmanlike manner. The piping shall be installed in accordance with the applicable provisions of this code as it relates to fuel gas piping, underground piping, protection from corrosion, and support.

M-608.7.2. Pipe and fittings: Pipe and fittings shall conform to the material specifications established in section M-601.1, acceptable piping materials, except as provided in the following:

Exception: Flanged or packed joints shall not be used in underground piping except by special permission of the department.

M-608.7.3. Minimum pipe sizes: Pipe used in the installation of domestic-type burners shall not be smaller than ⅜-inch iron pipe size; pipe used in the installation of industrial-type burners shall not be smaller than ½-inch iron pipe size. Suction lines for equipment burning grades no. 5 or no. 6 oil shall not be less than 1½-inch iron pipe size to the inlet of the oil preheater or to within 60 inches of the burner. Copper tubing used in the installation of domestic-type burners where the oil flows by gravity from the tank to the burners shall not be smaller in size than ⅜-inch outside diameter, $^{32}/_{1000}$-inch wall thickness tubing. For other than domestic installations, such copper tubing shall not be smaller than ⅜-inch inside diameter, $^{32}/_{1000}$-inch wall thickness tubing. For industrial-type burners, such copper tubing shall not be smaller in size than the equivalent of the iron pipe size mentioned above, with wall thickness not less than $^{40}/_{1000}$.

M-608.7.4. Stop valves.

M-608.7.4.1. Approved stop valves: Valves shall be constructed so that the stem cannot be withdrawn by the continued operation of the hand wheel.

M-608.7.4.2. Stop valve locations: An approved stop valve shall be installed in any fuel oil line which is so arranged that gravity flow of oil from the storage tank may occur. The locations shall be as follows:

1. Aboveground tanks: outlet of the tank.
2. Underground tanks: near the point where the line enters the building.

M-608.7.4.3. Check valve requirements, return lines: A check valve shall be provided in the return line when the return line extends below the top of the tank.

M-608.7.4.4. Fused valves: An approved fused valve, which automatically closes in the event of fire, shall be installed in each oil supply line as close to the burner as practicable.

History: 1954 ACS 101, p. 126, Eff. Apr. 5, 1980.

R 408.30962 Fuel storage tanks.

Rule 962. Sections M-608.8 to M-608.8.17, tables M-608.8.3 and M-608.8.6, and figures M-608.8.4 and M-608.8.5 of the code are added to read as follows:

M-608.8. Storage tank installations.

M-608.8.1. Integral storage tanks: A tank for the storage of 6 gallons or less of fuel oil shall be considered an integral part of the equipment. This type of installation shall conform to section M-300.13.1.

M-608.8.2. Auxiliary storage tank installation: When an auxiliary storage tank is used in conjunction with a main storage tank, the following installation requirements shall be met:

1. When a pump is used between the storage tank and the auxiliary storage tanks, means shall be provided to return any surplus oil to the main storage tank, or other approved means shall be provided to prevent overflow of the auxiliary storage tank.

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2. The top of the auxiliary tanks shall be not less than 6 inches above the top of the main storage tank.

3. The auxiliary tanks shall not be subjected to a pressure above atmospheric unless otherwise approved by the department and shall be vented in accordance with section M-608.8.12 of this code.

M-608.8.3. Allowable storage capacities and types of storage: Maximum storage capacities and types of storage shall be determined by table M-608.8.3.

TABLE M-608.8.3
Maximum Storage Capacities, Locations and Types

Maximum Capacity in Gallons	Location	Restrictions
220 gallons, 4 55-gallon drums	outside, aboveground	• Drums 18-gauge metal construction • Limited to any 1 premises • Equipped with approved hand pump or self-closing faucet
110 gallons, 2 55-gallon drums	inside building or garage on ground floor	• Not placed in areas of ingress or egress • Use of faucets prohibited
275 gallons, single tank	outside, aboveground	• Limited to any 1 premises • Properly vented • Equipped with approved hand pump or self-closing faucet • Used with oil-burning space heaters
550 gallons, 2 275-gallon tanks (aboveground storage in excess of 550 gallons by department approval only)	outside, aboveground	• Limited to any 1 premises • Auxiliary tanks of 25-gallon capacity or more are considered as storage tanks for determining total storage capacity
Unlimited	underground	• Applicable provisions of this section
10,000 gallons	inside building (vaulted storage) (See figure M-608.8.4 for vault construction requirements)	• Permission required by department • Limited to type 2 and type 3 buildings as classified by Michigan state building code • Limited to any 1 premises
15,000 gallons	inside building (vaulted storage) (See figure M-608.8.4 for construction requirements)	• Permission required by department • Limited to type 2 and type 3 buildings as classified by Michigan state building code • Limited to any 1 premises

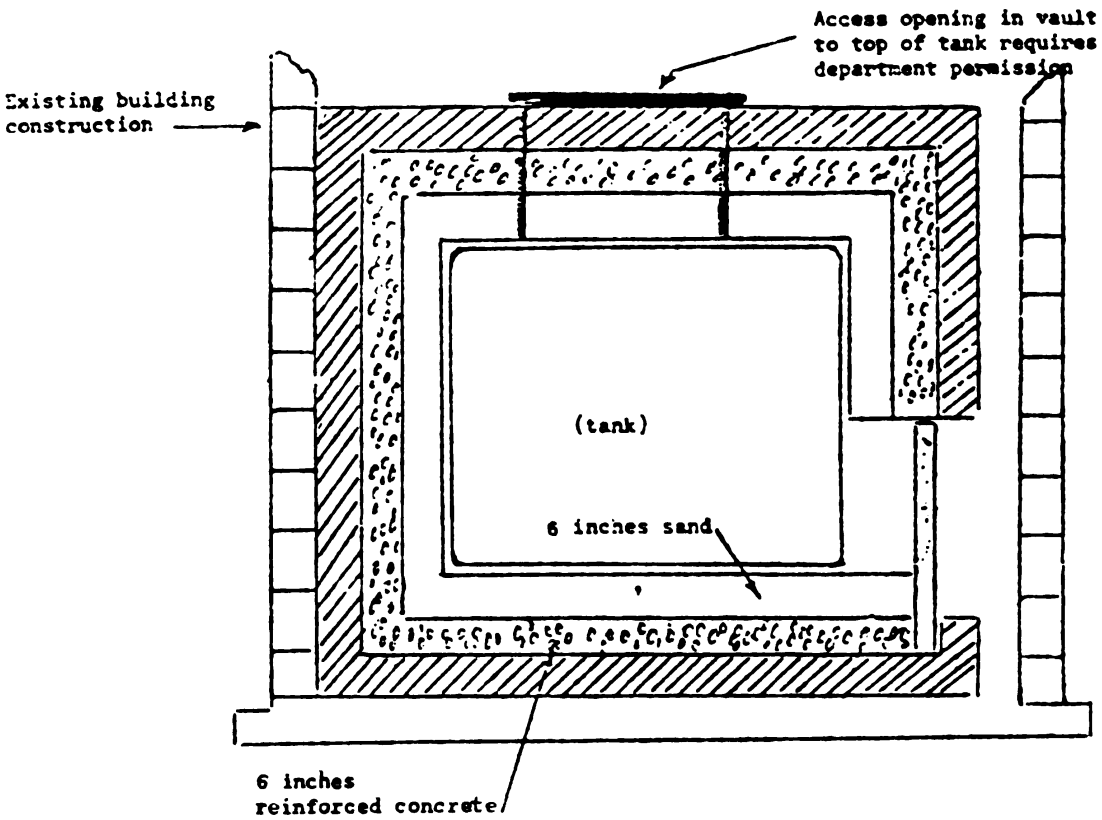
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M-608.8.4. Tank vault requirements: When permitted by the department, tanks may be installed in vaults located within the building. Plot plans of the premises and detailed drawings of the vault shall be submitted to the department for approval with the permit application. The vault shall meet the construction requirements as detailed in figure M-608.8.4 or with other requirements as may be specified by the department.

M-608.8.5. Storage locations: The location of the fuel oil storage tank shall conform to the locations, clearances, and cover as detailed in figure M-608.8.5.

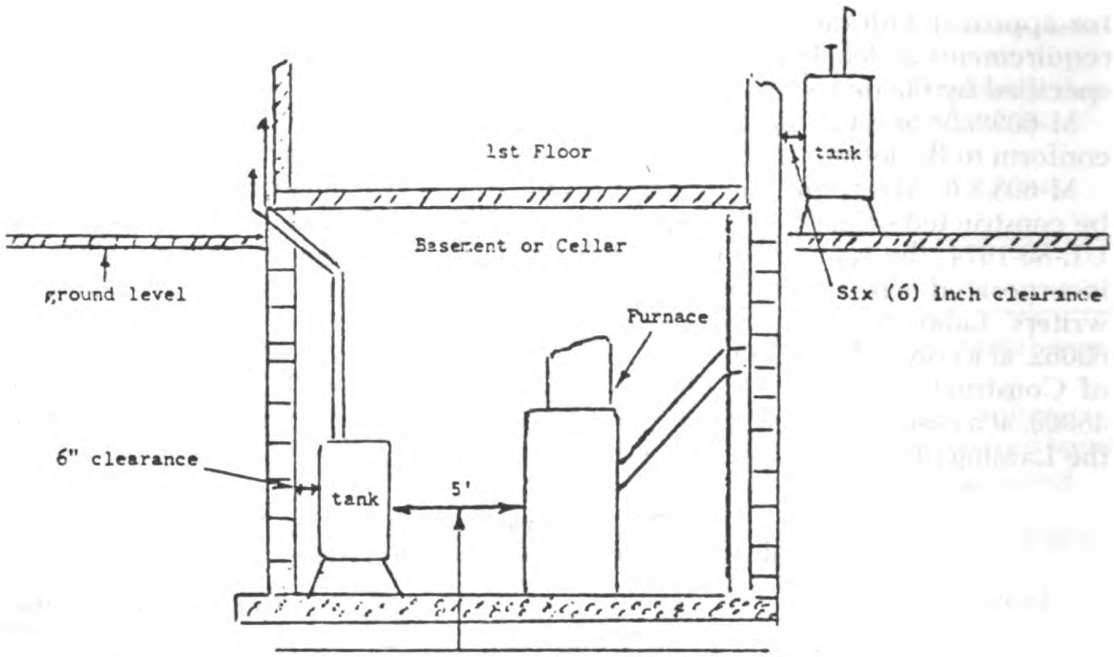
M-608.8.6. Metal tank construction: A tank of more than 6-gallon capacity shall be constructed of materials of approved quality and shall be in accordance with UL-80-1974, the standard of underwriters' laboratories, incorporated, which is incorporated herein by reference. This standard may be purchased from Underwriters' Laboratories, Incorporated, 333 Phingsten Road, Northbrook, Illinois 60062, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

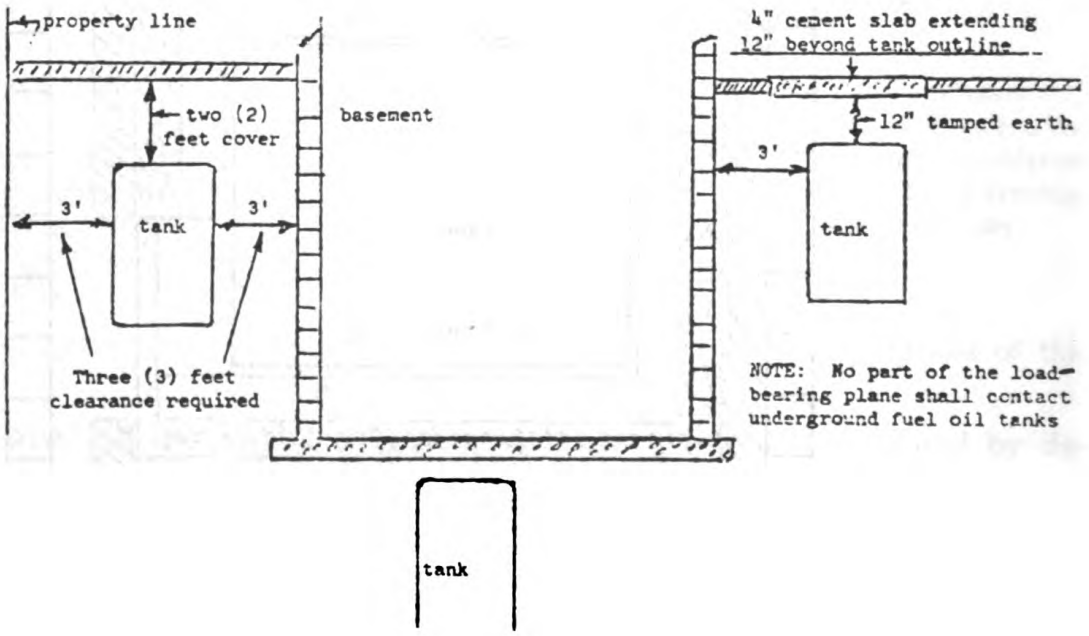
FIGURE M-608.8.4
Tank Vault Construction Requirements



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FIGURE M-608.8.5
Storage Locations Clearance Requirements





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FIGURE M-608.8.5 (Cont.)

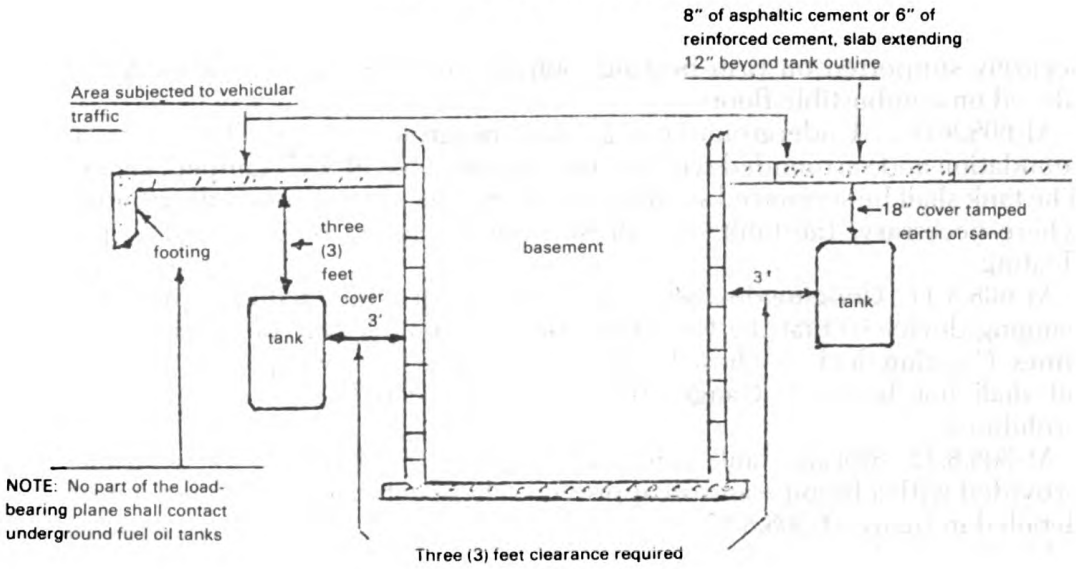


TABLE M-608.8.6
Metal Tank Construction Specifications

Tank Capacity in Gallons	Metal Gauge, Min. U.S. Standard	Joining Requirements
6- 285	14 Gauge	Welded or Riveted
286- 560	12 Gauge	Welded or Riveted
561- 1,100	10 Gauge	Welded or Riveted
1,101- 4,000	7 Gauge	Welded or Riveted
4,001-12,000	¼ Inch	Welded or Riveted
12,001-20,000	5/16 Inch	Welded or Riveted
20,001-35,000	⅜ Inch	Welded or Riveted

(1) Each tank connection shall be reinforced with a welded or riveted pad or flange.
(2) All tanks shall be made corrosion resistant in an approved manner.

M-608.8.7. Storage tank test requirements: A tank shall be tested before installation at 5 pounds air pressure using soapy water as a detecting agent. The test shall be conducted in the presence of a department inspector.

Exception: An aboveground storage tank of 275 gallons or less, or a new listed tank labeled by the listing agency for the service intended, is not required to be tested.

M-608.8.8. Concrete tank construction: For fuel oil having a specific gravity of 40 degrees American petroleum institute or heavier, a tank may be made of concrete with the permission of the department. The tank shall be constructed in accordance with sound engineering practices.

M-608.8.9. Storage tank identification: A listed tank at the time of installation shall be identified by a permanent and prominently affixed tag. The tag shall certify:

- The tank has been tested in accordance with a national standard.
- The thickness of the metal used in the tank's construction.
- The tank capacity in gallons.

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• The name of the manufacturer.

M-608.8.10. Tank supports.

M-608.8.10.1. Aboveground tanks: An aboveground tank shall be rigidly and securely supported on firm-bearing, noncombustible supports and shall not be placed on combustible floors.

M-608.8.10.2. Underground tanks: An underground tank shall be set on a firm foundation and surrounded with not less than 6 inches of well-tamped, clean sand. The tank shall be supported so that bearing stresses are uniformly distributed and, where necessary, the tank shall be securely anchored or weighted to prevent floating.

M-608.8.11. Gauging devices: A tank shall be provided with an approved type gauging device so that the fuel oil content of the tank may be determined at all times. Gauging devices whose breakage or derangement will permit the escape of oil shall not be used. Gauge stick openings located inside any building are prohibited.

M-608.8.12. Storage tank vent and fill pipe requirements: A tank shall be provided with a fill pipe and an approved relief vent that meets the requirements detailed in figure M-608.8.12.

M-608.8.13. Underground piping to storage tanks: If necessary, swing joints or other arrangements shall be provided in the underground piping to the tank to relieve stress on the piping due to settling or other movements of the tank.

M-608.8.14. Interconnection of storage tanks: The piping of interconnected fuel oil storage tanks shall be so arranged as to preclude the accidental overfilling of one tank from another. Such arrangements may be interlocked 3-way valves on suction and return lines of each tank, adequately sized equalizing lines between tops of tanks, or other methods acceptable to the department.

Two or more aboveground tanks may be connected together below the tops of the tanks only if each connecting line is provided with an approved type check valve so arranged as to prevent cross flow between tanks. Types of check valves that are approved include ball check valves, vertical lift check valves, and swing check valves, the angle of whose seat is not less than 45 degrees from the vertical. All connections and fittings of underground tanks shall be at the top of the tanks.

M-608.8.15. Required tests on tanks and piping: Fuel oil storage tanks and piping that are to be concealed shall be tested for tightness in the presence of a department inspector. See section M-608.8.7. The test shall consist of an air pressure test at 5 psig using soapy water as the detecting agent.

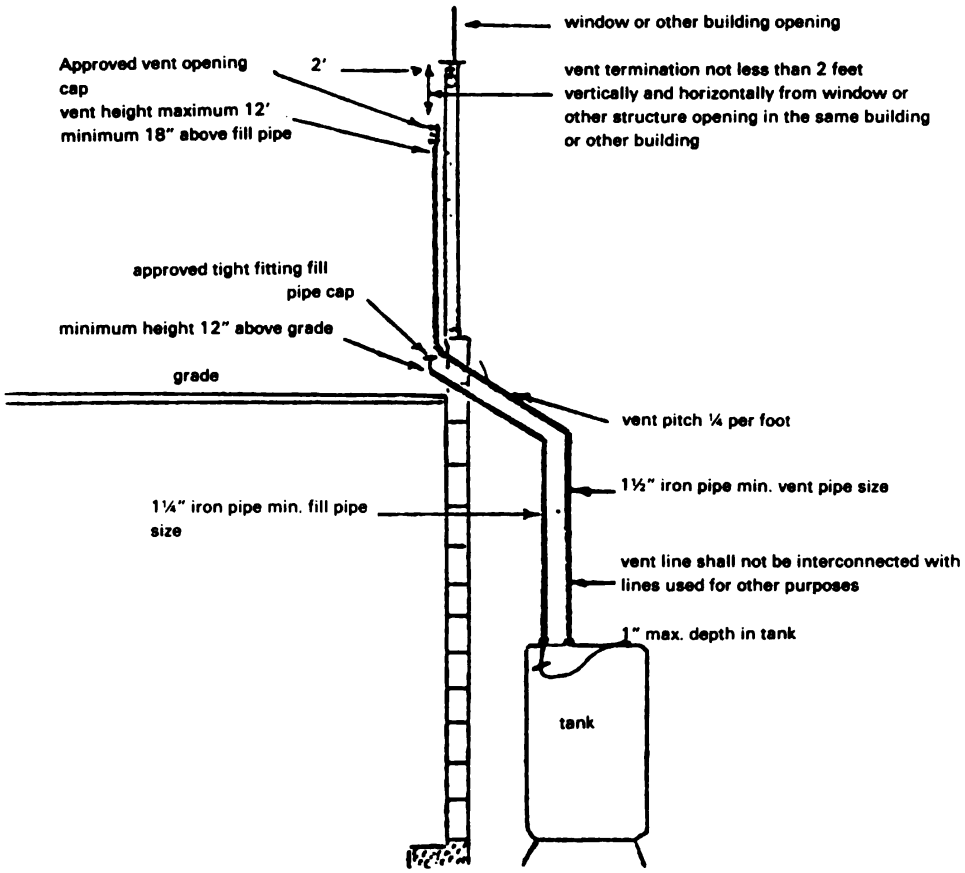
M-608.8.16. Abandoned fuel oil storage tanks: Abandoned aboveground fuel oil tanks shall be removed. Tanks inside buildings may remain, provided that all fuel oil is removed from the tank, the tank outlet is securely capped or plugged at the tank, the fill pipe is plugged or capped inside the building, and the section extending outside the building is removed, and the vent pipe is not altered. Abandoned belowground fuel oil tanks shall be abandoned in accordance with the flammable liquids regulations, being R 28.63 of the Michigan Administrative Code, as promulgated pursuant to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws and administered by the Michigan department of state police, fire marshal division. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-608.8.17. Liquefied petroleum gas piping: The installation of gas piping and gas equipment on nonindustrial premises shall be in accordance with NFiPA-54-1974, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a

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cost of $4.25 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $4.25 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

FIGURE M-608.8.12
Fill and Vent Pipe Requirements



Other specifications

1. The vent opening and vent pipe shall be designed to prevent abnormal pressure during the filling.

2. If the tank is filled by a pump with tight connections, the vent pipe shall be equal in size to the fill pipe.

3. The lowest horizontal run of vent pipes on multiple tank installations, in those cases where vent pipes are manifold, shall be connected together at a point not less than 1 foot above the highest horizontal manifold of the fill pipe.

4. Fill and vent pipes shall not be run through windows, coal chutes, or other building openings unless such openings are completely closed with noncombustible materials.

History: 1954 ACS 101, p. 129, Eff. Apr. 5, 1960.

R 408.30964 Erection and installation of appliances.

Rule 964. Sections M-609.2, M-609.5, M-609.5.1, M-609.7, and M-609.8 of the code are amended, and sections M-609.2.1 and M-609.2.2 and table M-609.2.2 are added, to read as follows:

M-609.2. Appliance safety devices: A gas-fired appliance shall be provided with approved combustion safeguards and protective devices as established in the following sections.

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M-609.2.1. Combustion safeguards: A gas-fired appliance with input ratings up to 400,000 Btus per hour shall be equipped with an approved combustion safeguard that shuts off the main burner gas supply within 3 minutes after loss of main burner flame or failure of pilot flame.

Exception: Approved combustion safeguards are not required on portable room heaters with hourly inputs of less than 65,000 Btus per hour, provided that the heater is not equipped with a pilot of any type.

M-609.2.2. Limit controls: A gas-fired appliance shall be equipped with approved limit controls that are capable of maintaining the temperature and pressure limits provided in table M-609.2.2.

TABLE M-609.2.2
Maximum Temperature and Pressure Settings

Mechanical warm-air furnace	200 degrees Fahrenheit (except by special permission of the department)
Gravity warm-air furnace	300 degrees Fahrenheit
High pressure steam boiler	Allowable working pressure of the boiler
Low pressure hot water space-heating boiler	250 degrees Fahrenheit
High pressure space-heating hot-water boiler	The temperature corresponding to the maximum allowable working pressure of the boiler
Hot water supply heater or boiler	210 degrees Fahrenheit (except by special permission of the department)

M-609.5. Flexible connectors: Approved flexible metal, fabric and rubber, or rubber tubing listed by a nationally recognized testing agency, permanently equipped with union or screw-type end connectors by the manufacturer, may be used to connect appliances that require mobility during operation and similar uses, such as ironers, dentists torches, and laboratory equipment. Metal connectors may be used to connect ranges, fryers, and appliances or equipment that may require periodic movement as part of its normal maintenance or to reduce the effect of jarring and vibration, or where rigid connections are impractical. Use of the flexible connector shall be dependent on the following requirements:

(a) The flexible connector shall not exceed 6 feet in length and shall be connected to a rigid piping outlet located in the same room as the appliance or equipment.

(b) The flexible connector shall not extend through a partition, wall, or ceiling of a building or structure.

(c) An approved shutoff valve shall be installed at the point where the flexible connector is connected to the rigid piping.

(d) The flexible connector shall not be used in exterior locations.

(e) The flexible connector may be connected to the building piping by means of an approved quick-disconnect device. A manual shutoff valve shall be installed upstream of the quick-disconnect device.

M-609.5.1. Semi-rigid tubing: Approved semi-rigid tubing listed by a nationally recognized testing agency may be used to connect appliances or equipment if the following conditions are met:

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(a) The tubing shall have a nominal diameter not less than the outlet connection to the appliance or equipment manifold.

(b) The tubing shall not exceed 6 feet in length and shall be connected to a rigid piping outlet located in the same room as the appliance or equipment. When acceptable to the serving gas supplier, greater lengths may be used and need not be connected to a rigid piping outlet located in the same room as the appliance.

(c) An approved shutoff valve shall be installed at the point where the tubing is connected to the rigid piping.

(d) The tubing shall be installed so as to be protected against physical damage.

(e) The tubing shall be properly secured to joists and walls.

(f) Aluminum alloy semi-rigid tubing and connectors shall be factory-coated to protect against external corrosion where they are in contact with masonry, plaster, or insulation or are subject to repeated wettings by such liquids as water, except rain water, detergents, or sewage. Aluminum alloy tubing shall not be used in exterior locations.

M-609.7. Gas low pressure cut-out valve: A gas appliance, pump, or similar apparatus that is capable of producing a vacuum in the gas service pipe shall not be installed unless a low pressure cut-out valve or other suitable device is provided to prevent the gas pressure at the gas meter outlet from being reduced below 3 inches water column pressure.

M-609.8. Gas high pressure cut-out. When air or oxygen under pressure is used in connection with the gas supply, effective means, such as a back pressure regulator and relief valve, shall be provided to prevent air or oxygen from passing back into the gas piping. The serving gas supplier shall be consulted for details. When oxygen is used, see NFiPA-51-1974, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 135, Eff. Apr. 5, 1980.

R 408.30965 Required air for combustion, ventilation, and draft hood dilution.

Rule 965. Section M-610.5 of the code is amended to read as follows:

M-610.5. Special conditions created by mechanical exhausting or fireplace: Operation of exhaust fans, kitchen ventilation systems, clothes dryers, or fireplaces may create negative pressure conditions. If so, special consideration shall be given to correcting the unsatisfactory operation of installed gas appliances as detailed in section M-624.4.1.

History: 1954 ACS 101, p. 137, Eff. Apr. 5, 1980.

R 408.30966 Fuel-fired appliances.

Rule 966. Section M-612.5 of the code is amended, and sections M-612.5, M-612.5.1, M-612.5.2, M-612.5.3 and tables M-612.5.1 and M-612.5.2 are added, to read as follows:

M-612.5. Clearance: Clearance to, and accessibility of, all fuel-fired appliances, except gas-fired incinertors, shall be in accordance with the requirements of this section. A gas-fired incinerator shall conform to the requirements of section M-901 and M-902.

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M-612.5.1. Clearances for gas and oil-fired appliances and equipment: The minimum clearances from combustible construction of gas and oil-fired appliances and equipment shall be as set forth in table M-612.5.1, except that appliances or equipment listed or approved for other minimum clearances, the listed clearances shall apply. See article 7 for minimum clearances from combustible construction for vents and chimney connectors, gas vents, chimneys, and stacks.

M-612.5.2. Clearances for unlisted appliances and equipment. Unlisted fuel-burning appliances and equipment shall be installed to maintain the minimum clearances to combustible materials as provided in table M-612.5.1 or in table M-612.5.2. See article 7 for minimum clearances for vent and chimney connectors, gas vents, flues, chimneys, and stacks.

M-612.5.3. Reduced clearances: Except for front clearances, the clearances from combustible construction as set forth in table M-612.5.1 may be reduced, as indicated in table M-612.5.2, when the combustible construction is protected as detailed in figures M-612.5.2.1 and M-612.5.2.2.

TABLE M-612.5.1
Minimum Clearances for Unlisted Appliances and Equipment

Type of Appliance or Equipment	Clearance Requirements				
			Floor		Slides and Rear
	Top	Front	Combustible	Noncombustible	
Gas-fired furnaces and boilers serving no more than 2 family units	6 in.	18 in.	6 in.	0	6 in.
Oil-fired furnaces and boilers serving no more than 2 family units	6 in.	24 in.	18 in.	0	6 in.
Other appliances or equipment with flue exit temperature of 600 degrees Fahrenheit or less	18 in.	48 in.	2 hr. fire resistance extending 12 in. on all sides	2 hr. fire resistance extending 12 in. on all sides	18 in.
Other appliances or equipment with flue exit temperature of 600 degrees Fahrenheit to 1000 degrees Fahrenheit	48 in.	96 in.	3 hr. fire resistance extending 36 in. on all sides	3 hr. fire resistance extending 36 in. on all sides	36 in.
Appliances or equipment with flue exit temperature of over 1000 degrees Fahrenheit	15 ft.	30 ft.	4 hr. fire resistance extending 10 ft. on all sides	4 hr. fire resistance extending 10 ft. on all sides	10 ft.

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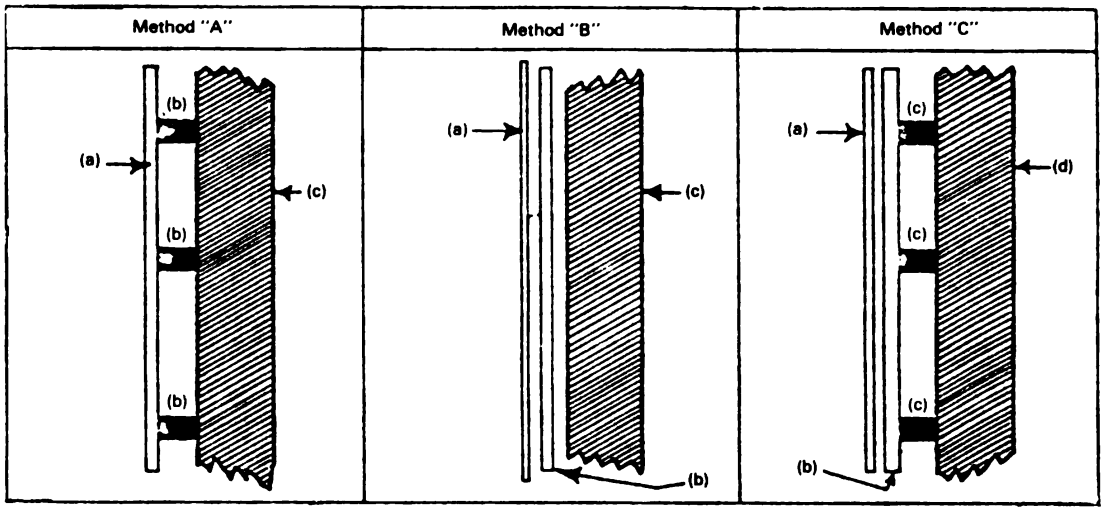
TABLE M-612.5.2
Reduced Clearances for Low-Heat Appliances

Protection method as detailed in figure M-612.5.2.1	Required clearances as specified in table M-612.5.1	
	18 Inches	6 Inches
(a) ¼-inch noncombustible mineral board spaced out 1 inch with noncombustible spacers	Top 15 inches sides and rear 9 inches	Top 3 inches sides and rear 2 inches
(b) No. 28 gauge galvanized sheet metal on ¼-inch noncombustible mineral board	Top 12 inches sides and rear 9 inches	Top 4 inches sides and rear 3 inches
(c) No. 28 gauge galvanized sheet metal on ⅛-inch noncombustible mineral board spaced out 1 inch with noncombustible spacers	Top 9 inches sides and rear 6 inches	Top 4 inches sides 2 inches

Note: All clearances shall be measured from the outer surface of the appliance or equipment to the combustible material.

Note: Coverage of combustible material shall conform to the requirements detailed in figure M-612.5.2.2.

FIGURE M-612.5.2.1
Protection Methods for Combustible Materials



(a) ¼-inch noncombustible mineral board
(b) 1-inch noncombustible spacers
(c) combustible construction

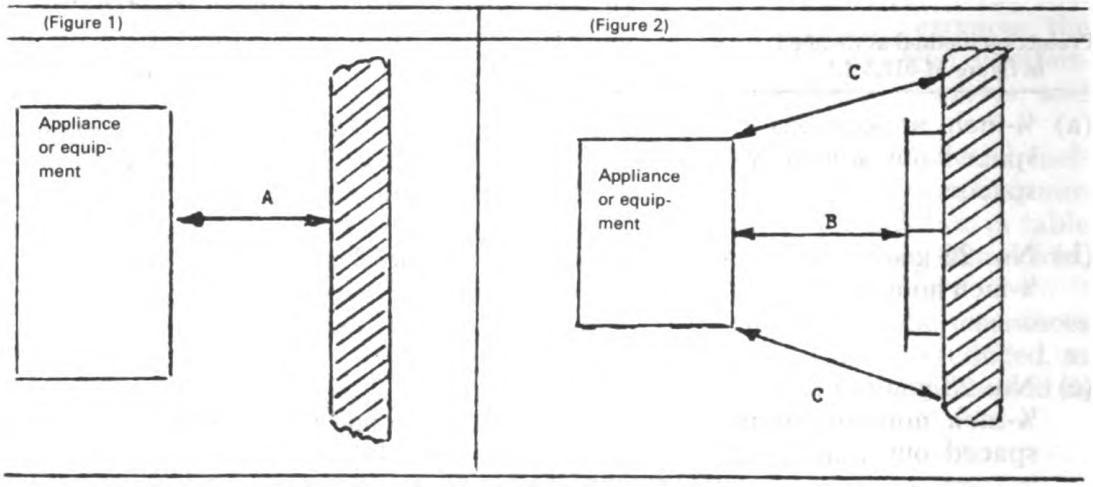
(a) No. 28 gauge galvanized sheet steel
(b) ¼-inch noncombustible mineral board
(c) combustible construction

(a) No. 28 gauge galvanized sheet steel
(b) ⅛-inch noncombustible mineral board
(c) 1-inch noncombustible spacers
(d) combustible construction

Area to be covered by protection shall conform to the requirements of figure M-612.5.2.2.

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FIGURE M-612.5.2.2
Minimum Area Requirements for Coverage of Combustible Construction



In figure 1, A equals the required clearance with no protection as specified in table M-612.5.1.
In figure 2, B equals the reduced clearance permitted in table M-612.5.2.
In figure 2, C is the minimum area to be covered, C shall not be less than the clearance requirements for A as specified in table M-612.5.1.

History: 1954 ACS 101, p. 137, Eff. Apr. 5, 1980.

R 408.30967 Gas ranges, plates, and commercial cooking appliances.

Rule 967. Sections M-613.0, M-613.1, M-613.3, and M-613.3.1 of the code are amended to read as follows:

M-613.0. Gas ranges, plates, and commercial cooking appliances.

M-613.1. Prohibited installations: Gas ranges and plates shall not be installed in bedrooms or other rooms not adequately ventilated, and shall not be used for space heating purposes.

M-613.3. Commercial cooking appliances, such as, but not limited to, hotel and restaurant ranges, baking and roasting ovens, deep fat fryers, hot plates, griddles, steam cookers and generators, and gas-fired kettles shall conform to the following requirements:

(a) The appliances shall be installed in an accessible location.

(b) The installation shall conform to the applicable requirements for piping and ventilation as stated in this article and section M-320.0.

(c) Appliances shall be installed in accordance with the terms of their listing and manufacturer's instructions for clearances from combustible materials and other special installation requirements.

(d) When unlisted appliances are to be installed, a plan of how the appliances are to be installed, such as, but not limited to, clearances from combustible construction, piping, and ventilation shall be submitted to the department for review and approval prior to the installation of the appliances.

M-613.3.1. Restrictions: The following restrictions shall apply to the installation of commercial cooking appliances:

(a) The use of liquefied petroleum gas or liquid fuel is prohibited unless approved by the department.

(b) Appliances designed and marked "For use only in fire-resistive locations" shall not be installed elsewhere.

History: 1954 ACS 101, p. 140, Eff. Apr. 5, 1980.

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R 408.30968 Gas refrigerators.

Rule 968. Section M-614.1 of the code is amended to read as follows:

M-614.1. General: A gas refrigerator shall be provided with adequate clearances for ventilation at the top and back. It shall be installed in accordance with the manufacturer's instructions. If such instructions are not available, not less than 2 inches shall be provided between the back of the refrigerator and the wall and not less than 12 inches above the top.

History: 1954 ACS 101, p. 140, Eff. Apr. 5, 1980.

R 408.30969 Fuel-fired water heater.

Rule 969. Section M-615.1 of the code is amended to read as follows:

M-615.1. Prohibited installations: A fuel-fired water heater, except one having a direct vent system, shall not be installed in a bathroom, a bedroom, or any occupied room normally kept closed.

History: 1954 ACS 101, p. 140, Eff. Apr. 5, 1980.

R 408.30971 Fuel conversions.

Rule 971. Sections M-621.5, M-621.6, M-621.7, and table M-621.7 of the code are added to read as follows:

M-621.5. Additional requirements: In addition to the requirements stated in the preceding sections, the applicable requirements contained in section M-315.0 and appendix B shall be followed for the installation of fuel conversions.

M-621.6. General: An approved gas regulator of sufficient size shall be installed in the gas line at the liquefied petroleum gas bulk tank, except when such installation would be detrimental to the safe operation of the gas burner. Where the department has given permission to not use a main gas pressure regulator, an approved control requiring manual resetting shall be installed in the gas line so as to shut off the gas to the burner in the event of excessive gas pressure.

M-621.7. Venting of appliance gas pressure regulators: An appliance regulator used on conversion burners requiring access to the atmosphere for operation may be vented as follows:

(a) The regulator may be vented into the combustion chamber if the conversion burner is equipped with a constant burner pilot. The vent shall be so positioned that any gas leaking from the atmospheric side of the regulator will be carried to, and ignited by, the pilot.

(b) A vent-limiting device may be used to vent the regulator if the regulator and limiting device conform to the specifications contained in table M-621.7.

(c) On a burner where no constant burning pilot is provided, the regulator shall be vented to the vent connector on the chimney side of the diverter or shall be vented directly to the outside atmosphere and provided with means to prevent closure or stoppage.

(d) Diaphragm control valves may be also vented in accordance with (a) and (c).

(e) A conversion burner using liquefied petroleum gas shall have the appliance regulator vented to a safe outdoor location and provided with means to prevent closure or stoppage.

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TABLE M-621.7

Gas Pressure Regulator	Test Inlet Pressure Inches W.C.	Maximum Gas Flow Rate CFH	
		Natural Manufactured Mixed, Liquefied Petroleum Gas-Air	Undiluted Liquefied Petroleum Gases
Listed Class I	10.5	2.5	1.0
Listed Class II	21.0	2.5	1.0
Unlisted	21.0	2.5	1.0

History: 1954 ACS 101, p. 140, Eff. Apr. 5, 1960.

R 408.30972 Clothes dryers.

Rule 972. Sections M-622.0, M-622.1, and M-622.2 of the code are amended to read as follows:

M-622.0. Clothes dryers.

M-622.1. Approval: All equipment shall be installed in accordance with its approval and the manufacturer's instructions and the applicable requirements of section M-323.0.

M-622.2. Ventilation: Adequate means shall be provided to properly ventilate the room or space in which the clothes dryer is installed and to permit proper combustion of the fuel.

History: 1954 ACS 101, p. 141, Eff. Apr. 5, 1960.

R 408.30974 Fuel-fired industrial type equipment.

Rule 974. Sections M-624.4, M-624.5, M-624.7.1, M-624.9.3, M-624.10.1, M-624.10.2, M-624.10.3, M-624.10.4, M-624.11.1, M-624.11.2, M-624.11.3, M-624.11.4, M-624.12.1, M-624.12.4, M-624.12.6, M-624.12.7, M-624.12.8, M-624.12.9, M-624.13.2, M-624.15.1, M-624.15.3, M-624.24.1, M-624.25.1.1, M-624.25.2, M-624.26.1, M-624.26.2, and M-624.28 of the code are amended, and sections M-624.4.1, M-624.4.1.1, M-624.4.1.2, M-624.6.3, M-624.13.4, M-624.13.5, and table M-624.10.3 are added, to read as follows:

M-624.4. Combustion and ventilation air: Oil- and gas-burning equipment shall be installed in a location where the facilities for ventilation permit safe combustion of fuel and proper venting under normal conditions. When the building space in which such equipment is installed does not have adequate air infiltration to assure the foregoing, then 1 or more permanent openings to the outdoors or to spaces freely communicating to the outdoors shall be provided. Such openings are to be sized and located in accordance with accepted engineering practice.

For rooms large in comparison with the equipment, the following minimum sizes of louvered openings or screened openings, or both, for the inputs indicated are recommended, but in no case shall be less than .05 square foot of the free area per 1,000,000 Btus per hour input:

Actual Input		
Btu/hr. Gas	Gals./hr. Oil	Gross Area of Opening in Square Feet
Up to 400,000	3	1.00
500,000	3.5	1.25
1,000,000	7	2.50
1,500,000	10.5	3.75
2,000,000	14	5.00
2,500,000	18	6.25

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Actual Input		
Btu/hr. Gas	Gals./hr. Oil	Gross Area of Opening in Square Feet
Up to 3,000,000	21	7.50
3,500,000	25	8.75
4,000,000	28	10.00
4,500,000	32	11.25
5,000,000	35	12.50
6,000,000	42	15.00
7,000,000	49	17.50
8,000,000	56	20.00
9,000,000	63	22.50
10,000,000	70	25.00

The requirements contained herein apply only to equipment located in spaces where no adverse negative pressure conditions prevail. Where such adverse conditions prevail, the outside air requirements specified in section M-624.4.1 shall apply in addition to those required herein.

M-624.4.1. Negative pressures: A building or room in which fuel-fired equipment requiring venting of the products of combustion to the outside air is installed, and in which mechanical air-exhausting devices cause back drafting of flues, shall be provided with 1 of the following means of preventing such back drafting:

M-624.4.1.1. Exhausting 2,000 cfm or more: Where air volumes of 2,000 cfm or more are exhausted, clean tempered make-up air at least equal in volume to that being exhausted shall be supplied. Air-exhausting devices shall be so interlocked with the required make-up air devices that they cannot operate unless the make-up air devices are in operation.

M-624.4.1.2. Exhausting less than 2,000 cfm: Where air volumes less than 2,000 cfm are exhausted, sufficient tempered make-up air as specified in section M-624.4.1.1. shall be supplied, or power-exhausting devices shall be installed in the flues of fuel-fired equipment in accordance with the following requirements:

1. The fan shall be of a type, such as centrifugal, that can deliver the required air flow at the correct resistance pressure of the venting system, including the room negative pressure, but in no case shall it have a static pressure rating of less than ¼-inch water column at the required air flow. Propeller fans and venturi ejector devices are not acceptable for the correction of negative pressure conditions in buildings or rooms. These devices may be used to assist in the venting of products of combustion where negative pressure conditions do not prevail in buildings or rooms in accordance with the provisions of article 7.
2. The fan shall be constructed and designed to withstand continuous operation and the flue temperatures of the equipment on which it is installed.
3. The fan shall have sufficient capacity to exhaust a minimum air flow of 8 cfm per 10,000 BTU hourly rated input of the equipment.
4. The chimney or vent connector between the equipment vent collar and the fan shall not be reduced in size, except where necessary at the inlet connection of the fan.
5. The power exhausting installation shall incorporate an approved means, such as electrically interlocked air-flow sensing devices, to cause continuous operation of the fan when the fuel control circuit of the equipment is energized.

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M-624.5. Process air: In addition to air needed for combustion, sufficient process air shall be provided as required for: cooling equipment, controlling dew point, heating, drying, oxidation or dilution, safety exhaust, draft hood operation, odor control, and compressors.

M-624.6.3. Clearances: The clearance requirements provided in section M-612.5 shall be followed for the installation of industrial appliances and equipment.

M-624.7.1. Draft: Adequate means for limiting draft shall be installed on equipment, if necessary. When a damper is used to limit chimney draft, positive means shall be provided to lock the damper in position.

M-624.9.3. Automatic air control: Where an automatically operated air control is provided on automatically lighted equipment, the arrangement shall be such that in case of failure, safe combustion shall continue or the gas shall be shut off.

M-624.10.1. General: Each main burner shall be equipped with an automatic ignition system to assure safe and reliable ignition. Where multiple jet-type burners or burner heads operate as a unit, a sufficient number of ignition systems shall be used to accomplish proper ignition.

M-624.10.2. Flame safeguard: A flame safeguard so constructed and installed that gas cannot flow to the main burner or burners unless satisfactory ignition is assured shall be employed at each burner or burners operating as a unit. Such flame safeguard shall be provided for automatically lighted equipment. Gas to main burner and to intermittent or ignition pilots shall be automatically shut off in case of flame failure at point of supervision.

M-624.10.3. Response time: The response time of the flame safeguard to deenergize the gas shutoff device on flame failure shall not exceed the minimum safety control timing provided in table M-624.10.3. Pilot supervision by such flame safeguard shall be only at the point where the flame effectively ignites the gas at the main burner or burners. The circuit and devices shall be arranged so that the gas will shut off in case of electrical failure.

TABLE M-624.10.3
Maximum Safety Control Timings

Program	Maximum Firing Rate Per Combustion Chamber in Million BTUs Per Hour		
	2.5 or less	Over 2.5 to 12.5	Over 12.5
Pilot flame-establishing period	15 seconds	10 seconds	10 seconds
Main burner flame-establishing period (if required)	15 seconds*	10 seconds*	10 seconds*
Flame failure response time	4 seconds	4 seconds	2 seconds
Valve closing time	5 seconds	5 seconds	1 second

*Main burner flame-establishing period may be 30 seconds for burners other than power burners equipped with a safety shutoff valve having a full opening time of not less than 25 seconds.

Exception: Cast iron sectional boilers with rated inputs not exceeding 400,000 BTUs per section and whose combined input rating does not exceed 2,500,000 BTUs per hour may be equipped with an approved combustion safeguard that shall shut off the main burner gas supply within 3 minutes after loss of main burner flame or pilot flame failure.

M-624.10.4. Electric ignition: An electric ignition system shall ignite only a pilot. The input to the pilot shall not exceed 3% of the maximum input to the main burner as fired. If ignition of the pilot is not obtained within 60 seconds, the pilot gas shall be turned off automatically or remotely controlled ignition systems shall be supervised as specified by section M-624.10.2.

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M-624.11.1. Pilot lines: Pilot lines shall be connected to vertical main gas supply lines or to the sides or top of horizontal lines upstream from all gas control valves for each boiler and shall be independently controlled by means of a manually operated pilot firing valve. In multiple-burner installations, a manually operated pilot firing valve shall be provided for each pilot.

M-624.11.2. Multiple burners: In multiple burner installations, a manual shutoff valve shall be provided for each main and each pilot burner except those utilizing a single zero governor inspirator mixer for several burners, in which case this shutoff valve shall be located at a point immediately upstream of the zero governor. The shutoff valve handle shall be permanently attached and parallel to the gas flow in the open position.

M-624.11.3. Shutoff valve (main burner): A manually operated main burner shutoff valve of the lubricated plug-type with handle permanently attached shall be installed in the line supplying all main burners of each burner. A union shall be provided on the outlet side of the valve to permit removal of controls or equipment.

M-624.11.4. Shutoff valve (multiple burner): For multiple equipment installations, a manually operated shutoff valve of the lubricated plug-type with handle permanently attached shall be installed in the main line to each piece of equipment. It shall be readily accessible and shall clearly indicate the "on" and "off" positions.

M-624.12.1. Location: Equipment input control valves shall be installed downstream from the manual shutoff valve.

M-624.12.4. Safety shutoff valves: Each main burner supply line shall be equipped with a safety shutoff valve or valves which will close independent of external force and with sufficient closing force to provide tight shutoff under normal operating conditions. If the maximum firing rate per combustion chamber exceeds 2,500,000 BTUs per hour, the main burner supply line shall be shut off with 2 safety valves in series. The safety valves shall be suitable for the application and shall have a shutoff time not to exceed that specified in table M-624.10.3. They shall be constructed so that they cannot be restrained or blocked in the open position. Such valves shall close upon being deenergized regardless of the positions of the damper-operating levers or reset handles. When a pressure-operated safety shutoff valve is used, the valve shall close upon failure of its operating pressure.

M-624.12.6. Gas tightness: Permanent and ready means for making easy, accurate, periodic tightness tests of the main burner gas safety shutoff valves shall be provided in the piping.

M-624.12.7. Manually lighted equipment: For manually lighted equipment, either the safety shutoff valve shall incorporate means for reopening the valve after it has closed, or the electrical circuit shall be arranged to require a manual operation to reopen the valve after it has closed. Such valves shall indicate the open and closed positions.

M-624.12.8. Locked by-pass: A locked by-pass to provide for minimum flame may be installed around a valve used to control only equipment input. A by-pass shall not be installed around a safety shutoff valve or a combination input control and safety shutoff valve.

M-624.12.9. Pressure rating manual valves: All manual pilot and main burner valves shall be capable of withstanding, without leaking, a pressure of not less than 10% above the relieving pressure of the nearest upstream relief device or the maximum inlet pressure of the nearest upstream gas pressure regulator, or the maximum setting of the overpressure protection device.

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M-624.13.2. Pressure: The gas pressure to each fuel input control, when required under section M-621.6, shall be regulated within plus or minus 10% of the operating pressure at all firing rates.

M-624.13.4. Overpressure protection: When failure of a pressure regulator could produce downstream pressures which might result in hazardous conditions, such as, but not limited to, overpressuring of controls or piping, causing gas leaks, increased burner inputs, resulting in improper combustion, damage to equipment, the downstream piping system shall be provided with adequate overpressure protection. See section M-624.19.10.

M-624.13.5. Pressure regulators and pressure interlocks: If the maximum firing rate per combustion chamber exceeds 2,500,000 BTUs per hour, low- and high-gas pressure switches shall be provided and interlocked to effect safety shutdown in the event of either low- or high-gas pressure. Pressure settings shall be adjusted by the installer in accordance with the burner manufacturer's instructions. Pressure switches that require venting to the outside atmosphere shall be vented in accordance with section M-624.19.10.

M-624.15.1. Pressure-temperature safety devices: Automatically lighted equipment shall be provided with safety devices to prevent excessive steam pressures, water temperatures, or air temperatures. The safety devices used shall be capable of controlling the pressures of temperatures as required by the manufacturer's specifications or the terms of their listing. See table M-609.2.2 for maximum temperature settings for boilers and space heating equipment.

M-624.15.3. Limit controls or low-water cutoffs located in main electrical supply: When a limit control or low-water cutoff is used to interrupt the main electrical supply to the burner, the control shall be so arranged as to open the main electrical supply to the burner, whether the switching is integral with the sensing element or remote from it.

M-624.24.1. General: After the piping and equipment have been thoroughly purged, constant burning pilots shall be lighted and properly adjusted according to the equipment manufacturer's instructions, and the main burners shall be put into operation in accordance with the manufacturer's instructions and operating procedures.

M-624.25.1.1. Burner flames shall not flash outside the equipment when the gas is turned on or off.

M-624.25.2. Main burner: Main burner gas shall ignite freely from the ignition means within the operating range of the burner.

M-624.26.1. Test: All automatic safety shutoff gas valves shall be tested for gas tightness while in the closed position before being placed in service.

M-624.26.2. Proper operation: The flame safeguard equipment and various other controls of the equipment shall be checked to ensure their proper operation.

M-624.28. Liquid fuel, solid fuel, liquefied petroleum gas, and liquefied petroleum air gas: The installation of liquid fuel, solid fuel, or liquefied petroleum gas-fired appliances and their appurtenances shall conform to the applicable requirements of this code and in accordance with NFiPA-31-1974, NFiPA-54-1974, NFiPA-58-1976, NFiPA-85-1976, NFiPA-85B-1976, NFiPA-85D-1976, NFiPA-85E-1974, the standards of the national fire protection association, which are incorporated herein by reference. These standards may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $4.00, $4.25, $5.00, $4.00, $4.00, $4.00, and $4.00, respectively, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $4.00, $4.25, $5.00, $4.00, $4.00, $4.00, and $4.00, respectively, plus mailing costs. These

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standards may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 141, Eff. Apr. 5, 1980.

R 408.30980 Miscellaneous gas burning appliances.

Rule 980. Sections M-625.1, M-625.3, M-625.5.1, M-625.5.3, M-625.7, M-625.8, M-625.9, and M-625.10 of the code are amended to read as follows:

M-625.1. Outdoor gas appliances: All outdoor-type appliances shall be installed in accordance with their listings or approval and the manufacturer's instructions.

M-625.3. Venting of outdoor appliances: The venting requirements of section M-715.0 need not apply to outdoor appliances unless required by the terms of their listing or approval.

M-625.5.1. A gas light installed outdoors shall be installed with clearance from combustible material of not less than 12 inches in any direction. A gas light installed indoors shall be installed with clearance from combustible material of not less than 18 inches in any direction.

M-625.5.3. A gas-fired infrared heater installed as a patio heater shall be installed with clearance to combustibles in accordance with their listings. Provisions shall be made for adequate air supply for ventilation and combustion. See section M-312.0 for other applications.

M-625.7. A gas light post: A gas light post shall be constructed of materials which afford adequate strength and rigidity. The post shall be placed not less than 18 inches into the ground and encased in concrete not less than 15 inches deep and 2 inches on all sides.

M-625.8. Gas grills permanently mounted: The post on a permanently installed grill shall be placed not less than 18 inches into the ground and encased in concrete not less than 15 inches deep and 2 inches on all sides. The post of a flange-mount type grill shall be secured to the concrete slab, or equivalent, patio floor.

M-625.9. Gas grills, portable: Approved gas hose may be used for connecting a portable outdoor grill. The gas hose shall not exceed 15 feet in length and shall have a gas pressure drop not exceeding 0.5 inch water column. The gas hose shall be permanently equipped with an approved quick disconnect coupling of the automatic shutoff type. An accessible approved shutoff valve shall be installed adjacent to the quick disconnect coupling. The gas hose and the quick disconnect coupling shall be installed between the shutoff valve and the grill.

M-625.10. Wood burning fireplace log lighters: An approved log lighter for a wood burning fireplace shall have a gas input not to exceed 30,000 BTUs per hour. The lighter shall be provided with a timing device that permits gas flow for a period not to exceed 1 hour. An approved manual shutoff valve shall be installed adjacent to the appliance. Valves and controls shall be accessible.

History: 1954 ACS 101, p. 145, Eff. Apr. 5, 1980.

R 408.30981 General.

Rule 981. Sections M-700.4.2 and M-700.9 of the code are amended to read as follows:

M-700.4.2. When a power exhauster is used, provision shall be made to automatically shut off the fuel supply to the appliance in the event of failure of the exhauster.

M-700.9. Limited accessibility: In buildings where the existing chimney can only be reached through a crawl space of less than 3 feet in height for inspection

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and cleaning, a new chimney or vent shall be constructed, unless otherwise approved by the administrative authority.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30982 Masonry chimneys for domestic-type incinerators.

Rule 982. Section M-706.0 of the code is amended to read as follows:

M-706.0. Masonry chimneys for domestic-type incinerators.

M-706.1. General: Masonry chimneys for domestic gas-fired incinerators shall be constructed in accordance with the requirements for chimneys for low-heat appliances. See section M-703.0.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30984 Installation requirements for vents.

Rule 984. Section M-716.1.3 of the code is amended to read as follows:

M-716.1.3. A gas vent shall terminate at an elevation of not less than 12 feet above the bottom of the wall furnace being served, unless otherwise listed and approved.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30986 Chimney connectors and vent connectors.

Rule 986. Section M-717.2.3 of the code is amended, and section M-717.2.3.1 is added, to read as follows:

M-717.2.3. Size: The connector for its entire length shall not be smaller than the flue collar of the appliance, unless 1 of the following conditions exists:

(a) The reduction is part of an approved engineered venting system.

(b) The reduction is recommended by the appliance, chimney, or vent manufacturer.

(c) The appliance is converted from one fuel to another.

(d) The design input to the appliance is decreased by a reduction in pressure to the main burner or burners' orifice size for reasons of energy conservation, and shall be in accordance with NFiPA-54-1974, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $4.25 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $4.25 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-717.2.3.1. Approved methods for connector size reduction: The reduction in connector size shall be based on sound engineering practices, that is, acceptable limits of oxygen, carbon dioxide, and carbon monoxide in the flue gas analysis, and the approval of the department. The reduction shall not reduce the effective area of the connector below the point that impairs the combustion process of the fuel being used, or cause spillage of flue gases at the draft hood. The reduction in the connector size for section M-717.2.3(c) and (d) shall be by an approved orifice plate or other approved restrictors inserted in the connector.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30988 Refrigeration equipment; installation.

Rule 988. Section M-810.3.1 of the code is amended, and section M-810.12.6 is added, to read as follows:

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M-810.3.1. Accessibility of equipment: Where refrigeration equipment is installed in relatively inaccessible locations, such as roofs, crawl spaces, attics, furred spaces, and similar areas, means shall be provided for gaining safe approach and access to such equipment for servicing, maintenance, and inspection in accordance with requirements for appliances in sections M-305, M-306, and M-307.

M-810.12.6. Noise nuisance: Noise nuisance may be a consideration when locating refrigeration machinery outside. Refer to local ordinance.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30989 Refrigerant containers.

Rule 989. Section M-812.3.2 of the code is amended to read as follows:

M-812.3.2. Containers used for refrigerants withdrawn from a refrigerating system shall be carefully weighed each time they are used for this purpose, and the containers shall not be filled in excess of the permissible filling weight for such containers and such refrigerants as are prescribed by the United States department of transportation in accordance with DOT-49 CFR, "Transportation Parts 100 to 199," revised as of October 1, 1974, which is incorporated herein by reference. This standard may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, at a cost of $8.25 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $8.25 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 146, Eff. Apr. 5, 1980.

R 408.30990 Crematories and incinerators; inspection.

Rule 990. Section M-900.3 of the code is amended to read as follows:

M-900.3. Annual inspection: All crematories and all incinerators, except class 1, class 1A, and domestic, may be inspected annually by the department.

History: 1954 ACS 101, p. 147, Eff. Apr. 5, 1980.

R 408.30992 Commercial and industrial incinerators.

Rule 992. Sections M-902.1.8, M-902.3.3, and M-902.3.4 of the code are amended to read as follows:

M-901.1.8. Operating instructions: The incinerator operator shall follow the written instructions of the manufacturer. One copy shall be protected from soiling and posted in the incinerator room.

M-902.3.3. Spark screen: A spark screen is not required when a gas washer is installed, unless a by-pass of the gas washer is incorporated. Also see section M-708.5.

M-902.3.4. Prohibition: An incinerator shall not be vented into a chimney or vent serving any other appliance, unless approved by the department.

Exception: Gas-fired domestic incinerators.

History: 1954 ACS 101, p. 147, Eff. Apr. 5, 1980.

R 408.30993 Fireplaces.

Rule 993. Section M-905.14 is amended, and section M-905.16 is added, to read as follows:

M-905.14. Other type fireplaces and fireplace stoves: Other fireplaces and fireplace stoves not conforming to the requirements of this section shall be subject

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to approval by the administrative authority prior to installation. Imitation fireplaces shall not be used for the burning of gas, solid, or liquid fuel. Approved factory-built fireplaces and fireplace stoves may be installed and shall conform to the applicable portions of this code. Factory-built fireplaces and fireplace stoves shall bear the seal of a nationally recognized testing or inspection agency and shall be installed in accordance with NFiPA-211-1977, the standard of the national fire protection association, which is incorporated herein by reference. This standard may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.00 each, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $3.00 each plus mailing costs. This standard may be inspected at the Lansing office of the Michigan department of labor.

M-905.16. Gas-fired appliances used in fireplaces: See sections M-300.13.3 and M-300.13.9.

History: 1954 ACS 101, p. 147, Eff. Apr. 5, 1980.

R 408.30994 General.

Rule 994. Section M-1000.1 of the code is amended to read as follows:

M-1000.1. Scope: The provisions of this article govern the installation, repair, and maintenance of fire suppression systems in all occupancies except 1- and 2-family dwellings, shall be in accordance with NFiPA-13-1976, installation of sprinkler systems and NFiPA-13A-1976, recommended practice for the care and maintenance of sprinkler systems, standards of the national fire protection association, which are incorporated herein by reference. These standards may be purchased from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $5.00 and $3.00, respectively, or from the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909, at a cost of $5.00 and $3.00, respectively, plus mailing costs. These standards may be inspected at the Lansing office of the Michigan department of labor.

History: 1954 ACS 101, p. 147, Eff. Apr. 5, 1980.

R 408.30995 Water supply and other extinguishing supply media.

Rule 995. Section M-1015.1 of the code is amended to read as follows:

M-1015.1. Required: Fire suppression and standpipe systems shall be provided with at least 1 automatic supply of extinguishing material of adequate pressure, capacity, and reliability to perform the function intended. A dry standpipe system without the automatic supply of extinguishing media may be approved by the administrative authority.

History: 1954 ACS 101, p. 148, Eff. Apr. 5, 1980.

R 408.30996 Scope.

Rule 996. Section M-1100.1 of the code is amended to read as follows:

M-1100.1. General: The emission of air pollutants within this jurisdiction is governed and administered by the Michigan department of natural resources and does not constitute a part of this code.

History: 1954 ACS 101, p. 148, Eff. Apr. 5, 1980.

R 408.30997 Appendix A.

Rule 997. Reference standards agencies: The following agencies promulgate standards referenced in the code and are added to read as hereinafter set forth.

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The abbreviations appearing above the name of the agency are used to identify the standards that the agency promulgates.

ABBREVIATIONS

ACGIH
American Conference of Governmental Industrial Hygienists
P.O. Box 1937
Cincinnati, Ohio 45201

AGA
American Gas Association
8501 E. Pleasant Valley Road
Independence, Ohio 44131

APHA
American Public Health Association
1790 Broadway Avenue
New York, New York 10017

API
American Petroleum Institute
1625 K Street, N.W.
Washington, D.C. 20005

ARI
Air-Conditioning and Refrigeration Institute
1815 N. Fort Myer Drive
Arlington, Virginia 22209

HVI
Home Ventilating Institute
230 N. Michigan Avenue
Chicago, Illinois 60601

IBR
The Institute of Boiler and Radiator Manufacturers
393 Seventh Avenue - 10th Floor
New York, New York 10001

IEEE
Institute of Electrical and Electronics Engineers, Inc.
345 East 47th Street
New York, New York 10017

NESCA
National Environmental Systems Contractors Association
1228 - 17th Street, N.W.
Washington, D.C. 20036

NLPGA
National Liquefied Petroleum Gas Association
79 West Monroe Street
Chicago, Illinois 60603

NOFI
National Oil Fuel Institute, Inc.
60 East 42nd Street
New York, New York 10017

History: 1954 ACS 101, p. 148, Eff. Apr. 5, 1980.

R 408.30998 Appendix B.

Rule 998. The following accepted engineering practice standards referenced in the code are added to read as follows:

GENERAL
Standards for Natural and Mechanical Ventilation ..... ASHRAE 62-73

AIR CONDITIONING AND VENTILATING EQUIPMENT
Balancing and Adjustment of Air Distribution SMACNA-1967
Better Heating and Cooling Bureau Residential Installation Standards, Heating and Air Conditioning Systems, 2nd edition SMACNA-1975

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Load Calculation Guide—Better Heating and Cooling Bureau, 1st edition SMACNA-1975
Industrial Ventilation, A Manual of Recommended Practices—15th edition, 1978 ..... ACGIH-1978
Testing, Balancing and Adjusting of Environmental Systems, 1st edition SMANCA-1974
Room Air Distribution Considerations ..... NESCA Manual E-1965
Selection of Distribution Systems ..... NESCA Manual G-1963
Load Calculations for Residential Winter and Summer Air Conditioning ..... NESCA Manual J-1975
Load Calculations for Commercial Buildings Using Unitary Equipment ..... NESCA Manual N-1976
Equipment Selection and System Design Procedures ..... NESCA Manual K-1973
Recommended Installation Practices and Recommended Municipal Code ..... NESCA Manual L-1969
Adjusting Air Conditioning Systems for Maximum Comfort ..... NESCA Manual 6-1957
Equipment Selection and System Design Procedure for Commercial Summer and Winter Air Conditioning (Using Unitary Equipment) ..... NESCA Manual Q-1977
Automatic Controls for Heating and Air Conditioning Systems NESCA-1966
Introduction to the Installation of Residential Ducted Heating and Air Conditioning Systems NESCA-1972
Residential Heating and Air Conditioning Systems—Minimal Installation Standards NESCA/SMACNA-1973
Standards for Load Calculations for Commercial Buildings Using Unitary Equipment ..... ARI 220-67
Standard for Application of Year Round Residential Air Conditioning ..... ARI 230-62
Standard for Application, Installation and Servicing of Unitary Systems ..... ARI 260-75
Standard for Selection, Installation and Servicing of Humidifiers ..... ARI 630-74

DUCTS

Duct Liner Application Standards, 2nd edition SMACNA-1975
Duct Sizing and Procedure Guide—Better Heating and Cooling Bureau, 1st edition SMACNA-1975
Ducted Electric Heat Guide for Air Handling Systems, 1st edition SMACNA-1971
Thermo Plastic Duct (PVC), Construction Manual, 1st edition, Rev. A, May, 1974 ..... SMACNA-1974
Accepted Industry Practice for Industrial Duct Construction SMACNA-1975
Understanding Friction Chart ..... NESCA-Form TT102-1967

FIRE PREVENTION

Dip Tanks ..... NFiPA 34-1974
Fire Damper Clarification, State Fire Marshal SMACNA-1975
Spray Application ..... NFiPA 33-1977
Tests for Surface Burning Characteristics of Building Material ..... UL 723-1977

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HEATING EQUIPMENT
Oil-Fired Boiler Assemblies ..... UL 726-1975
Commercial-Industrial Gas-Fired Heating Equipment ..... UL 795-1973
Above-Ground Steel Tanks for Flammable and Combustible Liquid ..... UL 142-1972
Underground Steel Tanks for Flammable and Combustible Liquid ..... UL 58-1977
Installation of Domestic Gas Conversion Burners ..... ANSI Z21.8-1971
Standard for Fireplace Stoves ..... UL 737-1975

PIPING
Flammable and Combustible Liquid Code ..... NFiPA 30-1973
Bulk Oxygen Systems ..... NFiPA 50-1974

History: 1954 ACS 101, p. 148, Eff. Apr. 5, 1980.

PART 10. ENERGY CONSERVATION IN NEW BUILDING DESIGN

R 408.31001 Standard incorporated by reference; examination and purchase of standard.

Rule 1001. (1) Rules governing the following subjects shall be those contained in the standard for energy conservation in new building design, ASHRAE 90-75:

(a) Exterior building envelope.
(b) Heating, ventilating, and air conditioning systems and equipment.
(c) Service water heating.
(d) Electrical distribution systems.
(e) Lighting power budget determination procedure.
(f) Energy requirements for building designs based on system analysis.
(g) Energy requirements for buildings utilizing solar, wind, or nondepleting energy sources in new building design.

(2) The standard referred to in subrule (1) is incorporated herein by reference, except for the definition of mobile home in section 3 and the exceptions noted in R 408.31010 to R 408.31055. The standard may be examined at the office of the Michigan department of labor, bureau of construction codes, in Lansing, and may be purchased from the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, New York 10017, or from the Michigan Department of Labor, Bureau of Construction Codes, Michigan Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, at a cost of $10.00, plus mailing costs.

History: 1954 ACS 90, p. 40, Eff. June 22, 1977.

R 408.31010 Purpose.

Rule 1010. (1) Section 1, part 1.4, of the standard incorporated by reference under R 408.31001 is amended to read as follows:

1.4. It is intended that this referenced standard be used in the design of new buildings and that compliance with its requirements shall be determinable in the preconstruction stage, by evaluation and analysis of design specifications, drawings, and calculations by the enforcing agency prior to the issuance of the permit.

(2) Section 1, part 1.4.1, of the standard incorporated by reference under rule 1001 is added to read as follows:

1.4.1. Plans, specifications, and calculations shall show in sufficient detail all pertinent data and features of the building, the equipment, and the systems, including, but not limited to: exterior envelope component materials; U values of

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elements; R values of insulating materials; size and type of apparatus and equipment; equipment and system controls, and other pertinent data to indicate conformance with the requirements of the referenced standard.

History: 1954 ACS 90, p. 40, Eff. June 22, 1977.

R 408.31020 Scope.

Rule 1020. The words "mobile homes and" shall be deleted in section 2, part 2.1.1, of the standard incorporated by reference under R 408.31001.

History: 1954 ACS 90, p. 40, Eff. June 22, 1977.

R 408.31030 "Resistance (R)" and "thermal transmittance (U)" defined.

Rule 1030. (1) "Resistance (R)" means the thermal resistance to heat flow and is the reciprocal of the thermal transmittance (R = 1/U).

(2) "Thermal transmittance (U)" means the overall coefficient of heat transmission or thermal transmittance (air to air) expressed in units of BTU per hour, per square foot, per degree Fahrenheit. It is the time rate of heat flow. The U value applies to combinations of different materials used in series along the heat flow path and also applies to single materials that comprise a building section, and includes cavity air spaces and surface air films on both sides.

History: 1954 ACS 90, p. 40, Eff. June 22, 1977.

R 408.31040 Exterior envelope requirements.

Rule 1040. Section 4, part 4.2.5, of the standard incorporated by reference under R 408.31001 is amended to read as follows:

4.2.5. For calculations called for under this section, the following temperatures shall apply:

	Indoor		Outdoor
	F	C	
Winter	72	22.0	97½%*
Summer	78	25.5	2½%*

*Values from 1972 ASHRAE handbook of fundamentals, chapter 33, or from table 4.1, of R 408.31041 entitled "Climatic Conditions for Michigan."

History: 1954 ACS 90, p. 41, Eff. June 22, 1977.

R 408.31041 Exterior envelope requirements.

Rule 1041. The following table is added to section 4 of the standard incorporated by reference under R 408.31001:

TABLE 4.1
Climatic Conditions for Michigan

1	2		Winter		Summer		
			3	4	5	6	7
Cities	Latitude °		Design Temp. 97½%	Winter Degree Days	Design Dry Bulb 2½%	Design Wet Bulb 2½%	Summer Cooling Hour Over 80° F
Adrian	41	05	4	6400	91	75	500
Alpena	45	04	- 1	8506	87	73	304
Ann Arbor	42	16	0	6800	87	74	418
Battle Creek	42	18	5	6600	89	74	511
Bay City	43	36	2	6776	88	75	422

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TABLE 4.1 (Cont.)
Climatic Conditions for Michigan

1	2		Winter		Summer		
			3	4	5	6	7
Cities	Latitude °		Design Temp. 97½%	Winter Degree Days	Design Dry Bulb 2½%	Design Wet Bulb 2½%	Summer Cooling Hour Over 80° F
Benton Harbor	42	08	3	6200	87	74	359
Calumet AFS	—	—	- 5	—	79	69	75
Charlevoix	45	14	-16	—	87	73	301
Chatham	46	21	- 7	—	86	70	230
Dearborn	42	18	8	—	89	75	495
Detroit	42	24	8	6258	89	75	495
Dunbar Forest	46	16	- 9	—	81	70	124
Escanaba	45	04	- 3	8481	80	71	250
Flint	42	58	3	7377	88	75	509
Glen Arbor	44	55	4	—	84	73	218
Grand Marais	46	37	- 7	—	82	71	123
Grand Rapids	42	54	6	6894	88	75	420
Grayling	44	37	-10	8138	87	73	334
Hancock	47	09	- 4	—	80	70	97
Hart	43	42	- 2	6955	88	74	409
Holland	42	05	6	6400	88	74	300
Houghton	47	10	- 4	—	80	70	97
Iron Mountain	45	50	-16	—	86	69	272
Jackson	42	16	4	6400	89	74	511
Kalamazoo	42	17	5	6600	89	74	511
Lansing	42	47	6	6909	86	75	323
Manistee	44	13	4	7066	86	74	263
Marquette	46	34	- 4	8393	81	70	114
Mount Clemens	42	36	7	—	88	75	427
Mount Pleasant	43	04	1	7200	87	74	400
Muskegon	43	10	8	6696	85	74	247
Oscoda	44	26	- 3	—	84	73	219
Pontiac	42	38	4	—	88	75	414
Port Huron	42	59	3	7200	88	75	392
Saginaw	43	26	3	7000	88	75	392
Sault Ste. Marie	46	03	- 8	9048	81	71	100
Traverse City	44	44	4	—	86	73	308
Willow Run	42	14	5	—	88	75	410
Ypsilanti	42	14	5	—	88	75	410

History: 1954 ACS 90, p. 41, Eff. June 22, 1977.

R 408.31045 Heating and cooling criteria; walls.

Rule 1045. (1) Section 4, part 4.3.2.1, of the standard incorporated by reference under R 408.31001 is amended to read as follows:

4.3.2.1. Walls. A building that is heated or mechanically cooled, or both, shall have a combined thermal transmittance value (U° value) for the gross area of

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exterior walls not exceeding the values shown in figure 1, using heating degree days as given in the 1973 ASHRAE handbook & product directory, systems volume, chapter 43, or table 4.1 of R 408.31041, entitled "Climatic Conditions for Michigan."

(2) Section 4, part 4.4.2.1, of the standard incorporated by reference under R 408.31001 is amended to read as follows:

4.4.2.1. Walls. A building that is mechanically heated shall have a combined thermal transmittance value (U° value) for the gross area of exterior walls not exceeding the values shown in figure 3, using heating degree days as given in the 1973 ASHRAE handbook & product directory, systems volume, chapter 43, or table 4.1 of R 408.31041 entitled "Climatic Conditions for Michigan."

History: 1954 ACS 90, p. 42, Eff. June 22, 1977.

R 408.31050 Heating, ventilating, and air conditioning (HVAC) systems.

Rule 1050. The words "and Mobile Homes" shall be deleted from section 5, part 5.4.3.1, of the standard incorporated by reference under R 408.31001.

History: 1954 ACS 90, p. 42, Eff. June 22, 1977.

R 408.31055 Control setback and shut-off.

Rule 1055. The words "and Mobile Homes" shall be deleted from section 5, part 5.4.4.1, of the standard incorporated by reference under R 408.31001.

History: 1954 ACS 90, p. 42, Eff. June 22, 1977.

PART 11. PREMANUFACTURED UNITS

R 408.31101 Title.

Rule 1101. This part shall be known as the Michigan rules for the certification of premanufactured units.

History: 1954 ACS 84, p. 56, Eff. June 27, 1975.

R 408.31103 Definitions; A, B.

Rule 1103. (1) "Act" means Act No. 230 of the Public Acts of 1972, as amended, being §125.1501 et seq. of the Michigan Compiled Laws. Terms defined in the act have the same meaning when used in these rules.

(2) "Approved" means approved by the commission.

(3) "Building component" means any subsystem, subassembly, or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

(4) "Building system" means plans, specifications, and documentation for a system of premanufactured units or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

History: 1954 ACS 84, p. 56, Eff. June 27, 1975.

R 408.31104 Definitions; C to E.

Rule 1104. (1) "Closed construction" means any unit, building, building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the site without disassembly, damage, or destruction.

(2) "Compliance assurance program" means the system, documentation, and methods of assuring that premanufactured units and building components,

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including their manufacture, storage, transportation, assembly, handling, and installation, conform with the act and these rules.

(3) "Evaluation agency" means an approved person or organization, private or public, including a governmental agency, determined by the commission to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to investigate, evaluate, and recommend approval of premanufactured units, building components, building systems, or compliance assurance programs and to recommend issuance of labels.

History: 1954 ACS 84, p. 56, Eff. June 27, 1975.

R 408.31105 Definitions; I to L.

Rule 1105. (1) "Independence of judgment" means not being affiliated with or influenced or controlled by building manufacturers or by products, suppliers, or vendors of producers or equipment used in premanufactured units and building components, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

(2) "Inspection agency" means an approved person or organization, private or public, including a governmental agency, determined by the commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to conduct or supervise compliance assurance programs, to recommend certification of premanufactured units and building components, and to recommend issuance and attachments of labels.

(3) "Installation" means the process of affixing, or assembling and affixing, premanufactured units or building components on the building site, or to an existing building.

(4) "Label" means an approved device or seal evidencing certification in accordance with the act and these rules.

(5) "Local enforcement agency" means the agency of local government with authority to make inspections of buildings and to enforce the laws, ordinances, and rules enacted by the state and by the local government which establish standards and requirements applicable to the construction, alteration, repair or demolition of buildings.

(6) "Local government" means a county, city, village, or township of this state with authority to establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings.

History: 1954 ACS 84, p. 57, Eff. June 27, 1975.

R 408.31106 Definitions; M to P.

Rule 1106. (1) "Mobile home" means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(2) "Open construction" means unit, building, building component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly, damage, or destruction.

(3) "Premanufactured unit" means an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term includes a mobile home.

History: 1954 ACS 84, p. 57, Eff. June 27, 1975.

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R 408.31111 Applicability.

Rule 1111. (1) These rules govern the design, manufacture, handling, storage, transportation, and installation of premanufactured units and building components intended for installation in this state or in any other state or local governmental jurisdiction in which the building components and the labels thereon are accepted.

(2) A premanufactured unit or building components may be sold for, delivered to, or installed on building sites located in any local government if:

(a) The unit or building components have been approved and certified pursuant to the act and these rules.

(b) The installation complies with the local government's zoning laws and other applicable ordinances.

History: 1954 ACS 84, p. 57, Eff. June 27, 1975.

R 408.31112 Preemption.

Rule 1112. Premanufactured units and building components certified pursuant to these rules are deemed to comply with the requirements of all laws, ordinances, rules, and regulations which govern the matters within the scope of the approval and certification, regardless of the provisions of any other law, ordinance, rule, or regulation.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31113 Applicability of local law.

Rule 1113. (1) Except as provided by or pursuant to the act and these rules, land use zone requirements, performance-based fire zone requirements, building set-back requirements, side and rear yard requirements, property line requirements, and on-site development, construction and inspection are specifically and entirely reserved to the local government.

(2) In areas of the state where special environmental conditions exist which require special or different building standards, pursuant to R 408.31121, local government shall prescribe such standards for those parts of the site development, foundation and other work, for which responsibility is vested in local government pursuant to subrule (1).

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31121 Standards, specifications, and requirements adopted.

Rule 1121. Building systems shall comply with the state construction code.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31122 Amendments.

Rule 1122. Consistent with R 408.31133(8), the commission shall notify all manufacturers with approved building systems, local government, and other concerned persons of all amendments. For purposes of this rule, a premanufactured unit or building component is deemed to be manufactured at such time as the label is attached to it in accordance with an approved compliance assurance program.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31131 Enforcement responsibility.

Rule 1131. The commission shall administer and enforce these rules. The commission has the responsibility for evaluating and approving building systems,

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and inspecting and certifying premanufactured units and building components for compliance with these rules. The commission may receive recommendations for acceptance of premanufactured units, building systems, and compliance assurance programs submitted for approval by approved evaluation and inspection agencies.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31132 Approvals of building systems and compliance assurance programs.

Rule 1132. The commission shall approve building systems which comply with the codes, standards, specifications, and requirements adopted in R 408.31121 and with the other requirements of the act and these rules and shall approve compliance assurance programs which comply with the requirements of the act and these rules.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31133 Building systems.

Rule 1133. (1) To obtain approval for premanufactured units or building components, a manufacturer shall submit a building system for evaluation by the commission in accordance with the requirements of R 408.31151.

(2) Before a full evaluation, the commission shall determine that building systems submitted to it are suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the commission and a portion of the fee may be returned. The finding of unsuitability is without prejudice. A subsequent submission shall be treated as a new application.

(3) The commission may require tests to determine whether a building system meets the codes, standards, and requirements of the act and these rules, if that determination cannot be made from evaluation of plans, specifications, and documentation alone. The procedures used shall be reviewed and evaluated by the commission.

(4) If a building system is disapproved, the commission shall notify the applicant with a written explanation of the reasons for disapproval attached thereto.

(5) Approval of a building system shall be evidenced by the stamp of approval of the commission on each sheet, or by other effective means of identification. Each sheet shall be numbered serially and shall indicate effective dates of revision. One copy of all plans, specifications, and documentation shall be returned to the applicant.

(6) The commission shall prepare and issue to the applicant a building system approval report signed by the drafter and by the person in charge of the evaluation. The report shall be numbered and shall contain a summary description of the building system and all of the conditions of its use including installation instructions.

(7) A building system, or an amendment thereto which has been approved, shall not be altered without prior authorization by the commission. All approved changes shall be made a part of the written record of the approval. The authorization shall be in writing or be confirmed in writing within 10 days of any oral authorization.

(8) A change in the codes, standards, specifications, and requirements shall not apply retroactively. The commission shall notify all manufacturers with approved

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building systems and evaluation agencies of all changes. Each manufacturer shall submit to the commission the necessary amendments to its already approved building systems.

(9) Amendments to building systems may be proposed by submitting to the commission for approval, appropriate plans, specifications, or documentation showing the effect of the proposed amendment on each building system.

(10) The commission may suspend or revoke the approval of a building system when the approval was issued in error, or was issued on the basis of incorrect information, or was issued in violation of these rules, or is later found to be in violation of these rules. Notice of suspension or revocation of the approval shall be in writing with the reasons set forth therein. Appeals from suspensions or revocations shall receive timely review.

History: 1954 ACS 84, p. 58, Eff. June 27, 1975.

R 408.31134 Compliance assurance programs.

Rule 1134. (1) A manufacturer shall obtain approval for a compliance assurance program for his building system. Units or building components shall be manufactured in accordance with an approved program in order to be certified. Compliance assurance programs shall be submitted to the commission in accordance with the requirements of R 408.31161.

(2) Before full evaluation, the commission shall determine that the application for approval submitted to it is suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the commission and a portion of the fee may be returned. The findings of unsuitability shall be without prejudice. A subsequent submission shall be treated as a new application.

(3) Compliance assurance programs submitted for approval shall be evaluated for compliance with the act and these rules.

(4) If a compliance assurance program is disapproved, the commission shall notify the applicant with a written explanation of the reasons for disapproval attached thereto.

(5) Approval of compliance assurance programs shall be evidenced by the stamp of approval of the commission on each sheet, or by other effective means of identification. One copy of the approved application and documentation shall be returned to the applicant.

(6) A compliance assurance program or an amendment thereto which has been approved shall not be altered without prior authorization by the commission. All approved amendments shall be made a part of the written record of the approval.

(7) The commission may suspend or revoke its approval of any compliance assurance program whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of these rules. If the commission determines that premanufactured units or building components manufactured pursuant to an approved building system do not comply with the act or these rules and the manufacturer fails to comply with a corrective order, the commission may suspend or revoke the approval of the manufacturer's compliance assurance program. Notice to the manufacturer and the inspection agency of suspension or revocation of approval shall be in writing with the reasons for suspension or revocation set forth therein. Appeals from suspensions or revocations shall receive timely review.

History: 1954 ACS 84, p. 59, Eff. June 27, 1975

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R 408.31135 Certification.

Rule 1135. Premanufactured units and building components accepted by the commission as having been manufactured according to an approved building system and an approved compliance assurance program, shall be certified by the commission as complying with the requirements of the act and these rules. Certification shall be evidenced by the attachment of a label to each certified premanufactured unit, building component or group of components. The commission may authorize approved inspection agencies to make all or part of the inspection of premanufactured units or building components.

History: 1954 ACS 84, p. 59, Eff. June 27, 1975.

R 408.31136 Manufacturer's data plate.

Rule 1136. (1) The following information shall be placed directly on 1 or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel, or in some other designated location, acceptable to the commission, on the premanufactured unit or building component where it will be readily accessible for inspection:

(a) Manufacturer's name and address.

(b) Serial number of the unit.

(c) Label serial number.

(d) Name and date of applicable nationally recognized codes complied with.

(e) Model designation and name of manufacturer of major factory installed appliances.

(f) Identification of permissible type of gas for appliances and directions for water and drain connection.

(g) Snow, wind, seismic, and other live loads.

(h) Electrical ratings and instructions and warnings on voltage.

(i) Special conditions or limitations on use of the unit, including unsuitability for areas in which specified environmental conditions prevail.

(j) Date of manufacture.

(2) If, in the opinion of the commission, the shape or size of a building component is such that the information required in subrule (1) cannot be attached to a component permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that the future occupant of the building should know it. If the occupant will need to know the information, it shall be contained in a manual which shall be presented to the occupant upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

History: 1954 ACS 84, p. 60, Eff. June 27, 1975.

R 408.31137 Labels.

Rule 1137. (1) Each premanufactured unit or building component or group of components, which is certified pursuant to the act and these rules, shall have permanently attached thereto, in a visible location as shown on the approved building system, an approved label which cannot be removed therefrom without destroying the label.

(2) An approved label shall bear the following information:

(a) "This label certifies that this unit (or building component) has been manufactured in accordance with a building system and compliance assurance program approved by the construction code commission and inspected by (name of inspection agency) under the auspices and approval of the State of Michigan."

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(b) Label serial number.
(c) Building system approval number.
(d) Manufacturer's serial number.
(e) The words "See data plate located on . . . . ."
(f) The name of the agency issuing the label.

(3) At the discretion of the commission, labels and data plates may be limited in size and content for components whose shape or size does not permit the full information to be placed thereon.

(4) The approved label shall be issued by the commission or its agents in accordance with the following:

(a) The commission shall specify the manner in which the labels are handled.
(b) Labels shall be numbered serially.
(c) A manufacturer's compliance assurance program, submitted in accordance with R 408.31161, shall include requirements for issuance, possession, attachment, and accounting of all labels to assure that labels are attached only to units or building components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.
(d) If the commission determines that the manufacturer's record of compliance is such that the commission need not maintain an inspector in a given plant at all times, the commission may entrust labels to the custody of 1 or more employees of the manufacturer, who shall be charged with controlling the use of the labels. The employees shall not be given custody of more labels than are necessary to accommodate the manufacturer's anticipated production for 1 month. If the conditions of custody are violated, the commission shall regain possession immediately of all labels that have not been applied to the premanufactured units or building components and shall take such further action with respect to units or components already labeled, and with respect to future labeling, as it deems necessary to assure compliance with the act and these rules.

(5) Permanent records shall be kept of the handling of all labels, indicating at least how many labels have been applied to units, building components or groups of components, which labels have been applied to which units or building components, the disposition of any damaged or rejected labels, and the location and custody of all unused labels. The records shall be maintained by the manufacturer or by the inspection agency. A copy of the records covering attachment of each label shall be sent to the commission every 3 months.

(6) The commission or an inspection agency shall attach labels to units or building components manufactured in accordance with an approved building system and meeting the requirements of an approved compliance assurance program.

History: 1954 ACS 84, p. 60, Eff. June 27, 1975.

R 408.31138 Suspension and revocation.

Rule 1138. (1) The commission may suspend or revoke the certification of a premanufactured unit or building component which the commission finds not to comply with the act or these rules, or which has been manufactured pursuant to a building system or a compliance assurance program as to which approval has been suspended or revoked, or which has not been manufactured in accordance with the approved compliance assurance program. The commission shall remove or cause to be removed, labels from a premanufactured unit or building component until it is brought into compliance with the act and these rules. Notice of suspension or revocation of certification shall be in writing with the reasons for suspension or revocation clearly set forth therein. Appeals from suspensions or revocations shall receive timely review.

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(2) Upon suspension or revocation by the commission of the approval of a building system or compliance assurance program, further labels shall not be attached to a premanufactured unit or building component manufactured pursuant to the building system or compliance assurance program with respect to which the approval was suspended or revoked. Upon termination of the suspension or revocation, labels may again be attached to the premanufactured unit or building component manufactured after the date approval is reinstated. If any unit or building component has been manufactured during the period of suspension or revocation, it shall not be labeled unless the commission, evaluation agency, or inspection agency has inspected the unit or building component and the commission or its authorized inspection agency is satisfied that all requirements for certification have been met.

(3) The manufacturer shall return all labels allocated for a premanufactured unit or building component to the commission no later than 10 days from the effective date of the commission's suspension or revocation of the approval of the building system or compliance assurance program pursuant to which the premanufactured unit or building component is being manufactured. The manufacturer shall also return to the construction code commission all labels which it determines for any reason are no longer needed.

History: 1954 ACS 84, p. 61, Eff. June 27, 1975.

R 408.31139 Variations of certified units.

Rule 1139. Premanufactured units or building components certified and labeled pursuant to the act and these rules shall not be altered before the issuance of a certificate of occupancy without resubmission to the commission for approval of the variation and of the unit which includes the variation. The commission or its authorized inspection agency shall inspect the unit or building component wherever it is located which inspection may include such tests or destructive or nondestructive disassembly as the commission or its authorized inspection agency deems necessary to assure compliance with the act and these rules. Local enforcement agencies may be designated as inspection agencies for these purposes.

History: 1954 ACS 84, p. 61, Eff. June 27, 1975.

R 408.31141 Inspections by commission or its agents.

Rule 1141. (1) The commission shall make, or cause to be made, such inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of premanufactured units and building components produced pursuant to approved building systems as it deems necessary. As part of the process of evaluating building systems and compliance assurance programs, the commission shall inspect or cause to be inspected, the manufacturing facilities in which the units or building components are to be manufactured.

(2) The commission or its authorized inspection agency, shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the commission.

(3) Before issuing a certificate of occupancy, the commission shall inspect, or cause to be inspected, certified premanufactured units or building components which it determines to have been sufficiently damaged after certification to warrant the inspection and to take such action with regard to such units or building components as is authorized under R 408.31138, or as is otherwise necessary to eliminate dangerous conditions. The commission shall require premanufactured units or building components which are so damaged as no

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longer to comply with the act and these rules to be brought into compliance promptly. If such units or building components are not brought into compliance with the act and these rules within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the commission shall order that the labels be removed. Irreparably damaged units or building components shall be disposed of in accordance with applicable law.

(4) The commission shall examine each approved inspection agency, at any reasonable time and without prior announcement, in order to monitor the reliability of the agency and of its monitoring of compliance assurance programs. Each examination shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials receipt, storage and handling, workmanship standards, records and all other activities which implement the compliance assurance program in the manufacturing facility during transport, on-site, and at critical subcontractors' facilities. The results of examinations shall be kept on file at the offices of the commission. Copies of the reports shall be sent to the inspection agency. Inspection agencies shall be notified specifically of any deficiencies and of the manner in and time by which the deficiencies shall be eliminated. If deemed necessary by the commission, an agency's approval may be suspended or revoked as provided in R 408.31173. The examinations shall also be conducted before approving an inspection agency.

(5) The commission shall examine each approved evaluation agency, at any reasonable time and without prior announcement, in order to monitor the reliability of the agency. Each examination shall investigate the adequacy of all evaluative procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of the examination shall be kept on file at the offices of the commission. Copies of the reports shall be sent to the evaluation agency. Agencies shall be notified specifically of any deficiencies and of the manner in and time by which the deficiencies shall be eliminated. If deemed necessary by the commission, approval of an evaluation agency may be suspended or revoked as provided in R 408.31173. The examinations shall also be conducted before approving an evaluation agency.

(6) An inspection entailing disassembly, damage to or destruction of certified premanufactured units or building components shall not be conducted except to implement subrule (1).

History: 1954 ACS 84, p. 62. Eff. June 27, 1975.

R 408.31142 Local enforcement agency procedures and inspections.

Rule 1142. (1) A local enforcement agency shall issue building permits for certified premanufactured units prior to installation and shall not withhold issuance of building permits for buildings containing certified building components which in all other respects comply with all applicable construction codes. A premanufactured unit or building component found by the commission not to comply with the act or these rules shall be brought into compliance before a permit shall be issued. An application to a local enforcement agency for a building permit shall, when requested, in addition to any other requirements, contain:

(a) A statement that the work to be performed under the permit is to include the installation of a certified premanufactured unit or building component in accordance with the provisions of the act which statement shall be signed by the applicant or his agent, with an appropriate address.

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(b) A true copy of the approved building system with respect to which the premanufactured unit or building component was manufactured or is to be manufactured, if 1 has not been furnished to that local enforcement agency previously.

(c) A copy of the building system approval report, where it has not been furnished to that local enforcement agency previously.

(2) A local enforcement agency shall inspect site preparation work including foundations, not within the scope of the approval and certification, and the structural, mechanical, plumbing and electrical connections among units, for compliance with applicable law.

(3) A local enforcement agency shall inspect all premanufactured units or building components upon, or promptly after, installation at the building site to determine whether all instructions in the building system approval report or conditions listed on the manufacturer's data plate have been followed. This may include tests for tightness of plumbing and mechanical systems, for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building system. Destructive disassembly of certified units and building components shall not be performed in order to conduct these tests or inspections. Standards or test criteria different from those adopted by the commission or specified in the building system approval report shall not be imposed. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

(4) A local enforcement agency shall cause the disposition of noncomplying premanufactured units and building components after consultation with the commission and reasonable notice of the proposed disposition to the manufacturer or owner thereof.

(5) A local enforcement agency shall issue certificates of occupancy for certified premanufactured units and for buildings containing certified building components which otherwise comply with all applicable building codes, after they have been installed and inspected pursuant to the act and these rules. A premanufactured unit or building component found not to comply with the building system approval report shall be brought into compliance before the certificate of occupancy is issued.

(6) When a local enforcement agency is making an inspection and finds a violation, it shall report the details of the violation in writing to the commission. Where a violation is hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before the hazard is corrected. If a violation is not hazardous, a provisional certificate of occupancy may be issued.

History: 1954 ACS 84, p. 62, Eff. June 27, 1975.

R 408.31143 Fees.

Rule 1143. Fees shall be charged in accordance with published rates of the commission.

History: 1954 ACS 84, p. 63, Eff. June 27, 1975.

R 408.31144 Notification of changes.

Rule 1144. (1) Manufacturers shall notify the commission in writing within 10 days of any of the following occurrences:

(a) The corporate name is changed.

(b) The main address of the company is changed.

(c) There is a change in 25% or more of the ownership interest of the company within a 12-month period.

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(d) The change in location of any manufacturing facility which may supply components or units for sale and use in the state of Michigan.

(e) The establishment of a new manufacturing facility which may supply components or units for sale and use in the state of Michigan.

(f) There are changes in principal officers of the firm.

(2) Evaluation agencies and inspection agencies shall notify the commission in writing within 10 days of any of the following occurrences:

(a) The company name is changed.

(b) The main address of the company is changed.

(c) There is a change in 25% or more of the ownership interest or control of the company within a 12-month period.

(d) The change in location of any testing facility which may supply services to the commission.

(e) The establishment of a new testing facility which may supply services to the commission.

(f) There are changes in principal officers and key supervisory and responsible personnel of the firm.

History: 1954 ACS 84, p. 63, Eff. June 27, 1975.

R 408.31145 Proprietary information.

Rule 1145. All information relating to building systems and compliance assurance programs which the manufacturer or other party considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the commission and by the inspection, evaluation and local enforcement agencies, except as the commission determines in each case, that disclosure is necessary to carry out the purposes of the act.

History: 1954 ACS 84, p. 64, Eff. June 27, 1975.

R 408.31151 Requirements for submission of building systems.

Rule 1151. Building systems shall meet the requirements set forth in R 408.31152 and R 408.31153 to be evaluated for compliance with the standards, specifications, and requirements adopted by the commission.

History: 1954 ACS 84, p. 64, Eff. June 27, 1975.

R 408.31152 General requirements, building systems.

Rule 1152. (1) Building systems, including all plans, specifications, and other documentation, shall be submitted in 3 copies.

(2) Building systems shall be submitted in the form prescribed by the commission and shall be accompanied by all required fees.

(3) All documents submitted with the application shall be identified to indicate the manufacturer's name, office address, and the address of the manufacturing facility.

(4) Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets.

(5) All work to be performed on-site, including connection of all systems, equipment and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.

(6) A 1½" x 2½" blank rectangular space shall be provided after possible reduction in print size on all sheets of plans as near as possible to the title box for the commission's stamp of approval.

(7) Grade, quality, and identification of all materials shall be specified.

(8) Design calculations and test reports shall be submitted when required.

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(9) Drawings shall be drawn to scale.

(10) Drawings shall indicate the location of the approved label and data plate.

(11) Drawings shall be dated and identified. The number of sheets in each set shall be indicated.

History: 1954 ACS 84, p. 64, Eff. June 27, 1975.

R 408.31153 Required construction details.

Rule 1153. (1) Building systems for premanufactured units shall provide or show, but not be limited to, the details listed below, including the method of their testing or evaluation, or both. These requirements shall apply to the building systems for building components only to the extent deemed necessary by the commission or by its authorized evaluation agency to permit a proper evaluation of the building component.

(2) General requirements:

(a) Details and methods of installation of premanufactured units or building components on foundations or to each other, or both.

(b) All exterior elevations.

(c) Cross sections as necessary to identify major building components.

(d) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.

(e) Attic access and attic ventilation.

(f) Exterior wall, roof, and soffit material, as well as finish.

(g) Interior wall and ceiling finish material.

(h) Fire separation walls.

(i) Sizes, locations, and types of doors and windows.

(j) Recommended foundation plans, vents, and underfloor access.

(3) Building classification detail requirements:

(a) Occupancy or use.

(b) Area, height, and number of stories.

(c) Type of construction.

(d) Fire resistance ratings.

(4) Space and fire safety detail requirements:

(a) Detail of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof, and shaft enclosures.

(b) Details as to width of all aisles, exits, corridors, passageways, and stairway enclosures.

(c) Toxicity and flame spread classification of finished materials.

(5) Structural detail requirements:

(a) Engineer's calculations of structural members where appropriate.

(b) Design soil bearing value.

(c) Structural and framing details of all floors, roofs, and walls.

(d) Details and stress diagrams of roof trusses.

(e) Details of reinforcing steel.

(f) Complete loading schedule.

(g) Column loads and column schedule.

(h) Lintel schedule.

(i) Size, spacing, and details of all structural elements.

(j) Grade or quality of all structural elements such as lumber, steel, and so forth.

(k) Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.

(l) Complete details of all structural connections.

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(6) Mechanical detail requirements:

(a) Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(b) Heat loss calculations, where appropriate.

(c) Manufacturer's name, make, model, number, BTU, and input rating of all equipment and appliances, as appropriate, or the equal thereof.

(d) Duct and register locations, sizes, and materials.

(e) Clearances from combustible material or surfaces for all ducts, flues, and chimneys.

(f) Method of providing required combustion air and return air.

(g) Location of flues, vents, and chimneys and clearances from air intakes and other vents and flues.

(h) Details regarding dampers in ducts penetrating fire separations.

(i) Complete drawings of fire sprinkler systems, standpipe system, or fire alarm system.

(j) Detail of elevator or escalator system, including method of emergency operation.

(7) Plumbing detail requirements:

(a) Plan or schematic drawing of the plumbing layout including, but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water and drainage system.

(b) Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of systems and the make, model and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(c) Make and model of safety controls, such as for water heaters, their location, and whether listed or labeled by approved agencies.

(d) How piping is to be supported and intervals of support.

(e) Location of vents above roofs and required clearances, including, but not limited to, clearances from air intakes, other vents, and flues.

(f) Methods of testing.

(8) Electrical detail requirements:

(a) Plan of service equipment, including service entrance, conductors, service raceway and clearances above ground and above structures.

(b) Method and detail for grounding service equipment.

(c) Single line diagram of the entire electrical installation.

(d) Load calculations for service and feeders.

(e) Sizes of all feeders and branch circuits.

(f) Size, rating and location of main disconnect/overcurrent protective devices.

(g) Method of interconnection between manufactured units or building components and location of connections.

(h) Location of all outlets and junction boxes.

(i) Method of mounting fixtures and wiring installations.

History: 1954 ACS 84, p. 64, Eff. June 27, 1975.

R 408.31161 Requirements for submission of compliance assurance programs.

Rule 1161. Compliance assurance programs shall be approved if they meet the requirements set forth in R 408.31162 to R 408.31168. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and if the commission authorizes an inspection agency to perform its inspection duties, the

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contractual relationship between the manufacturer and the inspection agency shall not diminish this responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment, samples, and other assistance for assuring compliance. The manufacturer's compliance assurance program shall be submitted in the form of a compliance assurance manual which shall contain complete documentation of all the compliance assurance activities of both the manufacturer and the inspection agency. The manual shall be comprehensively indexed, and shall treat the material listed in R 408.31162 to R 408.31168 in detail.

History: 1954 ACS 84, p. 66, Eff. June 27, 1975.

R 408.31162 Organization requirements.

Rule 1162. (1) A procedure for periodic revision of the manual.

(2) An organizational structure for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organization structure of the manufacturer, which structure shall provide for independence from the production department. Company officers and employees in charge of the compliance assurance program shall be identified, and their training and qualifications specified.

(3) A uniform system of in-depth analysis of program effectiveness and means to identify deficiencies, referred to as audit, to monitor program performance periodically.

(4) Complete and reliable records of manufacturing, site operations, suitable means of storage, preservation and accessibility of copies of forms to be utilized shall be included.

(5) A system to control changes in production or inspection procedures.

(6) A system to assure that working drawings and specifications, working instructions and standards, procurement documents, and so forth, conform to the approved building system.

(7) A serial numbering system for buildings and building components.

(8) The method of safekeeping, handling, and attaching labels and identification of those employees responsible therefor.

History: 1954 ACS 84, p. 66, Eff. June 27, 1975.

R 408.31163 Materials control.

Rule 1163. (1) Procedures to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved plans, specifications and quality requirements.

(2) Procedures for inspection of materials, supplies, and other items at the point of receipt.

(3) Method of protection of materials, supplies, and other items against deterioration prior to their incorporation in the certified unit or building component.

(4) Provision for disposal of rejected materials, supplies, and other items.

History: 1954 ACS 84, p. 66, Eff. June 27, 1975.

R 408.31164 Production control.

Rule 1164. (1) Procedures for timely remedial and preventive measures to assure product quality.

(2) Provision, maintenance, and use of testing and inspection equipment to assure compliance with the approved building system.

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(3) Provision for frequency of sampling inspections.

(4) Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.

(5) A schematic of the manufacturing operation showing the location of inspection stations, and hold points for mandatory inspection characteristics.

(6) Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.

(7) Standards of workmanship.

(8) Provision for disposal of rejects.

History: 1954 ACS 84, p. 66, Eff. June 27, 1975.

R 408.31165 Finished product control.

Rule 1165. (1) Procedure for final inspection of all premanufactured units or building components before shipment to the site or storage point, including identification and labeling.

(2) Procedures for handling and storing all finished premanufactured units or building components, both at the manufacturing plant or other storage point and after delivery to the building site.

(3) Procedures for packing, packaging, and shipping operations and related inspections.

(4) Procedures for transportation, including all measures to protect against damage while in transit, and setting forth the modes of transportation to be utilized and the carrying equipment and procedures.

History: 1954 ACS 84, p. 67, Eff. June 27, 1975.

R 408.31166 Installation control.

Rule 1166. (1) Installation procedures including component placement, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions.

(2) Organizational provisions for field repair and disposal of rejects.

History: 1954 ACS 84, p. 67, Eff. June 27, 1975.

R 408.31167 Permission for inspection.

Rule 1167. A manufacturer shall provide the commission with written permission, signed and notarized, for the commission or its authorized evaluation or inspection agencies to inspect its manufacturing facilities, its products and building sites under its control any reasonable time without prior announcement.

History: 1954 ACS 84, p. 67, Eff. June 27, 1975.

R 408.31168 Inspections by commission.

Rule 1168. The compliance assurance manual shall contain detailed plans for inspections by the commission or inspection agency.

History: 1954 ACS 84, p. 67, Eff. June 27, 1975.

R 408.31171 Requirements of submission for approval of inspection and evaluation agencies.

Rule 1171. (1) An inspection or evaluation agency seeking approval shall submit an application to the commission which includes the items listed in this rule.

(2) The original articles of incorporation of the agency and all subsequent amendments thereto, as filed in the state of incorporation.

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(3) The bylaws of the organization.

(4) The names, addresses, and business affiliations of all members of the board of directors and of top management personnel.

(5) Stock owned in amounts over $5,000.00 reflecting the financial interests of the agency's board of directors and top management personnel if requested by the commission.

(6) Certification by the agency that:

(a) Its board of directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment.

(b) Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

(7) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection or evaluation programs.

(8) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection and other branches of engineering; the states in which each is registered and the services each performs.

(9) An organization chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full time and which are part time engineers.

(10) Number and location of factory inspectors, supervisors and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform, and the qualifications of each group and each technician to perform the work assigned.

(11) An outline of the training program, if any, of the agency to assure that all inspectors, evaluators and other technicians are properly trained to do each job assigned to them.

(12) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

(13) All engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.

(14) Type of products, components, equipment, structures, and other items which the organization has evaluated, tested or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications and requirements with respect to which the organization has had experience in providing evaluation, inspection or testing services, and the number of years of experience with each.

(15) Description of the record keeping system the agency proposes to use with particular regard to availability of records to the commission and the capacity to render reports to the commission.

(16) Description of the frequency with which the agency is capable of performing inspections or evaluations.

(17) List of the states in which the agency is now approved to inspect or evaluate premanufactured units or building components, and a further listing of those states in which the agency intends to seek such approval within the next 2 years.

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(18) Certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and requirements adopted in this state, or premanufactured units or building components for compliance with approved building systems.

History: 1954 ACS 84, p. 67, Eff. June 27, 1975.

R 408.31172 Procedures for approving inspection and evaluation agencies.

Rule 1172. (1) The commission may approve inspection or evaluation agencies which meet the requirements of R 408.31171 and which the commission finds otherwise qualified to perform the functions proposed to be assigned to them.

(2) Before a full evaluation of an application for approval, the commission shall determine whether the application is suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the commission and a portion of the fee may be returned. The findings of unsuitability shall be without prejudice. A subsequent submission shall be treated as a new application.

(3) If an inspection or evaluation agency is not approved, the commission shall return 1 complete application to the applicant with a written explanation of the reasons for disapproval attached thereto.

(4) Approval of inspection or evaluation agencies shall be evidenced by a letter to the applicant indicating the approval and stating specifically the functions which the applicant has been approved to perform. Approval does not constitute the actual assignment of the functions.

History: 1954 ACS 84, p. 68, Eff. June 27, 1975.

R 408.31173 Suspension and revocation of authority of inspection and evaluation agencies.

Rule 1173. The commission may suspend or revoke its approval of any evaluation agency or inspection agency if the approval was issued in error, or was issued on the basis of incorrect information, or was issued in violation of the act or these rules, or if the agency violates the act or these rules, or if examination pursuant to R 408.31141(4) and (5) discloses that the agency has failed to perform properly, or for such other cause as may be deemed sufficient by the commission to warrant the action.

History: 1954 ACS 84, p. 68, Eff. June 27, 1975.

R 408.31174 Procedures in event of suspension or revocation.

Rule 1174. (1) If the commission suspends or revokes the approval of an evaluation or inspection agency, the evaluation or inspection agency shall be given notice in writing of the suspension or revocation with the reasons therefor set forth. Manufacturers being evaluated or inspected by the agency, and all local enforcement agencies within this state shall also be notified in writing of the suspension or revocation. The notice shall contain instructions to the manufacturer and to the local enforcement agency as to premanufactured units or building components previously certified by an agency whose approval has been suspended or revoked.

(2) An evaluation or inspection agency whose approval has been suspended or revoked, within 90 days of the suspension or revocation, shall deliver to the custody of the commission the originals of all records required by the act and these rules to be made of or in the course of, the agency's operations pursuant to the act and these rules.

History: 1954 ACS 84, p. 69, Eff. June 27, 1975.

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R 408.31191 Applications for appeal.

Rule 1191. (1) Any person or party in an individual capacity or on behalf of a class of persons or parties affected by these rules or by any decision of or action by any evaluation agency, inspection agency or of the commission under these rules may file an application for appeal.

(2) An application for appeal shall be filed within 90 days after the date of the decision or action from which the appeal is being taken.

(3) An application may be filed either personally or by mail at the principal office of the commission.

(4) The application need not follow any prescribed form, but shall be in writing and shall contain sufficient information, as set forth in subrule (5), to apprise the commission of the rule appealed from, or of the facts and circumstances surrounding the decision or action appealed from and giving the grounds upon which the appeal is based.

(5) The application shall include, where applicable, the following documentation:

(a) A copy of the rule, initial determination, decision, direction, ruling, or order which is the subject of the appeal.

(b) A copy of the building system, compliance assurance program, or other document involved.

(c) A description of the premanufactured unit or building component affected.

(d) A statement of the relief sought by the appellant.

(6) If the appeal is from an action or decision of an inspection or evaluation agency, the application shall contain a statement of the prior decision or other action of the commission on such appeal.

History: 1954 ACS 84, p. 69, Eff. June 27, 1975.

R 408.31192 Hearings and hearing notices for appeals.

Rule 1192. The commission shall hear all appeals without undue delay after receipt of the objections. The appeal may be heard by the commission, or a panel of 3 or more members designated for that purpose by its chairman.

History: 1954 ACS 84, p. 69, Eff. June 27, 1975.

R 408.31193 Conduct of hearings for appeals.

Rule 1193. (1) Any interested person may appear and be heard.

(2) The commission, on its own motion or on the motion of any person, may adjourn a hearing to such time and place as the commission may determine.

(3) At least 3 members of the commission shall be present at all times during a hearing.

(4) A person may produce such witnesses as he deems appropriate.

(5) The commission shall not be bound by common law or statutory rules of evidence in the conduct of the hearing. The commission shall consider in evidence any testimony, documents, or other materials submitted by the appellant or the appellee including the results of formal or informal appeals before national codes and standards organizations or national codes and standards appeals organizations.

(6) All parties shall be afforded an opportunity to state their positions, either by the testimony of witnesses or by a formal or informal statement by themselves, their attorneys or any other persons. At the conclusion of the parties' statements, the commission may question the appellant or appellee or any witness and any other party who so desires shall be heard.

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(7) All hearings shall be reported by an official reporter. The official transcript shall be open for inspection at the offices of the commission. Copies of the transcripts shall be available from the official reporter on payment of the charges therefor.

History: 1954 ACS 84, p. 69, Eff. June 27, 1975.

R 408.31194 Decisions.

Rule 1194. All final decisions of the commission shall be in writing, shall be rendered without undue delay after the close of the hearings and shall state the reasons therefor. One copy of the final decision shall be transmitted by mail to the appellant immediately and 1 copy to the appellee. Final decisions shall be filed in the office of the commission permanently.

History: 1954 ACS 84, p. 70, Eff. June 27, 1975.

CONSTRUCTION SAFETY STANDARDS COMMISSION

SAFETY STANDARDS

(By authority conferred on the construction safety standards commission by sections 19 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being §§408.1019 and 408.1021 of the Michigan Compiled Laws)

PART 1. GENERAL RULES

R 408.40101 Scope.

Rule 101. This part and all subsequent parts promulgated by the construction safety commission pertain to all employers and employees on a construction site and set forth rules for the safe use, operation and maintenance of equipment and safe work practices.

History: 1954 ACS 78, p. 34, Eff. Mar. 2, 1974.

R 408.40102 Definitions.

Rule 102. (1) "Aisle" means a path of travel for material handling equipment and employees.

(2) "Approved" means approval by the director of labor or the construction safety standards commission.

(3) "Confined space" means a space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth, such as pits, tubs, vaults, and vessels.

(4) "Equivalent" means an alternate design or feature which provides not less than an equal degree of safety.

(5) "Hazard" means a condition or procedure which could cause injury or damage.

(6) "Means of egress" means a continuous path of vertical and horizontal travel from any point in a structure or site to a safe area outside leading to a street.

(7) "O.S.H.A." means occupational safety and health administration.

(8) "Shall" means mandatory.

(9) "Should" means recommended.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974; 1954 ACS 88, p. 108, Eff. Sept. 16, 1976.

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R 408.40103 Employer responsibilities.

Rule 103. (1) Paragraph (b) of section 1926.20 and paragraph (b)(1) to (b)(5) of section 1926.21 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrule (2) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122 edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Subpart D, referred to in 29 C.F.R. §1926.21, has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" and is referred to as rules 6201, 6260, 6265, 6270, 6301, 6605, 6610, and 6615. As of the effective date of this part, "secretary," as referred to in 29 C.F.R. §1926.21, shall mean director. As of the effective date of this part, subpart F, referenced in 29 C.F.R. §1926.21, shall mean part 18 of the rules of the construction safety standards commission.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974; 1954 ACS 88, p. 108, Eff. Sept. 16, 1976.

R 408.40104 Personal conduct.

Rule 104. (1) An employee shall not engage in any act which would endanger another employee.

(2) Hazardous conditions and equipment shall be reported to the employee's supervisor when found.

(3) An employee shall not be permitted to work while under the influence of intoxicating beverages or controlled substances.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974.

R 408.40105 Physical qualifications.

Rule 105. An employee shall be physically qualified to perform his assigned job.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974.

R 408.40106 Leased and rental equipment.

Rule 106. The employer of the operator is responsible for the condition and operation of rented, leased, or loaned equipment.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974.

R 408.40111 Housekeeping.

Rule 111. Section 1926.25 of the O.S.H.A. safety and health regulations for construction, from title 29 of the Code of Federal Regulations (C.F.R.) is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122 edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. This section may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974; 1954 ACS 88, p. 109, Eff. Sept. 16, 1976.

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R 408.40112 Instructions of employees; testing; neutralizing hazard.

Rule 112. (1) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of required protective and emergency equipment. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(2) Before an employee enters a manhole, well, shaft, tunnel, or other confined space where the atmosphere might be hazardous due to a condition such as a deficiency of oxygen, or might be toxic in excess of the maximum allowable limits prescribed by the department of public health, the atmosphere shall be tested, and, if found hazardous, either ventilation shall be provided in a quantity that eliminates the hazard, or respiratory equipment prescribed by the department of public health shall be worn.

(3) If an atmosphere is found to be explosive, sparks, flame, and other sources of ignition shall be prohibited, and ventilation shall be provided until the source of the hazard is neutralized.

History: 1954 ACS 78, p. 35, Eff. Mar. 2, 1974; 1954 ACS 88, p. 109, Eff. Sept. 16, 1976.

R 408.40113 Rescission.

Rule 113. Part 1 of the construction safety commission standards, being R 408.1101 to R 408.1107 and appearing on pages 3289 and 3290 of the 1964-65 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 36, Eff. Mar. 2, 1974.

R 408.40114 Acceptable certifications.

Rule 114. (1) Section 1926.29 of the O.S.H.A. safety and health regulations for construction, from title 29 of the Code of Federal Regulations (C.F.R.) is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122 edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. This section may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) As of the effective date of this part, subparts F and O, referenced in 29 C.F.R. §1926.29, shall mean parts 18 and 13, respectively of the rules of the construction safety standards commission.

History: 1954 ACS 88, p. 109, Eff. Sept. 16, 1976.

PART 4. SANITATION

R 408.40401—R 408.40408 Rescinded.

History: 1954 ACS 78, pp. 36, 37, Eff. Mar. 2, 1974; rescinded 1954 ACS 85, p. 36, Eff. Nov. 29, 1975

PART 6. PERSONAL PROTECTIVE EQUIPMENT

R 408.40601 Adoption of federal O.S.H.A. standards.

Rule 601. Section 1926.28 of the O.S.H.A. safety and health regulations for construction, from title 29 of the Code of Federal Regulations (C.F.R.) is incorporated herein by reference, except the words "Subpart F of." Sections 1926.100, 1926.102, and 1926.104 to 1926.107 of the O.S.H.A. safety and health regulations for construction, from title 29 of the Code of Federal Regulations are

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incorporated herein by reference. These sections may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122 edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 78, p. 37, Eff. Mar. 2, 1974; 1954 ACS 88, p. 109, Eff. Sept. 16, 1976.

R 408.40602—R 408.40609 Rescinded.

History: 1954 ACS 78, pp. 37-39, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 110, Eff. Sept. 16, 1976.

R 408.40610 Rescinded.

History: 1954 ACS 78, p. 39, Eff. Mar. 2, 1974; 1954 ACS 82, p. 134, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 110, Eff. Sept. 16, 1976.

R 408.40611—R 408.40614 Rescinded.

History: 1954 ACS 82, pp. 135, 136, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 110, Eff. Sept. 16, 1976.

PART 7. WELDING AND CUTTING

R 408.40701 Adoption of federal O.S.H.A. standard.

Rule 701. (1) Sections 1926.350 to 1926.354 of the O.S.H.A. safety and health regulations for construction, from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrules (2) and (3) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122 edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402 or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Paragraphs (a)(1) through (5), (b) and (c), (d)(1), (d)(1)(i), (d)(1)(iv), and (e)(1) of 29 C.F.R. §1926.353 are excepted. These paragraphs have been adopted by the Michigan department of public health and appear in that department's publication entitled "Occupational Health Standards for Construction" and are referred to as rule 6310. Subpart D, referred to in 29 C.F.R. §1926.353, has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" and is referred to as rules 6201, 6260, 6265, 6270, 6301, 6605, 6610, and 6615. As of the effective date of this part, subpart E, referenced in 29 C.F.R. §1926.353, means part 6 of the rules of the construction safety standards commission.

(3) Paragraph (c)(2) of 29 C.F.R. §1926.354 is excepted. This paragraph has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" and is referred to as rule 6310. As of the effective date of this part, subpart E, referenced in 29 C.F.R. §1926.354, means part 6 of the rules of the construction safety standards commission.

History: 1954 ACS 78, p. 39, Eff. Mar. 2, 1974; 1954 ACS 88, p. 110, Eff. Sept. 16, 1976.

R 408.40702, R 408.40703 Rescinded.

History: 1954 ACS 78, p. 39, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 110, Eff. Sept. 16, 1976.

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R 408.40704 Rescission.

Rule 704. Part 7 of the construction safety commission standards, being R 408.1701 to R 408.1705 and appearing on pages 3299 and 3300 of the 1964-65 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 39, Eff. Mar. 2, 1974.

PART 8. HANDLING AND STORAGE OF MATERIALS

R 408.40801 Scope.

Rule 801. This part pertains to the handling and storage of construction materials, including care and use of slings, ropes, and chains for a construction operation, except for specific rules covering materials covered in Part 7. Welding and Cutting; Part 18. Fire Protection and Prevention; and Part 27. Blasting and Use of Explosives.

History: 1954 ACS 78, p. 39, Eff. Mar. 2, 1974; 1954 ACS 88, p. 110, Eff. Sept. 16, 1976; 1954 ACS 99, p. 127, Eff. Apr. 12, 1979.

R 408.40802—R 408.40815 Rescinded.

History: 1954 ACS 78, pp. 39-54, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 111, Eff. Sept. 16, 1976.

R 408.40816 Rescission.

Rule 816. Part 3 of the construction safety commission standards, being R 408.1801 to R 408.1811 and appearing on pages 3301 to 3303 of the 1964-65 Annual Supplement to the Code and 3721 of the 1966 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 54, Eff. Mar. 2, 1974.

R 408.40817 Definitions.

Rule 817. (1) "Block" means a masonry unit having 1 dimension exceeding 15 inches, and 1 of its other 2 dimensions exceeding 7 inches.

(2) "Brick" means a masonry unit which is not a block.

(3) "Chain" means a series of metal links connected to, or fitted into, one another.

(4) "Lay" means the lengthwise distance required by a single strand to make 1 complete spiral around the rope.

(5) "Rigging equipment" means chain, wire rope, fiber rope, synthetic rope, sling, and their accessories and includes hoisting lines.

(6) "Rope" means a strand or series of strands of fiber, synthetic or wire braided, woven or twisted together.

History: 1954 ACS 99, p. 127, Eff. Apr. 12, 1979.

R 408.40818 General provisions.

Rule 818. (1) Material shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling, or collapse during storage or transit.

(2) Before material is unloaded from a railcar, vehicle, or removed from storage, the load or pile shall be examined to ascertain if the material has shifted, binders or stakes have broken, or the load or pile is otherwise hazardous to an employee. If a hazardous condition is found, no attempt shall be made to remove the load until corrective measures are taken that will insure the safety of the employee exposed.

(3) The maximum safe load limit in pounds per square foot of a floor or roof of a building shall be posted in all storage areas, except a slab on grade. The maximum safe load limit shall not be exceeded.

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(4) Material shall not be stored within 6 feet of a hoistway or inside floor opening or within 10 feet of an exterior wall which does not extend above the top of the material stored.

(5) Gravel, sand, and crushed stone shall be withdrawn from a pile or barrow area in a manner that prevents overhangs and vertical faces.

(6) Storage areas, aisles, and passageways shall be kept free of accumulation of materials that constitute a hazard to the movement of material-handling equipment and employees.

(7) If a difference in road or work levels exists, ramps, grading, or blocking shall be provided to insure safe movement of material-handling equipment.

(8) A railcar, truck, or semi-trailer shall be chocked or otherwise secured during loading and unloading, if the movement of a railcar, truck, or trailer could create a hazard for the employee.

(9) If in use, a dockboard or dock plate shall be secured against movement, and shall have a slip-resistant surface.

(10) A load line shall not be wrapped around the material being lifted.

(11) A material shall not be stored with any other material with which it could react and cause a hazardous condition.

History: 1954 ACS 99, p. 127, Eff. Apr. 12, 1979.

R 408.40819 Storage of bagged material, brick, and block.

Rule 819. (1) The height of a manually stacked pile of bagged material weighing more than 30 pounds per bag shall not exceed 5 feet.

(2) Bagged material on a pallet shall:

(a) Be not more than 36 inches in height.

(b) Be secured to prevent displacement from the pallet before moving.

(c) Be stacked not more than 2 pallets high.

(3) A loose brick or tile stack shall:

(a) Be tapered back to 2 inches in every foot of height above 4 feet.

(b) Not exceed 6 feet in height.

(c) Be cross-keyed at each 2-foot level.

(4) A loose block stack shall:

(a) Not exceed 6 feet in height.

(b) Be cross-keyed at each 3-foot level.

(5) Brick on a pallet shall:

(a) Be not more than 30 inches in height.

(b) Be secured to prevent displacement from the pallet before moving.

(c) Be stacked not more than 2 pallets high.

(6) Block on a pallet shall:

(a) Be not more than 46 inches in height.

(b) Be cross-keyed every course or secured to pallet.

(c) Be stacked no more than 2 pallets high.

History: 1954 ACS 99, p. 128, Eff. Apr. 12, 1979.

R 408.40820 Storage of lumber.

Rule 820. (1) Lumber shall be stacked on level and solidly supported sills so as to be self-supporting and stable.

(2) The width of a pile of lumber shall be no less than ½ the height.

(3) A pile of lumber manually stacked, and a pile of lumber to be manually unstacked, shall not exceed 6 feet in height.

(4) Lumber which is mechanically stacked shall not exceed 10 feet in height. This lumber shall not be rehandled manually, except as prescribed in subrule (3) of this rule.

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(5) Used lumber shall have all protruding nails removed or bent into the lumber before stacking.

History: 1954 ACS 99, p. 128, Eff. Apr. 12, 1979.

R 408.40821 Storage of material in bins or hoppers.

Rule 821. (1) A bin or hopper with a bottom discharge shall have sloped sides to allow material to flow freely.

(2) A hopper, having a top opening 42 inches or less above the ground or working surface, shall be equipped with grillwork over the opening capable of supporting any intended load with the mesh not more than 6 x 6 inches to prevent employee entry.

(3) An employee required to enter or work on stored material in a silo, hopper, bin, tank, or similar storage area shall be equipped with lifeline or safety belt and shall be protected as required by rule 112 of Part 1. General Rules, being R 408.40112 of the Michigan Administrative Code.

History: 1954 ACS 99, p. 129, Eff. Apr. 12, 1979.

R 408.40822 Clearances.

Rule 822. (1) Material stored near an electrical distribution or transmission line shall maintain the following clearances:

(a) Line rated 50 KV or less—10 feet plus length of material stored.

(b) Line rated 50 KV or more—10 feet plus 0.4 inch for each 1 KV over 50 KV plus length of material stored.

(2) All equipment used to store material near energized electrical lines shall conform to Part 10. Lifting and Digging Equipment, and Part 13. Mobile Equipment.

(3) An employee shall be designated to observe the clearance and give timely warning if it is difficult for the operator to maintain the prescribed clearance by visual means.

(4) An employee storing or handling material shall not come closer than the prescribed clearances of subrule (1) of this rule.

History: 1954 ACS 99, p. 129, Eff. Apr. 12, 1979.

R 408.40823 Compressed gas.

Rule 823. The handling and storage of all compressed gases, except those used for welding and cutting, shall be as prescribed in the compressed gas association pamphlet, P-1-1974, safe handling of compressed gases in containers, which is herein adopted by reference and may be inspected at the Lansing office of the department of labor. This pamphlet may be purchased at a cost of $2.00 from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, New York 10036, or the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 129, Eff. Apr. 12, 1979.

R 408.40831 Handling materials to be dropped.

Rule 831. (1) The area onto and through which material is to be dropped shall be completely enclosed with barricades not less than 36 inches or more than 42 inches high and not less than 6 feet back from the opening and area receiving the material. Signs warning of the hazard of falling materials shall be posted on the barricades at each level containing the barricades.

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(2) If material is dropped through more than 1 level, the opening shall be enclosed between the upper and lower levels, or an enclosed chute provided, or the intermediate levels barricaded as prescribed in subrule (1) of this rule. If the drop is more than 40 feet inside a building, only an enclosed opening or chute shall be used. The chute or enclosure shall extend through the ceiling of the receiving level.

(3) A material chute shall be constructed to withstand any impact load imposed on it without failure.

(4) A material chute, or section thereof, at an angle of more than 45 degrees from the horizontal shall be entirely enclosed, except an opening may be provided at or about each floor level for insertion of materials. The opening shall not exceed 48 inches in height measured along the wall of the chute. At all stories below the top floor, the openings shall be kept closed if not in use.

(5) A material chute shall fit a floor or wall opening, or the space between the chute and the floor or wall opening shall be covered.

(6) If material is dumped from mechanical equipment or a wheelbarrow, a toeboard or bumper not less than 4 inches thick x 6 inches high nominal size shall be secured to the floor at each material chute opening.

(7) A gate capable of withstanding the load imposed on it shall be installed at or near the discharge end of a material chute. A trained employee shall be in charge of opening the gate and loading of trucks.

(8) If the drop is more than 20 feet outside the exterior of the building, a chute as prescribed in subrules (3) to (6) of this rule shall be used, and extend to within 8 feet of the lower level.

(9) Removal of material, barricades, and chutes shall not be permitted until material handling ceases above.

History: 1954 ACS 99, p. 129, Eff. Apr. 12, 1979.

R 408.40832 Rigging equipment.

Rule 832. (1) Rigging equipment for material handling shall be inspected at the time of installation, before each job, and at the beginning of each shift if in use, by an employee qualified to perform this inspection. Defective rigging equipment shall be removed from service.

(2) If not in use, rigging equipment shall be stored in a manner which is not hazardous for an employee.

(3) Rigging equipment, other than a sling, hoisting line, and alloy steel chain, shall have a safety factor of not less than 5, and shall not be used in excess of its rated capacity.

History: 1954 ACS 99, p. 130, Eff. Apr. 12, 1979.

R 408.40833 Slings.

Rule 833. All slings used to store or handle material for construction operations shall meet the requirements of the general industry safety standard, Part 49. Slings, being R 408.14901 et seq. of the Michigan Administrative Code.

History: 1954 ACS 99, p. 130, Eff. Apr. 12, 1979.

R 408.40834 Wire ropes.

Rule 834. (1) Wire rope shall be taken out of service if any of the following conditions exist:

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(a) In running ropes, 6 randomly distributed broken wires in 1 lay or 3 broken wires in 1 strand in 1 lay.

(b) Wear of 1/3 the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure.

(c) Evidence of any heat damage from any cause.

(d) Reductions from nominal diameter of more than 1/64-inch for diameters up to and including 5/16-inch, 1/32-inch for diameters 3/8-inch to and including 1/2-inch, 3/64-inch for diameters 9/16-inch to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1 1/8 inches inclusive, 3/32-inch for diameters 1 1/4 to 1 1/2 inches inclusive.

(e) In standing ropes, more than 2 broken wires in 1 lay in sections beyond end connections or more than 1 broken wire at an end connection.

(2) A wire rope removed for defects listed in subrule (1) of this rule shall not be used for other load carrying service.

(3) A wire rope used for hoisting, lowering, or pulling shall consist of 1 continuous piece without a knot or splice, except an eye splice at the end of a wire rope.

(4) If wire rope clips are used to form eyes in a wire rope, table 1 shall be followed as to numbers and spacing to be used. The "u" section shall be on the dead end side.

(5) An eye splice made in any wire rope shall have not less than 4 full tucks.

(6) A wire rope eye shall be equipped with a thimble if the eye is placed over or around an object with a sharp corner.

(7) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

TABLE 1

Number and Spacing of U-Bolt Wire Rope Clips

Improved plow steel, rope diameter inches	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/2 or less	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	5	6	6
1 1/8	6	6	6 3/4
1 1/4	6	7	7 1/2
1 3/8	7	7	8 1/4
1 1/2	7	8	9

History: 1954 ACS 99, p. 130, Eff. Apr. 12, 1979.

R 408.40835 Natural and synthetic fiber rope; specifics.

Rule 835. (1) A natural or synthetic fiber rope used for hoisting, lowering, or pulling shall consist of 1 continuous piece without a knot or splice, except an eye splice at the end of the rope.

(2) An eye splice for manila rope shall contain not less than 3 full tucks.

(3) An eye splice for stranded synthetic fiber rope shall contain not less than 4 full tucks. An eye splice for other types of synthetic fiber rope shall be made as prescribed by the rope manufacturer.

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(4) An eye splice for natural or synthetic fiber rope shall be of a size to provide an interior angle at the splice of not more than 60 degrees when the eye is in place.

(5) A natural or synthetic fiber rope eye shall be equipped with a thimble if the eye is placed over or around an object with a sharp corner.

(6) Strand end tails from an eye splice shall not be trimmed flush with the surface of the rope adjacent to the full tucks. Tails from an eye splice for a fiber rope less than 1-inch in diameter shall project not less than 6 rope diameters beyond the last full tuck. Tails from an eye splice for fiber rope 1-inch or more in diameter shall project not less than 6 inches beyond the last full tuck. Projecting tails may be tapered and spliced into the body of the rope using not less than 2 additional tucks, or they may be taped or wired down.

(7) A natural or synthetic rope shall not be used for load carrying service if:

(a) It is frozen or has been subjected to corrosive chemicals or extreme temperatures.

(b) It has begun to unravel.

(c) It has external abrasions, cuts, or broken fibers, decay, burns, softness, or variation in size or roundness.

(d) It has internal presence of grit, broken fibers, mildew or mold, color change, powdering, or loose fibers.

(8) Natural or synthetic rope shall not be used if there is exposure to corrosive substances, chemicals, or heat.

History: 1954 ACS 99, p. 131, Eff. Apr. 12, 1979.

R 408.40836 Hooks, shackles, and other accessories.

Rule 836. (1) A hook, shackle, and other accessories shall have a rated capacity equal to the chain or rope to which it is attached, and the load shall not exceed the rated load.

(2) A hook shall be discarded if:

(a) The throat opening is more than 15% of the manufactured size.

(b) The hook has more than 10 degrees twist from a vertical center line drawn through the hook center.

(3) A closed hook shall be used if there is a probability of the load becoming disengaged.

(4) Special designed grabs, hooks, clamps, and other lifting accessories shall be marked to indicate the safe working loads and shall be proof tested to 125% of their rated load before use.

(5) A job or shop hook and link, or a makeshift fastener, formed from a bolt, rod, or other such accessories, shall not be used.

(6) A shackle and connecting pin, and other accessories, shall be discarded if the diameter is reduced by more than 10%.

History: 1954 ACS 99, p. 131, Eff. Apr. 12, 1979.

R 408.40837 Chains.

Rule 837. (1) Chains used for material handling shall be made of alloy steel.

(2) An alloy steel chain shall have a permanently affixed tag showing the size, grade, rated capacity, and manufacturer's name.

(3) If wear at any point of any chain link is more than that shown in table 2, the chain shall be repaired or replaced. The repair shall return the chain to its rated capacity.

(4) A load-carrying chain shall be repaired only by the manufacturer.

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TABLE 2
Maximum Allowable Wear at Any Point of Link

Chain size (inches)	Maximum allowable wear (inch)	Chain size (inches)	Maximum allowable wear (inch)
1/4	3/64	1	3/16
3/8	5/64	1 1/8	7/32
1/2	7/64	1 1/4	1/4
5/8	9/64	1 3/8	9/32
3/4	5/32	1 1/2	5/16
7/8	11/64	1 3/4	11/32

History: 1954 ACS 99, p. 131, Eff. Apr. 12, 1979.

PART 9. EXCAVATION, TRENCHING, AND SHORING

R 408.40901 Scope.

Rule 901. This part pertains to the digging of excavations and trenches which an employee is required to enter and the supporting systems used on construction operations.

History: 1954 ACS 78, p. 54, Eff. Mar. 2, 1974; 1954 ACS 88, p. 111, Eff. Sept. 16, 1976; 1954 ACS 100, p. 88, Eff. Sept. 5, 1979.

R 408.40902—R 408.40923 Rescinded.

History: 1954 ACS 78, pp. 54-59, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 111, Eff. Sept. 16, 1976.

R 408.40924 Rescission.

Rule 924. Part 9 of the construction safety commission standards, being R 408.1901 to R 408.1910 and appearing on pages 3303 to 3308 of the 1964-65 Annual Supplement to the Code and page 3721 of the 1966 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 59, Eff. Mar. 2, 1974.

R 408.40925 Definitions; A to O.

Rule 925. (1) "Angle of repose" means the maximum permissible slope as determined by table 1.

(2) "Braces," sometimes called "struts," means the horizontal crossmembers of a shoring system whose ends bear against the upright or stringers.

(3) "Excavation" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces formed by earth removal. For the purposes of this part, a trench is an excavation.

(4) "Kickouts" means the accidental release or failure of a stringer or brace.

(5) "Pier excavation" means a machine-drilled excavation made for a column-type concrete foundation or footing with or without a belled bottom.

(6) "Qualified employee" means a person designated by, and responsible to, the employer and who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

History: 1954 ACS 100, p. 88, Eff. Sept. 5, 1979

R 408.40926 Definitions; S.

Rule 926. (1) "Sheet piling" means a continuous row of timber or steel piles driven in close contact to provide a tight wall to resist lateral pressure of water, adjacent earth, or other materials.

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(2) "Sides," sometimes called faces or walls, means the vertical or inclined earth surfaces formed as a result of excavation work.

(3) "Slope" means the acute angle formed by the side of a trench or excavation and the horizontal plane.

(4) "Soil" means any of the following:

(a) "Clay"—a very fine textured soil that derives its resistance to displacement from cohesion and may be:

(i) "Soft clay"—a clay-type soil that has an unconfined strength of less than 1.0 ton per square foot.

(ii) "Medium clay," sometimes called plastic—a clay-type soil that has a minimum unconfined strength of 1.0 ton per square foot.

(iii) "Firm soil"—a clay-type soil that is resistant to forces causing rupture or displacement. A firm clay has a minimum unconfined strength of 1.5 tons per square foot.

(iv) "Stiff clay"—a clay-type soil that is very resistant to forces causing rupture or displacement. A stiff clay has a minimum unconfined strength of 2.5 tons per square foot.

(b) "Fill"—a manmade soil condition that may be constructed of any type of soil or combination thereof.

(c) "Granular soil"—a coarse grained soil that does not possess cohesion but derives its strength from internal friction.

(d) "Organic soil"—a soil that contains significant amounts of peat, muck, or marl.

(e) "Running soil"—any type of soil that has insufficient strength to stand unsupported. Running soil tends to run or slough into the excavation as the excavation is being dug.

(5) "Stringers" means the horizontal members of a trench shoring system whose sides bear against the uprights or earth.

(6) "Supporting system" means the total system necessary to restrain the sides of an excavation from moving.

History: 1954 ACS 100, p. 89, Eff. Sept. 5, 1979.

R 408.40927 Definitions; T, U.

Rule 927. (1) "Tight sheeting" means a continuous row of wood or steel sheets in close contact to provide a tight wall, but is not driven as with piling.

(2) "Toe of slope" means the point at which the side of an excavation intersects the lowest level of the excavation.

(3) "Trench" means an excavation having a depth greater than its width measured at the bottom.

(4) "Trench jack" means a screw or hydraulic jack used as a brace in a trench shoring system.

(5) "Trench shield," sometimes called a trench box, means a trench shoring system composed of steel plates and bracing, welded or bolted together, which can be moved along as work progresses.

(6) "Uprights" means the vertical members of a trench shoring system.

History: 1954 ACS 100, p. 89, Eff. Sept. 5, 1979.

R 408.40931 Locating utility lines.

Rule 931. (1) An employer shall not excavate in a street, highway, public place, a private easement of a public utility, or near the location of a public utility facility owned, maintained, or installed on a customer's premises, without having first ascertained the location of all underground facilities of a public utility in the proposed area of excavation.

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(2) Upon receiving the information from the public utility, an employer shall exercise reasonable care when working in close proximity to the underground facilities of any public utility. If the facilities are to be exposed, or are likely to be exposed, only hand digging shall be employed in such circumstances and such support, as may be reasonably necessary for protection of the facilities, shall be provided in and near the construction area.

(3) When any contact with, or damage to, any pipe, cable, or its protective coating, or any other underground facility of a public utility occurs, the public utility shall be notified immediately by the employer responsible for operations causing the damage. If an energized electrical cable is severed, an energized conductor is exposed, or dangerous fluids or gases are escaping from a broken line, the employer shall evacuate the employees from the immediate area while awaiting the arrival of the public utility personnel.

History: 1954 ACS 100, p. 90, Eff. Sept. 5, 1979.

R 408.40932 Excavation; consideration of soil types; water; slide hazards.

Rule 932. (1) If different textured soils are encountered in the side of an excavation, each soil type of the excavation shall be cut to the proper angle of repose, except that the slope shall not steepen between the toe of the slope and the ground level where soft clay or running soil are encountered in the lower cut.

(2) If the excavation is a trench, a trench shoring system shall be used or the sides properly sloped to protect against a cave-in.

(3) Surface water shall be prevented, if possible, from entering or accumulating adjacent to an excavation or trench by use of diversion ditches and dikes.

(4) An ongoing inspection of an excavation or trench shall be made by a qualified person. After every rainstorm or other hazard-producing occurrence, an inspection shall be made by a qualified employee for evidence of possible slides or cave-ins. Where these conditions are found, all work shall cease until additional precautions, such as additional shoring or reducing the slope, have been accomplished.

(5) An excavation cut into a rock formation shall be scaled to remove loose material.

(6) When installed forms, walls, or similar structures create a trench between the form, walls, or structure and the side of the excavation, the employer shall comply with R 408.40943 or R 408.40944.

History: 1954 ACS 100, p. 90, Eff. Sept. 5, 1979.

R 408.40933 Excavation; obstructions; retaining material; egress; guarding; heavy equipment.

Rule 933. (1) A tree, boulder, rock fragments, or other obstructions whose movement could cause injury to an employee shall be removed or supported.

(2) An excavation that an employee is required to enter shall have excavated and other material stored and retained not less than 2 feet from the excavation edge.

(3) When a shoring system is used, the system shall be designed and used to resist the added pressure when heavy equipment, material handling equipment, or material is located near an excavation.

(4) When mobile equipment is utilized or permitted adjacent to an excavation where the operator's vision is restricted, stop logs or barricades shall be utilized or a signal person shall be used.

(5) An excavation 48 or more inches in depth and occupied by an employee shall be provided with either a ladder extending not less than 3 feet above the top

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as a means of access or with a ramp meeting the requirements of subrule (6) of this rule. Lateral travel along the wall of a trench to a ladder or other means of egress shall not exceed 25 feet.

(6) An earth ramp may be used in place of a ladder if it meets all of the following requirements:

(a) The ramp material shall be stable.

(b) The sides of the excavation above the ramp shall be maintained to the angle of repose or sheeted or shored along the means of egress.

(c) The degree of angle of the ramp shall not be more than 45 degrees.

(d) Vertical height between the floor of the trench and the toe of the ramp shall not exceed 30 inches.

History: 1954 ACS 100, p. 90, Eff. Sept. 5, 1979.

R 408.40941 Excavation; angle of repose.

Rule 941. (1) The side of an excavation more than 5 feet deep shall be sloped as prescribed in table 1, unless supported as prescribed in this part.

(2) An excavation less than 5 feet in depth shall also be effectively protected when examination of the ground indicates hazardous earth movement may be expected.

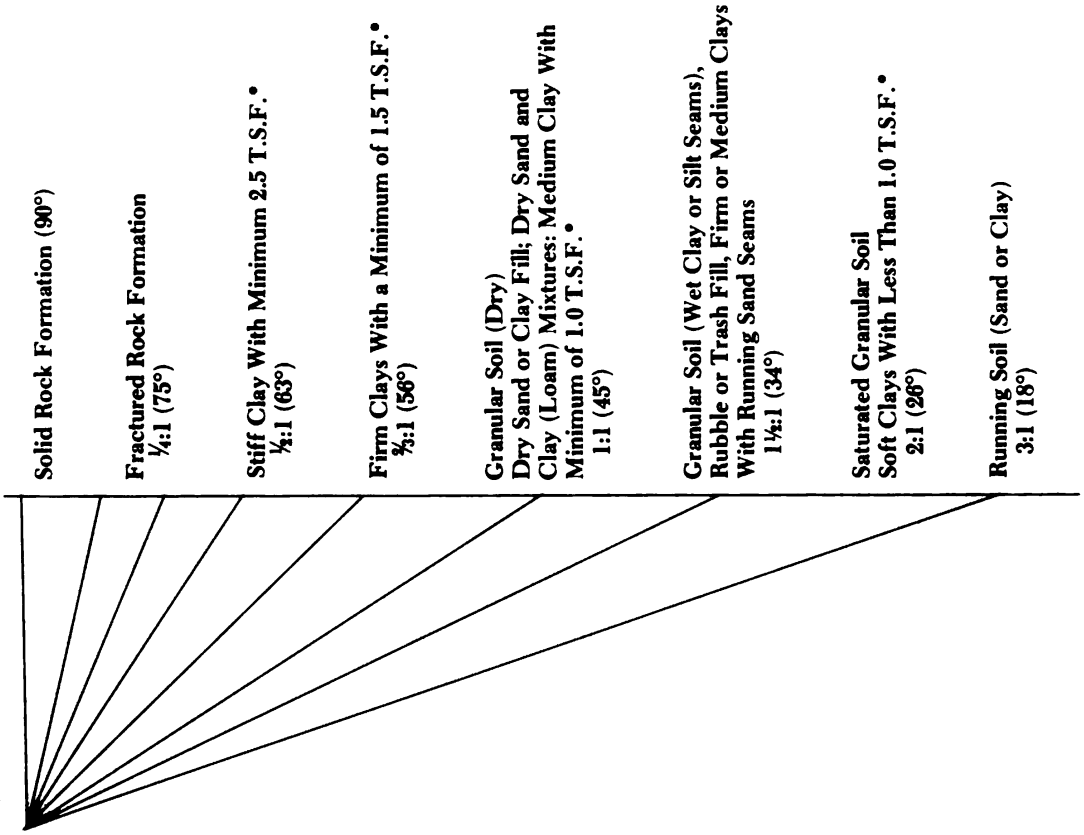
(3) If 1 side of a trench is 5 feet or less in depth and the other side is deeper than 5 feet, the side deeper than 5 feet shall be protected as provided in this part. All excavated material shall be placed on the low side if possible.

(4) Special attention shall be given to a side that may be adversely affected by weather or moisture content.

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TABLE 1

Maximum Allowable Angle of Repose
for the Side of an Excavation in Excess of 5′ Depth



Note: Job conditions may require the angle of repose shown in this to be reduced to prevent the side of the excavation from failure.

*Strength values are given in unconfined compressive strength as measured by a penetrometer or laboratory tests.

History: 1954 ACS 100, p. 91, Eff. Sept. 5, 1979.

R 408.40942 Supporting systems; angle of repose; tie backs; tight sheeting; additional bracing.

Rule 942. (1) The angle of repose and the design of the supporting system for a side of an excavation shall be based on the evaluation of all of the following factors:

(a) Depth of cut and type of soil.

(b) Possible variation in the water content of the material while the excavation is open.

(c) Anticipated changes in the material due to exposure to air, sun, water, or freezing.

(d) Load imposed by structures, equipment, overlying material, or stored material.

(e) Vibration from traffic, equipment, or blasting.

(2) A support system shall be designed by a qualified employee. The design of the supporting system shall be maintained at the jobsite. Changes from the design of the support system shall be approved by a qualified employee.

(3) Tie rods and other forms of tie backs used to restrain the top of sheeting shall be anchored a minimum of 10 feet. The measurement to the anchor point

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shall start at the intersection of an angle of repose with the surface of the soil retained. The tie back and anchor shall be capable of restraining any pressure exerted on the system.

(4) When tight sheeting or sheet piling is used, pressures due to existing ground water conditions shall be considered in the design. Sheet piling shall be driven to the predetermined depth set forth in the required design. Changes from the design shall be approved by the designer of the support system.

(5) Materials used for a supporting system shall be in good serviceable condition. When timbers are used, they shall be sound and free of large or loose knots.

(6) A supporting system shall include additional bracing approved by the designer of the support system when the sides of excavations are cut adjacent to a previous known excavation or a known fill, particularly when the separation between the previous excavation and the new excavation is less than the depth of the excavation.

(7) Tight sheeting shall be braced or anchored at the bottom and along the vertical plane to prevent lateral movement.

History: 1954 ACS 100, p. 91, Eff. Sept. 5, 1979.

R 408.40943 Additional requirements for trench support systems.

Rule 943. (1) A brace or trench jack used for a support system for a trench shall be spaced as designed and shall be secured to prevent sliding, falling, or kickout.

(2) Backfilling and removal of a support system for a trench shall progress together from the bottom of the trench. In unstable or running soil, the jacks and braces shall be removed from above after employees have cleared the trench.

History: 1954 ACS 100, p. 92, Eff. Sept. 5, 1979.

R 408.40944 Benching and sloping.

Rule 944. (1) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, or areas where erosion, deep frost action, or slide planes appear.

(2) When benching the side of an excavation, the vertical rise shall not exceed 5 feet and the step back shall extend at least to the angle of repose as required by table 1.

(3) When benching a side of a trench, the height of the lower bench shall not be more than the lesser of 5 feet or the width of the trench measured at the bottom.

History: 1954 ACS 100, p. 92, Eff. Sept. 5, 1979.

R 408.40945 Trench boxes and shields.

Rule 945. Portable trench boxes or sliding trench shields may be used for the protection of personnel in place of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner that provides protection equal to or greater than the sheeting or shoring required for the trench.

History: 1954 ACS 100, p. 92, Eff. Sept. 5, 1979.

R 408.40946 Pier excavations; employee protection; unstable soil; life line.

Rule 946. (1) An employee entering a pier excavation shall be protected by a removable steel casing designed by a qualified employee. A copy of the design specifications shall be maintained at the jobsite.

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(2) In the case of belled-bottom piers, the removable steel casing shall be provided for the full depth of that part of each pier hole that is above the bell.

(3) An employee shall not be permitted to work below the casing in running or unstable soil.

(4) A life line shall be provided and attached to a shoulder harness on each employee entering the pier excavation. The life line shall be attended by another employee located on the surface and shall be separated from any line used to move materials. A means shall be provided to lift the endangered employees to the surface.

(5) The casing shall extend not less than 12 inches above the ground level.

History: 1954 ACS 100, p. 92, Eff. Sept. 5, 1979.

R 408.40951 Walkways, sidewalks, and roadways.

Rule 951. (1) A walkway or sidewalk shall be kept clear of excavated material and other obstructions.

(2) The walkways and sidewalks shall be lighted if used during hours of darkness.

(3) A sidewalk shall not be undermined unless it is shored to support a live load of not less than 125 pounds per square foot.

(4) A walkway or sidewalk adjacent to an excavation shall be separated from the excavation and protected by a guardrail as prescribed in Part 21. Guardrails, Runways, Ramps, and Stairways, being R 408.42101 et seq. of the Michigan Administrative Code.

(5) An employee routed from a sidewalk or walkway into a roadway to detour an excavation shall be protected on both sides by guardrails or barricades as prescribed in Part 21. Guardrails, Runways, Ramps, and Stairways, or Part 22. Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. of the Michigan Administrative Code.

(6) Where an employee or equipment is required or permitted to cross a trench or ditch, a walkway, runway, ramp, or bridge shall be provided with a designed capacity of not less than 3 times the imposed load. A guardrail prescribed in Part 21. Guardrails, Runways, Ramps, and Stairways shall be provided.

(7) Where equipment is routed across or onto a roadway, protection shall be provided as prescribed in rule 2223 of Part 22. Signals, Signs, Tags, and Barricades, being R 408.42223 of the Michigan Administrative Code.

History: 1954 ACS 100, p. 93, Eff. Sept. 5, 1979.

R 408.40952 Openings in roadways.

Rule 952. An open cut into a roadway shall be provided with a barricade on all sides as precribed in rule 2223 of Part 22. Signals, Signs, Tags, and Barricades, being R 408.42223 of the Michigan Administrative Code. Warning lights shall be provided during hours of darkness.

History: 1954 ACS 100, p. 93, Eff. Sept. 5, 1979.

R 408.40953 Adjacent structures; protection; design, inspection of shoring, bracing, and underpinning.

Rule 953. (1) A structure adjacent to an excavation or trench shall be protected against settlement, lateral movement, undermining, or washout.

(2) Before the excavation begins, the design of the protection used shall be set forth by a qualified person knowledgeable in the subject area.

(3) The shoring, bracing, and underpinning shall be inspected daily or more often, as conditions warrant, by a qualified employee.

History: 1954 ACS 100, p. 93, Eff. Sept. 5, 1979.

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PART 10. LIFTING AND DIGGING EQUIPMENT

R 408.41001 Adoption of federal O.S.H.A. standard.

Rule 1001. (1) Section 1926.550 and sections 1926.552 to 1926.555 of the O.S.H.A. safety and health regulations for construction, and sections 1910.67 and 1910.183 of the O.S.H.A. safety and health regulations for general industry, from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except subparagraph (c)(16) of section 1926.552, and except as noted in subrule (2) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction and general industry standards may be purchased at a cost of 75 cents each by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register, by ordering the June 27, 1974, volume 39, number 125, edition of the Federal Register, and by ordering the March 26, 1975, volume 40, number 59, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents each from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Paragraph (a)(11) of 29 C.F.R. §1926.550 is excepted. This paragraph has been adopted by the Michigan department of public health as rule 6310(7). As of the effective date of this part, "U.S." as referred to in 29 C.F.R. §1926.550, means the state of Michigan. As of the effective date of this part, subparts E and F, and section 1926.605, respectively, referenced in 29 C.F.R. §1926.550, means parts 6, 18, and 13, respectively, of the rules of the construction safety standards commission.

(3) As of the effective date of this part, subpart G, referenced in 29 C.F.R. §1926.555 means part 22 of the rules of the construction safety standards commission.

(4) Section 1926.556 of the O.S.H.A. safety and health regulations for construction, being 29 C.F.R. §1926.556, as incorporated by reference pursuant to section 14(1) of Act No. 154 of the Public Acts of 1974, being §408.1014(1) of the Michigan Compiled Laws, is hereby rescinded, as authorized by section 14(1).

History: 1954 ACS 78, p. 59, Eff. Mar. 2, 1974; 1954 ACS 88, p. 111, Eff. Sept. 16, 1976.

R 408.41002, R 408.41003 Rescinded.

History: 1954 ACS 78, pp. 59, 60, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 111, Eff. Sept. 16, 1976.

R 408.41004 Personnel hoist.

Rule 1004. A personnel hoist, other than a powered scaffold or vehicle mounted elevating and rotating platform covered by part 12, shall conform to Act No. 227 of the Public Acts of 1967, being §§408.801 to 408.824 of the Michigan Compiled Laws, and the rules of the department of labor relating to elevators.

History: 1954 ACS 78, p. 60, Eff. Mar. 2, 1974; 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

R 408.41005—R 408.41023 Rescinded.

History: 1954 ACS 78, pp. 60-64, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

R 408.41024 Rescission.

Rule 1024. Part 10 of the construction safety commission standards, being R 408.2001 to R 408.2014 and appearing on pages 3308 to 3311 of the 1964-65 Annual Supplement to the Code and page 5182 of the 1969 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 64, Eff. Mar. 2, 1974.

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PART 11. FIXED AND PORTABLE LADDERS

R 408.41101 Scope.

Rule 1101. This part establishes minimum requirements for the construction, care, and use of ladders for construction operations.

History: 1954 ACS 88, p. 112, Eff. Sept. 16, 1976; 1954 ACS 95, p. 69, Eff. June 1, 1978.

R 408.41102 Rescission.

Rule 1102. (1) Part 11 of the construction safety commission standards, being R 408.2101 to R 408.2115 of the Michigan Administrative Code and appearing on pages 4297 to 4301 of the 1967 Annual Supplement to the Code, is rescinded.

(2) Part 12 of the construction safety commission standards, being R 408.2201 to R 408.2205 of the Michigan Administrative Code and appearing on pages 3315 and 3316 of the 1964-1965 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 88, p. 112, Eff. Sept. 16, 1976.

R 408.41103 Definitions; B to F.

Rule 1103. (1) "Brand" means marking by burning with a hot iron.

(2) "Cleats" means a ladder's crosspieces of rectangular cross section placed on edge on which a person may step to ascend or descend.

(3) "Double cleat ladder" means a ladder that is similar to a single cleat ladder, but is wider and has an additional rail in the center which allows simultaneous 2-way traffic.

(4) "Extension ladder" means a non-self-supporting portable ladder adjustable in length. It consists of 2 or more sections traveling in guides or brackets arranged to permit adjustment of the ladder's length. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(5) "Extension trestle ladder" means a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the rail of the trestle ladder base.

(6) "Fixed ladder" means a ladder permanently attached to a structure, building, or equipment.

History: 1954 ACS 95, p. 69, Eff. June 1, 1978.

R 408.41104 Definitions; J to R.

Rule 1104. (1) "Job-built ladder" means a ladder, other than a manufactured ladder, usually built at the jobsite.

(2) "Ladder" means an appliance which usually consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step to ascend or descend.

(3) "Manufactured ladder" means a commercially made ladder.

(4) "Pitch" means the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.

(5) "Platform ladder" means a self-supporting type of step ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.

(6) "Portable ladder" means a ladder not permanently fixed in place and which may be used at various locations.

(7) "Rungs" means a ladder's crosspieces of circular or oval cross section on which a person may step to ascend or descend.

History: 1954 ACS 95, p. 69, Eff. June 1, 1978.

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R 408.41105 Definitions; S to W.

Rule 1105. (1) "Safety feet" means a safety device placed on the foot of the side rails of straight, sectional, or extension ladders to reduce the likelihood of the base slipping. Safety feet may be flat pads covered with a nonslip material, pointed metal projections, or spur wheels.

(2) "Single cleat ladder" means a ladder which consists of a pair of parallel side rails, connected with cleats that are joined to the side rails at regular intervals.

(3) "Step ladder" means a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is measured along the front edge of the side rails.

(4) "Steps" means the flat crosspieces of a ladder on which a person may step to ascend or descend.

(5) "Trestle ladder" means a self-supporting portable ladder, nonadjustable in length, consisting of 2 sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(6) "Worn" means the reduction of a dimension of wood or nonwood part by more than 10% of its original size.

History: 1954 ACS 95, p. 69, Eff. June 1, 1978.

R 408.41111 Adoption by reference; certification.

Rule 1111. (1) A manufactured portable wood ladder shall be constructed and maintained as prescribed in the ANSI standard A14.1-1975, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $5.00 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) A manufactured portable metal ladder, shall be constructed and maintained as prescribed in the ANSI standard A14.2-1972, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $4.25 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(3) A manufactured portable plastic ladder shall be constructed and maintained as prescribed in the ANSI standard A14.5-1974, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $5.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(4) A manufactured portable ladder shall be branded or have a permanent label permanently affixed by the manufacturer, which shows the type of ladder and certifies that it meets the requirements of the appropriate ANSI standard as set out in subrules (1), (2), and (3) of this rule.

History: 1954 ACS 95, p. 69, Eff. June 1, 1978.

R 408.41121 Inspection; faults and defects; cleaning; painting.

Rule 1121. (1) A ladder, as prescribed in this part, shall be used to provide safe access to all elevations, unless other means such as steps, stairs, ramps, runways, or elevators are provided.

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(2) A ladder shall be inspected before use, and after it has fallen or been involved in an accident to determine its condition.

(3) The use of a ladder with faults and defects, such as, but not limited to, broken, worn, or missing rungs or cleats or steps; broken or split side rails; broken or bent guides; or broken or bent iron spreaders or locks shall be immediately tagged "DANGEROUS—DO NOT USE," and withdrawn from service. The tag shall be as prescribed in rule 2242 of Part 22. Signals, Signs, Tags, and Barricades, being R 408.42242 of the Michigan Administrative Code.

(4) Rungs, cleats, or steps of a ladder shall be cleaned to prevent accumulation of materials that may cause slippery conditions.

(5) A portable ladder shall not be painted with an opaque coating.

History: 1954 ACS 95, p. 70, Eff. June 1, 1978.

R 408.41122 Use generally.

Rule 1122. (1) A ladder shall not be placed in a passageway, doorway, driveway, or any location where it may be displaced, unless it is protected by barricades or guards.

(2) A ladder shall be placed on a substantial and stable base and the area around the top and bottom of the ladder shall be kept clear.

(3) A ladder shall not be used as a brace, slide, guy, gin pole, gangway, or for any other use than that for which it is designed.

(4) An employee shall face the ladder when ascending or descending.

(5) An employee on a ladder shall not overreach, or do any pushing or pulling that may cause the ladder to move or topple. If both shoulders are outside of a side rail, the user is overreaching.

(6) A manufactured portable or single cleat ladder shall not be used by more than 1 employee at a time.

(7) A ladder shall be located and maintained to prevent employees from bumping into, or snagging on to, projecting objects while ascending or descending the ladder.

(8) If a ladder provides the only means of access to, or egress from, a working area for 25 or more employees, or if simultaneous 2-way traffic is expected, a minimum of 2 ladders or a job-built double cleat ladder shall be provided.

(9) A rope or chain ladder shall not be used on a construction site.

(10) A ladder being transported or stored on or in a vehicle shall be securely fastened to prevent damage and unintentional displacement.

History: 1954 ACS 95, p. 70, Eff. June 1, 1978.

R 408.41123 Classification of step ladders.

Rule 1123. (1) The use a step ladder shall be limited to 1 of the following types:

(a) Type I—an industrial step ladder, 3 to 20 feet in length, and manufactured for heavy duty work.

(b) Type II—a commercial step ladder, 3 to 12 feet in length, and manufactured for medium duty work, such as painting or light maintenance.

(2) The use of all other manufactured portable ladders shall be limited to those classified as type I.

History: 1954 ACS 95, p. 70, Eff. June 1, 1978.

R 408.41124 Portable ladders.

Rule 1124. (1) A portable ladder shall be used at such a pitch that the horizontal projected distance from the top support to the base is not greater than ¼ the vertical distance between these points.

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(2) A portable ladder, used at such a pitch that the horizontal projected distance from the top support to the base is less than ¼ the vertical distance between these points, shall be secured at the top to prevent tipping backward.

(3) A portable ladder, used at a pitch of 80 degrees or greater, shall conform to the requirements of a fixed ladder as prescribed in R 408.10335 of the Michigan Administrative Code.

(4) The side rails of a portable ladder shall extend not less than 36 inches above a landing or roof. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access at the top of the ladder, shall be installed.

(5) A portable ladder in use shall be equipped with appropriate safety feet unless tied, blocked, or otherwise secured to prevent it from being displaced.

(6) A manufactured portable metal ladder shall not be used for electrical work or where it or an employee may contact electrical conductors.

(7) A manufactured portable ladder shall not exceed the following lengths:

Type	Maximum Length
Single section ladder	22 feet
Extension ladder	60 feet
Trestle ladder or extension sections or base sections of an extension trestle ladder	18 feet

(8) An employee using a portable ladder shall not stand on the top 2 rungs or within 3 feet of the top of the ladder.

(9) Two portable ladders shall not be spliced together to provide long sections.

(10) A portable extension ladder shall be adjusted only from the ground, floor, or from the lower section of the ladder.

(11) A portable 2-section extension ladder shall be always erected so that the top section rests on the base section. The top section shall be the section nearest to the climber.

History: 1954 ACS 95, p. 71, Eff. June 1, 1978.

R 408.41125 Trestle ladders.

Rule 1125. (1) When trestle ladders are used to support an elevated work platform, the entire system shall be considered a scaffold.

(2) An employee shall not work directly from the vertical portion of an extension trestle ladder.

History: 1954 ACS 95, p. 71, Eff. June 1, 1978.

R 408.41126 Use of step ladders.

Rule 1126. (1) Unless designed for such use, an employee shall not use the backside of a step ladder for climbing.

(2) Unless the step ladder is equipped with a handrail, the top step and cap shall not be used to stand on.

(3) A step ladder shall not be used as a straight ladder by leaning it against a wall or other support.

(4) A step ladder which is being used shall be opened fully and its spreaders locked.

(5) Each leg of a step ladder shall be in contact with solid footing.

(6) A portable metal step ladder shall not be used for electrical work or where it or an employee may contact electrical conductors.

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(7) A portable step ladder shall be in accordance with R 408.41121(2) to (5), R 408.41122(1) to (7), (9), and (10), and R 408.41128(1) to (4).

History: 1954 ACS 95, p. 71, Eff. June 1, 1978.

R 408.41127 Single and double cleat ladders.

Rule 1127. (1) A job-built ladder shall not exceed 24 feet in length. If the length of a required job-built ladder would exceed the maximum length, 2 or more separate ladders shall be used, and offset with a platform, not supported by the ladders, between each ladder. Ladders used with a platform shall be secured at top and bottom.

(2) The platform shall be designed to support 4 times the intended load. Guardrails and toeboards as prescribed in Part 21. Guardrails, Runways, Ramps, and Stairways, being R 408.42101 et seq. of the Michigan Administrative Code, shall be erected on the exposed sides of the platform. Rails shall extend above the top landing not less than 36 inches or more than 42 inches to provide a handhold for mounting and dismounting, and cleats shall be eliminated above the landing level. When 2 or more separate job-built ladders are used with a platform, the ladders shall be completely offset from each other and the minimum horizontal distance between adjacent side rails shall be 6 inches.

(3) The width of a single cleat ladder shall be not less than 16 inches but not more than 20 inches between rails. Side rails shall be parallel.

(4) The width between rails of double cleat ladders shall be not less than 18 inches or more than 22 inches, and cleats shall be continuous members between outside parallel rails.

(5) Side rails of a single cleat ladder shall be not less than nominal 2-inch by 4-inch construction grade lumber for ladders up to 16 feet in length and 2-inch by 6-inch construction grade lumber for ladders from 16 feet to 24 feet in length.

(6) The side rails and middle rail for a double cleat ladder shall be not less than nominal 2-inch by 4-inch construction grade lumber for double cleat ladders up to 12 feet in length and 2-inch by 6-inch construction grade lumber for a double cleat ladder from 12 feet to 24 feet in length.

(7) Side rails of a job-built ladder shall be continuous.

(8) A wood cleat shall be not less than nominal 1-inch by 4-inch construction grade lumber for a cleat up to 20 inches in length, and 2-inch by 4-inch construction grade lumber for a cleat from 20 inches to 50 inches in length. Knot-free lumber shall be used for cleats.

(9) The cleats shall be uniformly spaced 12 inches top to top. A cleat shall be attached to the narrow face of each side rail using 2 10-d nails for nominal 1-inch by 4-inch cleats, or 2 16-d nails for 2-inch by 4-inch cleats.

(10) Filler blocks shall be used on the rails between cleats. Filler blocks of the same thickness as the cleats shall be inserted between cleats and butted tightly against the underside of each cleat.

(11) Cutting into the side rails to house cleats shall not be permitted.

(12) The side rails of a double cleat ladder shall be secured at the bottom and as close as possible to the top to prevent moving or toppling.

History: 1954 ACS 95, p. 72, Eff. June 1, 1978.

R 408.41128 Storage of ladders.

Rule 1128. (1) A ladder should be stored in such a manner as to provide ease of access and inspection. A ladder stored in a horizontal position shall be supported at a sufficient number of points to avoid sagging and permanent set.

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(2) A wood ladder shall not be stored within 6 feet of a radiator, stove, or steam pipe or in a location subject to excessive heat or dampness.

(3) A metal ladder shall not be stored where it is subject to reaction with corrosive substances such as, but not limited to, acids and alkali solutions.

(4) A plastic ladder shall be stored on edge on racks when not in use and in a location which is free of corrosive substances and which provides protection from adverse environmental conditions.

History: 1954 ACS 95, p. 72, Eff. June 1, 1978.

R 408.41131 Fixed ladders.

Rule 1131. A fixed ladder shall be as prescribed in Part 3. Fixed Ladders, being R 408.10301 et seq. of the Michigan Administrative Code, which is incorporated herein by reference, and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of 20 cents from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 95, p. 72, Eff. June 1, 1978.

PART 13. MOBILE EQUIPMENT

R 408.41301 Adoption of federal O.S.H.A. standard.

Rule 1301. (1) Sections 1926.600 to 1926.606, and sections 1926.1000 to 1926.1003 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrules (5) and (6) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48826. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) As of the effective date of this part, subpart K and section 1518.550, referenced in 29 C.F.R. §1926.600, means parts 17 and 10, respectively, of the rules of the construction safety standards commission.

(3) As of the effective date of this part, section 1926.2, referenced in 29 C.F.R. §1926.602, means Part 12. Variances, of the procedure rules of the department. As of the effective date of this part, subparts N and W, referenced in 29 C.F.R. §1926.602, means parts 10 and 13, respectively, of the rules of the construction safety standards commission.

(4) As of the effective date of this part, subpart N, referenced in 29 C.F.R. §1926.603, means part 10 of the rules of the construction safety standards commission.

(5) Paragraph (a)(1) of 29 C.F.R. §1926.604 is excepted. This paragraph has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" as rule 6610.

(6) Paragraph (d)(1) of 29 C.F.R. §1926.605 is excepted. This paragraph has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" as rule 6310.

History: 1954 ACS 78, p. 65, Eff. Mar. 2, 1974; 1954 ACS 88, p. 113, Eff. Sept. 16, 1976.

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R 408.41302—R 408.41341 Rescinded.

History: 1954 ACS 78, pp. 65-68, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 113, Eff. Sept. 16, 1976.

R 408.41342 Rescission.

Rule 1342. Part 13 of the construction safety commission standards, being R 408.2301 to R 408.2308 and appearing on pages 3316 to 3318 of the 1964-65 Annual Supplement to the Code, and page 4301 of the 1967 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 68, Eff. Mar. 2, 1974.

PART 14. TUNNELS, SHAFTS, CAISSONS, AND COFFERDAMS GENERAL PROVISIONS

R 408.41401 Scope.

Rule 1401. This part applies to the construction, modification, and major repair of tunnels, shafts, caissons, and cofferdams and the safe use and maintenance of equipment used in those operations. This part does not apply to routine maintenance of an existing structure.

History: 1954 ACS 78, p. 68, Eff. Mar. 2, 1974; 1954 ACS 88, p. 113, Eff. Sept. 16, 1976; 1954 ACS 97, p. 73, Eff. Nov. 22, 1978.

R 408.41402—R 408.41452 Rescinded.

History: 1954 ACS 78, pp. 69-80, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 114, Eff. Sept. 16, 1976.

R 408.41453 Rescission.

Rule 1453. Part 14 of the construction safety commission standards, being R 408.2401 to R 408.2418 and appearing on pages 3318 to 3322 of the 1964-65 Annual Supplement to the Code, is rescinded.

History: 1954 ACS, 78, p. 80, Eff. Mar. 2, 1974.

R 408.41454 Applicability.

Rule 1454. (1) All rules in this part shall apply to a tunnel, a shaft, a caisson, or a cofferdam, except that a tunnel less than 225 feet in length is excepted from R 408.41464(1) and (2).

(2) An unoccupied auger or pipe jacking tunnel is excepted from the rules of this part pertaining to tunnels.

History: 1954 ACS 97, p. 73, Eff. Nov. 22, 1978.

R 408.41455 Definitions; A to C.

Rule 1455. (1) "Atmospheric pressure" means the pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or zero p.s.i.g.

(2) "Auger tunnel" means that tunnel which is excavated by use of a continuous flight auger system, with or without a sleeve or other type of liner.

(3) "Bulkhead" means a structure which is used to separate 1 area from another.

(4) "Caisson" means a structure or chamber which is placed in the ground or water for the purpose of excavating earth.

(5) "Cofferdam" means a temporary structure used to control the flow of water and other material during construction operations.

(6) "Compressed air" means that environment which has a pressure greater than atmospheric pressure.

History: 1954 ACS 97, p. 73, Eff. Nov. 22, 1978.

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R 408.41456 Definitions; M to W.

Rule 1456. (1) "Man lock" means a chamber through which employees pass from 1 air pressure environment into another.

(2) "Occupied tunnel" means any tunnel entered by 1 or more employees.

(3) "Pressure" means a force acting on a unit area, usually shown as pounds per square inch, (p.s.i.).

(4) "Qualified employee" means one who, by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(5) "Safety screen" means an airtight and watertight diaphragm placed vertically across the upper part of a compressed air tunnel between the face and bulkhead in order to restrain sudden flooding of the crown of the tunnel between the safety screen and the bulkhead, thus providing a means of refuge and exit from a flooding or flooded tunnel.

(6) "Shaft" means a vertical or inclined opening excavated below ground level.

(7) "Tunnel" means a generally horizontal excavation or facility more than 14 inches in diameter, width, or height and more than 6 feet in length below ground or water. Facilities used for the acquisition of minerals, ores, and fossil fuels, which are commonly known as mines, are excluded from this definition.

(8) "Working chamber" means the space or compartment under air pressure in which the work is being done.

History: 1954 ACS 97, p. 73, Eff. Nov. 22, 1978.

R 408.41461 Advance notice of tunnel excavation.

Rule 1461. (1) Before the start of a tunnel, as defined, 24 inches or more in diameter, height or width, which will be occupied by an employee, a report prepared by the employer performing the tunnel excavation shall be sent to the Michigan Department of Labor, Construction Safety Division, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909, and the Michigan Department of Public Health, Occupational Health Division, P.O. Box 30035, 3500 N. Logan, Lansing, Michigan 48909, in addition to the following civil authorities in the area: hospital, police department, fire department, and sheriff department. The report shall contain the following information:

(a) Name of contractor or contractors.
(b) Starting date.
(c) Length of tunnel.
(d) Diameter of cut.
(e) Finished diameter.
(f) Number of shafts.
(g) Depth of shafts.
(h) Location of shafts.
(i) Method of tunneling.
(j) Maximum working pressure in tunnel or shaft.
(k) Type of primary liner.
(l) Number of shifts.
(m) Projected completion date.
(n) Projected maximum work force within tunnel.

(2) All parties notified pursuant to subrule (1) of this rule shall be notified when the work has been completed.

(3) If, after the start of any tunnel project, a tunnel or shaft that the employer has shown to be constructed, modified, or repaired under atmospheric conditions requires the tunnel to be pressurized, the employer shall notify the Michigan

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departments of labor and health, 24 hours prior to allowing the employees to enter the tunnel.

(4) If the work operations of any occupied tunnel projects are discontinued for 30 consecutive days or longer, the general contractor shall notify the Michigan departments of labor and health 24 hours before resuming work operations on the tunnel project.

History: 1954 ACS 97, p. 73, Eff. Nov. 22, 1978.

R 408.41462 General provisions.

Rule 1462. (1) A safe means of egress and access to all work areas shall be provided and maintained free of hazards.

(2) Form, scrap material, lumber with protruding nails, and all other debris shall be kept cleared from the work areas, passageways, and stairs.

(3) Combustible debris shall be removed daily during the course of construction.

(4) When a haulage roadbed consists of track and wood ties, a walkway shall be provided. The walkway shall be a minimum of 2 2-inch by 10-inch planks, side by side, abutted, joined, and secured to a tie or other equivalent means. If space is not adequate for 2 2-inch by 10-inch planks, the walkway shall be as wide as space permits.

(5) When work is not being performed, access to an underground opening shall be covered, bulkheaded, fenced off, or restricted by gates or doors and appropriately posted.

(6) Any section of a tunnel that is not in use shall be barricaded to prevent ingress by an unauthorized employee.

(7) Construction of a trench, manhole, or other opening for use in a tunnel or shaft operation shall be as prescribed in the construction safety standards commission standards, Part 9. Excavation, Trenching, and Shoring and Part 21. Guardrails, Runways, Ramps, and Stairways, being R 408.40901 et seq. and R 408.42101 et seq. of the Michigan Administrative Code.

(8) The power source to a tunneling machine shall be disconnected or locked out when an employee is working in the area of the cutting head or performing maintenance work on the tunneling machine where motion could cause an injury.

(9) An area subject to subsidence that is hazardous to an employee shall be fenced and appropriately posted.

(10) Each operation shall have a check-in and check-out system that will provide positive identification of the employee by number or name and the location of each employee underground. An accurate record shall be kept on the surface.

(11) A ladder or stairway provided in a shaft, caisson, or steep incline shall be as prescribed in the construction safety standards commission standards, Part 11. Ladders and Part 21. Guardrails, Runways, Ramps, and Stairways, being R 408.41101 et seq. and R 408.42101 et seq. of the Michigan Administrative Code.

(12) Each employer shall establish and coordinate with the employees an accident prevention program and a safety training program as prescribed in the construction safety standards commission standard, Part 1. General Rules, being R 408.40101 et seq. of the Michigan Administrative Code.

(13) Each employee shall be issued a copy of the project's general safety rules prior to commencement of the employee's work at the project.

(14) Each employer shall designate a qualified employee with responsibility to administer the safety program. A written record shall be maintained of the safety training programs.

History: 1954 ACS 97, p. 74, Eff. Nov. 22, 1978.

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R 408.41463 Emergency provisions; plans; equipment; rescue crews.

Rule 1463. (1) A plan to evacuate a tunnel in an emergency and the procedures to carry out the plan shall be developed and made known to employees and to the rescue team.

(2) An emergency hoisting facility such as, but not limited to, a mud box, outrigger, or crane, shall be readily available at a shaft used as a means of egress, unless there is a hoisting means provided that is independent of an electrical power failure.

(3) A self-contained breathing apparatus as prescribed in subchapter B of part 11 of 30 C.F.R. 1.1, Mineral Resources, shall contain a minimum of 5 minutes' air supply and shall be provided each employee and kept readily available in all underground areas where an employee might be exposed to smoke or gas hazards. This book is incorporated herein by reference and may be inspected at the Lansing office of the department of labor and may be purchased at a cost of $4.80 by ordering stock #022-033-93229-1, Title 30 C.F.R., United States bureau of mines code, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(4) Self-contained breathing apparatus shall be maintained in good operating condition. Employees shall be trained in their use.

(5) For all underground operations there shall be a rescue crew for each shift. The rescue crew shall be trained in rescue procedures, the use and limitations of a breathing apparatus, and the use of fire fighting equipment. The crews shall be retrained not less than annually. Local fire and police personnel may be used as rescue team for tunnel operations. If this personnel will be used, the employer shall arrange for such assistance prior to the start of the project.

(6) The following minimum rescue equipment shall be provided at the top of the shaft:

(a) Four units of ½ hour rated air supplied respirators.

(b) Four additional units of ½ hour rated air bottles.

(c) Four bureau of mines flashlights or lanterns with additional batteries for each light. The flashlight shall be as prescribed in subchapter D of part 20 of 30 C.F.R. 1.1., Mineral Resources, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This book may be purchased as indicated in subrule (3) of this rule.

(d) Two 2A-10BC fire extinguishers.

(e) One stretcher, wire basket type with slings attached.

(f) One fire blanket.

(g) One 10-ton hand hydraulic rescue kit.

(h) One first aid kit as prescribed by the department of public health.

(7) Not less than 1 employee shall be on duty above ground when an employee is working underground. The primary duty of the employee above ground shall include responsibility for securing immediate aid for the employee underground in case of emergency.

History: 1954 ACS 97, p. 75, Eff. Nov. 22, 1978.

R 408.41464 Communication system; location; signals.

Rule 1464. (1) In a tunnel more than 225 feet long, a communication system shall be provided at the following locations:

(a) The working face.

(b) The top of the shaft.

(c) The bottom of the shaft.

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(d) The hoisting station, if provided.
(e) Each 1,000 feet of tunnel.
(f) The office, if provided.

A public telephone or other communication system shall be provided or available to each tunnel project in order to secure outside emergency help.

(2) If the tunnel is pressurized, the following additional locations shall also be provided: the working chamber side of the man lock near the door; the interior of all locks; the lock attendant's station; the compressor plant; and first aid station. However, if a gassy condition exists, all phones located within the tunnel shall conform to the United States bureau of mines schedule 9B, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This schedule may be purchased as indicated in R 408.41463(3) of this part. The telephone or other signal communication systems shall be independent of the tunnel power supply.

(3) For an occupied pipe jacking tunnel more than 225 feet long, there shall be a telephone or other signal communication system established between the working face, the shaft tunnel portal, and at least 1 location on the surface.

(4) When a hoist house is provided, there shall be a second independent method of signaling, audible or visible, to the hoist engineer from all landings in the shaft or slope.

(5) A signal code for hoisting shall be posted prominently in the engine house and at all places where signals are given. The signal code shall be as prescribed in rule 2211 of the construction safety standards commission standard, Part 22. Signals, Signs, Tags and Barricades, being R 408.42211 of the Michigan Administrative Code.

History: 1954 ACS 97, p. 75, Eff. Nov. 22, 1978.

R 408.41465 Protective clothing or equipment.

Rule 1465. (1) Protective clothing or equipment shall be required to be used as prescribed in the construction safety standards commission standard, Part 6. Personal Protective Equipment, being R 408.40601 et seq. of the Michigan Administrative Code.

(2) An employee working in a shaft, tunnel or caisson shall wear safety toe shoes or safety toe rubber boots with flat gripper-type soles.

History: 1954 ACS 97, p. 76, Eff. Nov. 22, 1978.

R 408.41466 Electrical requirements.

Rule 1466. (1) A powerline shall be well separated or insulated from waterlines, telephone lines, and air lines.

(2) Electrical equipment and wiring shall be installed and maintained as prescribed in subparts F to J of part 77, 30 C.F.R. 1.1, Mineral Resources, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This book may be purchased at a cost of $4.80 by ordering stock #022-003-93229-1, title 30 C.F.R., United States bureau of mines code, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909. The national electrical code referenced by subparts F to J is with respect to the 1978 edition with the following amendments:

(a) Article 305-1(a) is amended to read as follows: Temporary electrical power and lighting installations shall be permitted during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equip-

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ment, or similar activities which are located at ground level and are part of facilities used for construction of tunnels, shafts, and cofferdams.

(b) Article 310-15 is amended to read as follows: The maximum continuous ampacities for copper, aluminum, and copper-clad aluminum conductors shall be as specified in tables 310-16 to 310-19 and accompanying notes 1 to 12. Power and lighting circuits may be loaded to the maximum design temperature of the wire or cable insulation under the following conditions:

(I) A means shall be provided to disconnect the load if the feeder cable exceeds design temperature by more than 10% for 1 minute.

(II) Power cable shall have a grounding and a pilot wire conforming to IPECA type GGC or equal.

(III) Power cable shall have a "loose connector" emergency shutdown ability.

(IV) Power cable shall have a "ground fault" emergency shutdown ability.

(V) Power cable shall have an "arc between phases" emergency shutdown ability.

(3) All electrical power circuits supplying portable or hand-held tools, lights, or equipment shall be protected by approved ground-fault interrupters or an assured grounding conductor program as prescribed in rules 1709 to 1711 of the construction safety standards commission standard, Part 17. Electrical Installations, being R 408.41709 to R 408.41711 of the Michigan Administrative Code.

(4) The regular system of illumination shall be supplemented by lighting that can be activated upon the failure of the regular system. Supplemental lighting such as approved flashlights or lanterns, shall be sufficient to allow all employees to evacuate the tunnel.

(5) A tunnel excavating machine built and designed after 1977 shall conform to article 501, class I, division 2, of the national electrical code 70-1978, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This code may be purchased at a cost of $6.25 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 97, p. 76, Eff. Nov. 22, 1978.

R 408.41467 Fire prevention and protection.

Rule 1467. (1) The applicable requirements for fire prevention and protection specified in the construction safety standards commission standard, Part 18. Fire Prevention and Protection, being R 408.41801 et seq. of the Michigan Administrative Code shall be complied with in all tunnel and shaft operations.

(2) Smoking and open flames shall be prohibited. Welding and cutting where required shall comply with subrules (9), (10), (11), and (12) of this rule.

(3) Not more than 1 day's supply of diesel fuel shall be stored in a tunnel or shaft. Gasoline or liquefied petroleum gas shall not be taken in a tunnel or shaft.

(4) Oil, grease, or fuel stored in a tunnel or shaft shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives, magazines, electrical installations, and shaft stations.

(5) Fire-resistant hydraulic fluids shall be used in hydraulically actuated underground machinery and equipment. For the purpose of this requirement, a fire-resistant hydraulic fluid shall mean any liquid having a flashpoint above 200 degrees Fahrenheit and having a vapor pressure not exceeding 40 p.s.i. (absolute) at 100 degrees Fahrenheit.

(6) An approved 2A-10BC fire extinguisher or equivalent protection shall be provided at the drive pulley of an underground conveyor and at 300-foot intervals

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along the belt. A minimum of 2 2A-10BC approved fire extinguishers shall be provided at the tunneling machine.

(7) A pressurized tunnel, in which combustible materials are stored or used, shall be equipped with a 2-inch minimum diameter water line with an outlet to which is connected a 1½ nominal diameter fire hose capable of reaching the combustible materials. The water supply shall be of sufficient volume and pressure to efficiently operate the type of nozzle used on the fire hose for a minimum of 1 minute. Fire extinguishers may be substituted in lieu of the water and fire hose, providing they meet the requirements for the water service.

(8) A minimum of 1 approved 2A-10BC fire extinguisher shall be provided for each electrical, diesel, or hydraulic-powered machine used in a tunnel or shaft.

(9) A noncombustible barrier shall be installed below welding or burning operations.

(10) In an underground operation, local gas checks shall be made before and during a welding or cutting operation, and during a drilling operation that would penetrate the tunnel.

(11) If more than .25% of methane by volume or 5% of the LEL, lower explosive limit, of a flammable gas or petroleum vapor is detected, the welding, cutting, heating, or drilling operation shall cease until the hazard has been eliminated.

(12) A fire watch shall be maintained around welding and cutting operations until all possibility of fire is eliminated. The fire watch shall be provided with a minimum of 1 approved 2A-10BC fire extinguisher.

(13) Flammable materials or supplies, other than those used during 1 shift, shall not be stored within 20 feet of any tunnel or shaft opening.

(14) A head frame shall be constructed of steel or other fire-resistant material. A hoist house and other temporary surface building or structures within 50 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

History: 1954 ACS 97, p. 77, Eff. Nov. 22, 1978.

R 408.41468 Guards for power transmissions and hot surfaces.

Rule 1468. (1) A means of power transmission, such as, but not limited to, gears, pulleys, sprockets, belts, chains, and shafts which are exposed to contact by an employee shall be guarded.

(2) The exhaust pipe of an internal combustion engine shall be guarded to prevent contact by an employee with the hot surface.

History: 1954 ACS 97, p. 77, Eff. Nov. 22, 1978.

TUNNELS AND SHAFTS

R 408.41471 Ground support; inspections; repairs.

Rule 1471. (1) A qualified employee shall inspect the roof, face, and walls of portals, work areas, and haulage ways, or travelways at the start of each shift and frequently thereafter as needed. Where loose soil or rock or fractured material is encountered, it shall be scaled or protected and supported.

(2) A scaling bar shall be in good condition. A blunted or severely worn bar shall not be used.

(3) A torque meter and a torque wrench shall be available where rock bolts are used for ground support. Frequent tests shall be made to determine if the bolts are tight. The test frequency shall be determined by rock conditions and distance from vibration sources.

(4) A damaged or dislodged tunnel support shall be repaired or replaced when structural integrity is impaired. A new support shall be installed whenever possible before removing damaged supports.

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(5) Tunnel supports shall be designed and installed to prevent pressure from pushing them inward into the excavation.

(6) Roof supports shall be used where ground conditions are such that there could be a ground failure ahead of tunnel sets.

(7) A tunnel that is to be occupied by employees shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(8) If an employee is required to enter a tunnel less than 3 feet in diameter, a lifeline for instant rescue shall be securely fastened to his ankles. Another employee shall be stationed at the tunnel entrance to operate the lifeline. In addition, ventilation shall be provided with an air line.

History: 1954 ACS 97, p. 78, Eff. Nov. 22, 1978.

R 408.41472 Shafts; supports; inspections; lifelines.

Rule 1472. (1) A shaft, which an employee is required to enter, shall be provided with a steel casing, concrete pipe, or timber, or other material of required strength to support the surrounding earth.

(2) A lifeline for rescue and securely fastened to a shoulder harness shall be provided each employee entering a shaft less than 4 feet in diameter. This lifeline shall be separate from any line used to remove materials excavated from the shaft.

(3) A shaft more than 5 feet in depth shall be braced to support the surrounding earth. The bracing shall be provided the full depth of the shaft, or if rock is encountered, to not less than 5 feet into solid rock, and shall extend not less than 1 foot above the ground level.

(4) Following a blasting operation, the bracing shall be inspected. Where the bracing is found to be unsafe, corrections shall be made before the shift operations are continued.

History: 1954 ACS 97, p. 78, Eff. Nov. 22, 1978.

R 408.41473 Drilling; inspection; jumbos.

Rule 1473. (1) Drilling equipment that is to be used during a shift shall be inspected each shift by a qualified employee. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) An employee shall not be allowed on a drill mast while the drill is in operation.

(4) When a drill is moved from one area to another, drill steel, tools, and other equipment shall be secured, and the mast shall be placed in a safe position.

(5) Drills on columns or stiff legs shall be anchored firmly before drilling is started and they shall be retightened frequently thereafter.

(6) A jumbo deck more than 5 feet high shall be provided with guardrails on all open sides and on the back platform. A stair or ladder access, wide enough for 2 employees, shall be provided to a jumbo deck 10 feet or more in height.

(7) A jumbo deck, ladders, and stairs shall be kept clean to prevent the hazard of slipping and tripping. The deck shall be an anti-slip type and the deck shall be secured to prevent displacement.

(8) A mechanical means shall be provided for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top deck of a jumbo more than 10 feet in height.

(9) Receptacles or racks shall be provided for drill steel stored on a jumbo.

(10) When a jumbo is moved, a rider shall not be allowed on the jumbo unless the employee is assisting the operator.

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(11) Jumbo wheels shall be chocked while an employee is working on the jumbo.

(12) Before the drilling cycle is started, a warning shall be given to employees working under jumbo decks.

(13) Before commencing a drilling cycle, the face and lifters shall be examined for misfires. If found, the misfired explosive shall be removed before the drilling starts. A lifter shall not be drilled through a blasted muck pile.

(14) An air line that is buried in the invert shall be identified by signs posted nearby warning all employees.

History: 1954 ACS 97, p. 78, Eff. Nov. 22, 1978.

R 408.41474 Blasting.

Rule 1474. (1) All blasting and explosives handling shall be conducted in compliance with the construction safety standards commission standard, Part 27. Blasting and Use of Explosives, being R 408.42701 of the Michigan Administrative Code.

(2) An employee shall not be allowed to enter a shaft or a tunnel heading after blasting until air quality meets minimum requirements.

History: 1954 ACS 97, p. 79, Eff. Nov. 22, 1978.

R 408.41475 Haulage; inspection; braking; riding.

Rule 1475. (1) Haulage equipment that is to be used during a shift shall be inspected by a qualified employee before the start of the shift. Known defects which affect the safety of employees shall be corrected before the equipment is used.

(2) The roadbed, rails, joints, switches, frogs, and other elements of the track of a haulage road shall be constructed, installed, and maintained in a manner consistent with the speed and type of haulage operations being conducted to insure safe operation.

(3) A track switch shall be provided with a locking or spring-loaded throw bridle bar, and guardrail. The switch throw, where possible, shall be placed on the clearance side, and the switch throw shall operate parallel to the haulage road.

(4) Powered locomotive or other mobile equipment shall be provided with suitable brakes, an audible warning device for use by the operator as needed, and lights at both ends.

(5) Powered mobile haulage equipment, subject to falling materials, shall be equipped with cab, canopy, or other protective device capable of protecting the operator from shifting or falling materials. Glass or equivalent for windows shall not be used.

(6) Powered mobile equipment shall not be left unattended unless the power is off, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken to prevent rolling. The operating controls shall be designed to automatically return to a neutral position or be equipped with a deadman control.

(7) A trolley wire shall be protected from contact by employees. Energized rails shall not be used except when used as a ground return for a trolley wire.

(8) Backstops or automatic braking shall be installed on an inclined conveyor to prevent the conveyor from running out of control and creating a hazard for the employee.

(9) An employee shall not ride a power-driven chain, belt, or bucket conveyor, or a dipper, shovel bucket, forks, clamshell, bed of a dump truck, or on haulage equipment not specifically designed or adapted for transporting employees.

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(10) When dumping cars by hand, the car dumps shall be provided with tie-down chains or bumper blocks to prevent the cars from overturning.

(11) A rocker bottom or bottom-dump car shall be equipped with positive locking devices.

(12) Equipment which is to be hauled shall be loaded or protected so as to prevent sliding or spillage.

(13) Parked rail haulage equipment shall be chocked or chained when subject to accidental movement.

(14) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel or overturning at dumping locations and, where necessary, at track dead ends.

(15) Supplies, materials, and tools, other than small hand tools, shall not be transported with employees in the same car or on top of a locomotive.

(16) A refuge station shall be provided at not more than every 300 feet where a clearance of 2 feet from moving equipment cannot be provided for employees unless the employees are prohibited from walking the haulage route during movement of a haulage train along the route.

(17) A train used on an incline which would cause the cars to run out of control shall, in addition to couplings, have safety chains, or the equivalent, to connect the cars and the power haulage equipment in a train.

(18) When an employee is being transported in a train, the operator shall have clear vision beyond the forward end of the train for safe operation.

History: 1954 ACS 97, p. 79, Eff. Nov. 22, 1978.

R 408.41476 Stationary hoists generally.

Rule 1476. (1) Upon installation, and weekly thereafter, each stationary hoist assembly shall be checked to assure proper operation and condition of all components. A trial run of the cage or skip shall be made when it has been out of service for 1 complete shift or longer.

(2) The employer shall designate a qualified employee who shall visually inspect all machinery, equipment, anchorages, and hoisting rope at the beginning of each shift, and during use as necessary, to make sure it is in safe operating condition.

(3) All unsafe conditions revealed by tests, checks, or inspections shall be corrected before use of the equipment.

(4) An employee shall not be permitted to ride on a material hoist, unless the hoist meets the requirements of R 408.41478(1) of this part.

(5) Before maintenance, repairs, or other work is commenced in the shaft served by a hoist, the operator shall be informed. A notice shall be installed at the top of the shaft and at the operator controls stating that work is being done in the shaft.

(6) Employees at the bottom of an excavated shaft shall be protected from the movement of equipment, tools, or materials overhead, or the shaft shall be vacated during the operations that may be hazardous to persons below.

(7) When an employee is raised or lowered in a shaft, all other hoisting operations in the shaft shall be stopped until the employee has disembarked at the bottom or top of the shaft.

(8) When a stationary hoist is being used the drum-operating lever shall be of a type that returns automatically to the "stop" position when the operator's hand is removed unless, as a substitute, the throttle that controls the drum speed automatically stops the drum and slows the engine to idling speed when the throttle is released.

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(9) Only wire rope shall be used for hoisting, and it shall be properly secured at both drum and cage or skip ends. When in use, not less than 2 full turns shall remain on the conventional drum hoist so as to protect the end fastening at the drum from an overload.

(10) Wire rope shall not be used when any of the following conditions exist:

(a) Six randomly distributed broken wires in 1 rope lay, 3 broken wires in 1 strand in 1 lay, or 1 valley break. A valley break is a wire break occurring between 2 adjacent strands.

(b) Abrasion, scrubbing, flattening, peening, or any severe change causing loss of more than ⅓ of the original diameter of the outside wires in any given area.

(c) Evidence of any heat damage, or any damage caused by contact with electrical wires, or marked corrosion of the rope.

(d) Reduction from nominal diameter of more than $\frac{3}{64}$ inch for diameters up to and including ¾ inch; $\frac{1}{16}$ inch for diameters ⅞ to 1⅛ inches; and $\frac{3}{32}$ inch for diameters 1¼ to 1½ inches.

(11) A wire rope used for hoisting shall be continuous without knot or splice. The hoisting rope shall not be placed around the load.

(12) The connection between the hoisting rope and the cage or skip shall be of a type to prevent the cage from spinning.

(13) All hoists shall be equipped with a landing level indicator at the operator's station.

History: 1954 ACS 97, p. 80, Eff. Nov. 22, 1978.

R 408.41477 Stationary material hoists.

Rule 1477. (1) A hoist used for raising or lowering materials in a shaft shall have a minimum factor of safety of 5, shall be designed and rated by an engineer competent in this field, and shall be constructed in accordance with such design. This design shall incorporate provisions so the hoist cannot exceed the maximum rated speed.

(2) The rated capacity of the hoist shall be posted at all working levels.

(3) Each hoist assembly shall be load tested to 200% of its rated capacity upon installation, after any repairs or alterations affecting its structural integrity or operation of safety devices, and every 6 months during use. A written record of each test shall be maintained for the duration of the project and shall be made available for inspection by authorized representatives of the director.

(4) Hoist equipment and the operator shall be protected from inclement weather by a hoist house with a comfortable temperature maintained.

(5) Where glass is used in hoist house windows, the glass shall be of safety glass or equivalent.

(6) Hoist controls shall be located in such an arrangement to make them operable from a single position of the operator.

(7) Controls for powered hoists shall be of the deadman-type with a non-locking switch or control.

(8) A device to shut off the power shall be installed ahead of the operating control.

(9) A hoist machine with cast metal parts shall be limited to 2,000 pounds single line pull.

(10) All hoists shall be equipped with landing level indicators at the operator's station.

History: 1954 ACS 97, p. 80, Eff. Nov. 22, 1978.

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R 408.41478 Personnel hoists.

Rule 1478. Raising or lowering of an employee in a tunnel shaft or caisson shall be by use of a personnel hoist which conforms to Act No. 227 of the Public Acts of 1967, being §§408.801 to 408.824 of the Michigan Compiled Laws, and the rules of the department of labor relating to elevators, being R 408.8511 to R 408.8524 of the Michigan Administrative Code. During the excavation of a shaft or caisson, an employee may be raised or lowered in personnel carrier by a crane, provided the carrier meets the following criteria:

(a) Immediately before using a crane on a tunnel project to raise or lower a personnel carrier, the employer shall inspect the crane and wire rope to assure compliance with Part 10. Lifting and Digging Equipment, being R 408.41001 et seq. of the Michigan Administrative Code.

(b) The power-down feature on a crane shall be used to lower a personnel carrier in a shaft.

(c) The carrier shall be of steel construction designed to support not less than 5 times the maximum intended load.

(d) The sides of the carrier shall have a standard railing and toeboard installed as prescribed in Part 21. Guardrails, Runways, Ramps, and Stairways, being R 408.42101 et seq. of the Michigan Administrative Code. A gate or door, if used, shall be provided with a positive locking device.

(e) The floor of the carrier shall be bolted or welded to insure against displacement.

(f) The carrier shall have a 4-point suspension system with each suspender attached separately to the main connector, such as a ring.

(g) The connection of the carrier suspension system to the loadline of the crane shall be by a positive, closed, swivel-type connector, not including a safety hook.

(h) Before the carrier is used on a project, it shall be tested for 2 times the maximum intended load.

(i) Hand signals shall be used as prescribed in Part 10. Lifting and Digging Equipment, being R 408.41001 et seq. of the Michigan Administrative Code.

(j) Materials and equipment shall not be permitted on the carrier when it is occupied by an employee.

History: 1954 ACS 97, p. 81, Eff. Nov. 22, 1978.

R 408.41479 Flooding; safety screens; runways.

Rule 1479. Where there is a danger of rapid flooding in a tunnel whose bore is 16 feet or more in diameter, the following shall be provided:

(a) A runway from the face to the bulkhead as high in the tunnel as practicable to maintain not less than a 6-foot vertical clearance from the surface of the runway upward to the surface of the tunnel.

(b) The runway shall be constructed of noncombustible material, with a standard railing installed securely through the length as prescribed in the construction safety standards commission standard, Part 21. Guardrails, Ramps, Runways, and Stairways, being R 408.42101 et seq. of the Michigan Administrative Code. Where the runway is ramped under a safety screen, the surface shall be slip-resistant by use of cleats or other equivalent means.

(c) Metal safety screens installed with the bottom of the screen 4 feet above the surface of the runway. The first screen shall be located not less than 400 feet from the face.

History: 1954 ACS 97, p. 81, Eff. Nov. 22, 1978.

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COFFERDAMS AND CAISSONS

R 408.41481 Cofferdams.

Rule 1481. (1) A cofferdam shall be designed by an engineer competent in this field, and shall be constructed and maintained in accordance with such design.

(2) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.

(3) Warning signals for evacuation of employees in case of an emergency shall be developed and posted.

(4) A cofferdam shall have not less than 2 means of egress. Runways, bridges, or ramps shall be provided with guardrails as specified in the construction safety standards commission standard, Part 21. Guardrails, Ramps, Runways, and Stairways, being R 408.42101 et seq. of the Michigan Administrative Code.

(5) Where cofferdams are located close to navigable shipping channels, warning devices shall be provided which are visible to vessels in transit.

History: 1954 ACS 97, p. 82, Eff. Nov. 22, 1978.

R 408.41482 Caissons.

Rule 1482. (1) A caisson used under pressure shall be subjected to a hydrostatic test equal to 200% of the working pressure prior to use on a job, at which pressure it shall be tight. The caisson shall be stamped on the outside shell about 12 inches from each flange to show the pressure to which it has been subjected.

(2) A caisson shall be provided, where space permits, with a stairway for its entire height, including landing platforms not more than 20 feet apart. Where this is impracticable, a ladder shall be installed with landing platform located not more than 20 feet apart to break the climb.

(3) Whenever an excavation extends more than 5 feet below a caisson, a support system shall be erected around the perimeter surface of the excavation to protect an employee working therein.

History: 1954 ACS 97, p. 82, Eff Nov. 22, 1978.

PART 16. POWER TRANSMISSION AND DISTRIBUTION

R 408.41601 Adoption of federal O.S.H.A. standard.

Rule 1601. (1) Sections 1926.950 to 1926.960 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrule (2) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan. 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Paragraphs (e) and (h) of 29 C.F.R. §1926.950 are excepted. These paragraphs have been adopted by the Michigan department of public health and appear in that department's publication entitled "Occupational Health Standards for Construction" as rule 6310. As of the effective date of this part, §§1926.104, 1926.105, and 1926.106, referenced in 29 C.F.R. §1926.950, mean part 6; §1926.302, referenced in 29 C.F.R. §1926.950, means part 19; and subpart V, referenced in 29 C.F.R. §1926.950, means part 16 of the rules of the construction safety standards commission.

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(3) As of the effective date of this part, §1926.104, referenced in 29 C.F.R. §1926.951, means part 6; and §§1926.300 and 1926.302, referenced in 29 C.F.R. §1926.951, mean part 19 of the rules of the construction safety standards commission.

(4) As of the effective date of this part, subpart N, §§1926.550 and 1926.556, referenced in 29 C.F.R. §1926.952, mean part 10; and subpart O, referenced in 29 C.F.R. §1926.952, means part 13 of the rules of the construction safety standards commission.

(5) As of the effective date of this part, §1926.152, referenced in 29 C.F.R. §1926.953, means part 18 of the rules of the construction safety standards commission.

(6) As of the effective date of this part, §§1926.200, 1926.251, and 1926.652, referenced in 29 C.F.R. §1926.955, mean parts 21, 8, and 9, respectively, of the rules of the construction safety standards commission.

(7) As of the effective date of this part, §§1926.651 and 1926.652. referenced in 29 C.F.R. §1926.956, mean part 9 of the rules of the construction safety standards commission.

(8) As of the effective date of this part, §1926.200, referenced in 29 C.F.R. §1926.957, means part 21 of the rules of the construction safety standards commission.

(9) As of the effective date of this part, subpart N and §1926.551, referenced in 29 C.F.R. §1926.958, mean part 10 of the rules of the construction safety standards commission.

(10) Sections 1926.952 and 1926.953 of the O.S.H.A. safety and health regulations for construction, being 29 C.F.R. §§1926.952 and 1926.953, as incorporated by reference pursuant to section 14(1) of Act No. 154 of the Public Acts of 1974, being §408.1014(1) of the Michigan Compiled Laws, are hereby rescinded, as authorized by section 14(1).

History: 1954 ACS 82, p. 136, Eff. Dec. 21, 1974; 1954 ACS 88, p. 114, Eff. Sept. 16, 1976.

R 408.41602—R 408.41624 Rescinded.

History: 1954 ACS 82, pp. 136-141, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 115, Eff. Sept. 16, 1976.

PART 17. ELECTRICAL INSTALLATIONS

R 408.41701 Scope.

Rule 1701. This part applies to the installation and use of temporary and permanent electrical systems for construction operations.

History: 1954 ACS 78, p. 80, Eff. Mar. 2, 1974; 1954 ACS 88, p. 115, Eff. Sept. 16, 1976; 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41702 Rescission.

Rule 1702. Part 17 of the construction safety commission standards, being R 408.2701 to R 408.2712 and appearing on pages 3329 to 3331 of the 1964-65 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 82, Eff. Mar. 2, 1974.

Editor's note: This rule was formerly numbered R 408.41717, but has been renumbered R 408.41702 to avoid a conflict with another rule numbered R 408.41717. Former R 408.41702, deriving from 1954 ACS 78, p. 82, was rescinded by 1954 ACS 88, p. 115.

R 408.41703—R 408.41716 Rescinded.

History: 1954 ACS 78, pp. 80-82, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 115, Eff. Sept. 16, 1976.

R 408.41717 Definitions; A to C.

Rule 1717. (1) "Approved label" means a label or other identifying mark of a nationally recognized testing laboratory.

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(2) "Bonding" means the joining of metallic parts by pressure, fusing, or mechanical means to form an electrically conductive path which assures electric continuity and the capacity to conduct safely any current likely to be imposed.

(3) "Branch circuit" means that portion of a wiring system extending beyond the final overload device and protecting the circuit and the outlets.

(4) "Circuit breaker" means a device designed to open and close a circuit by manual means and to open a circuit automatically on a predetermined overload of current, without injury to itself, within the rating of the circuit breaker.

(5) "Competent person" means an employer or employee who is capable of identifying an existing or predictable hazard in surroundings or under working conditions which are hazardous or dangerous to an employee, and who has the authority and knowledge to take prompt corrective measures to eliminate the hazards.

History: 1954 ACS 78, p. 82, Eff. Mar. 2, 1974; 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41718 Definitions; G to W.

Rule 1718. (1) "Ground" means a conducting connection between an electrical circuit or equipment and earth or a conducting body which serves in place of the earth.

(2) "Isolated" means not readily accessible to an employee unless special means of access are used.

(3) "Qualified employee" means an employee who has the training, experience, and technical knowledge necessary to install wiring and equipment in accordance with the standard rules and regulations governing such work.

(4) "Weatherproof" means so constructed or protected that exposure to the weather does not interfere with successful operation.

History: 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41719 Adoption by reference.

Rule 1719. (1) Electrical wiring, apparatus, and equipment shall be manufactured, installed, and maintained as prescribed in the N.F.P.A. standard, No. 70-1975, national electrical code, which is incorporated herein by reference and which is available for inspection at the Lansing office of the Michigan department of labor. This code may be purchased at a cost of $5.50 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) Section 210-8 of the code incorporated by reference in subrule (1) is excepted. In lieu of this section, the employer shall conform to 1 of the following:

(a) Install ground-fault circuit interrupters as prescribed in R 408.41721.

(b) Establish and implement an assured equipment grounding conductor program as prescribed in R 408.41722.

History: 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41721 Ground fault circuit interrupters.

Rule 1721. All 120-volt, single-phase 15 and 20 ampere receptacle outlets used for construction operations, which are not a part of the permanent wiring of the building or structure and which are in use by an employee, shall have approved ground fault circuit interrupters for personnel protection. A receptacle on a 2-wire, single-phase portable or vehicle mounted generator rated at not more than 5 kilowatt, where the circuit conductors of the generator are insulated from the

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generator frame and all other grounded surfaces, need not be protected with ground fault interrupters.

History: 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41722 Assured equipment grounding conductor program.

Rule 1722. (1) The employer shall establish and implement an assured equipment grounding conductor program for construction operations. The program shall cover all extension cords, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug which are available for use or used by employees.

(2) This program shall comply with the following minimum requirements:

(a) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director, department representative, and any affected employee.

(b) The employer shall designate 1 or more competent persons to implement the program.

(c) Each extension cord, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except extension cords and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indications of possible internal damage. Equipment found damaged or defective shall not be used until repaired.

(d) The following tests shall be performed on all extension cords, receptacles which are not a part of the permanent wiring of the building or structure, and cord and plug connected equipment required to be grounded:

(i) All equipment grounding conductors shall be tested for electrical continuity.

(ii) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(e) All required tests shall be performed at the following time:

(i) Before first use.

(ii) Before equipment is returned to service following any repairs.

(iii) Before equipment is used after any incident which can be reasonably suspected to have caused damage, for example, when an extension cord is run over.

(iv) At intervals not exceeding 3 months, except that extension cords and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(f) The employer shall not make available, or permit the use by employees of, any equipment which does not meet the requirements of this rule.

(g) Tests performed as required in this rule shall be recorded. The test record shall identify each receptacle, extension cord, and cord and plug connected equipment that passed the test, and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available at the jobsite for inspection by the director, department representative, and any affected employee.

History: 1954 ACS 95, p. 73, Eff. June 1, 1978.

R 408.41723 Employer responsibility.

Rule 1723. (1) An employer shall assure that an employee does not engage in the installation activities to which this part applies unless the employee is a licensed electrician, or the employee is working with, or under the supervision of,

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a licensed electrician. A qualified employee is not required to be licensed when working on utility installation or maintenance such as, but not limited to, substations, switch yards, and street or highway lighting.

(2) The employer shall insure that all live parts of electrical equipment operating at 50 volts or more are properly guarded against accidental contact.

(3) The employer shall do all of the following:

(a) Limit access to energized electrical equipment such as, but not limited to, switch gear, transformers, and service panels, to qualified employees.

(b) Provide, and insure the proper use of, an accident prevention sign on electric apparatus, equipment, and enclosures. The voltage shall be indicated.

(c) Provide a conductor of an ampacity of not less than the rating of the circuit breaker or fuses protecting that circuit.

(d) Insure that a bare conductor or earth return is not used for any temporary circuit.

(e) Insure that all electrical wiring is protected from physical damage.

History: 1954 ACS 95, p. 74, Eff. June 1, 1978.

R 408.41724 Electrical installations.

Rule 1724. (1) Electrical apparatus and equipment used for construction operations shall bear an approved label or marking.

(2) Before work begins, a competent person shall ascertain by inquiry, observation, or instruments whether any part of an electric power circuit, exposed or concealed, is so located that, in performance of the work, contact by an employee, tool, or equipment can be made with the circuit.

(3) Any employee shall not be permitted to be in proximity to any part of an electric power circuit that he may contact unless the employee is protected against electric shock by de-energizing the circuit and locking out and tagging it, or unless the employee working on an energized circuit is guarded by insulation, insulated tools, or insulating matting or blankets sufficient to protect against the voltage involved.

(4) Where an electrical power circuit exists that can be contacted by an employee, the employer shall do both of the following:

(a) Post and maintain accident prevention signs prescribed in Part 22. Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. of the Michigan Administrative Code.

(b) Advise the employee of the location of the lines, hazard involved, and protective measures taken or to be taken.

(5) When an employee is using a jack hammer, bar, or other tool which could come in contact with an underground line, the energy source shall be de-energized.

(6) A work space of not less than 3 feet wide and 6½ feet high, in addition to space necessary to open equipment doors not less than 90 degrees, shall be provided and maintained in the area of electrical equipment.

(7) Barriers or other means shall be provided to ensure that the work space for electrical equipment is not used as a passageway during periods when energized parts of electrical equipment are exposed.

History: 1954 ACS 95, p. 75, Eff. June 1, 1978.

R 408.41725 Wiring; attachment plug receptacles; extension and trailing cords; handlamps; portable electric tools used in wet environment; connector supplying equipment at more than 300 volts.

Rule 1725. (1) When electrical wiring is used in a tank or other confined space, a properly identified disconnect switch shall be provided at the entrance.

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(2) A receptacle for an attachment plug shall meet all of the following requirements:

(a) Be of the concealed contact type.

(b) Have a contact for extending ground continuity.

(c) Be designed and constructed so that the plug may be removed without leaving any live parts exposed to contact.

(d) Not be capable of receiving attachment plugs for a voltage, frequency, or type of current different from that for which the receptacle is intended, nor shall a plug of a different style be forced into a receptacle.

(3) An extension cord used with a portable electric tool or appliance shall be a 3-wire type.

(4) Extension cords and trailing cords shall be equipped with a plug cap which is either molded to the cord or equipped with a cord clamp to prevent strain on the terminal screws.

(5) Conductors supplying temporary wiring shall be the minimum protective qualities of type NM wire for use indoors, or type UF wire for use outdoors.

(6) A brass shell, paper lined lamp holder and a pin-type lamp holder which damages the insulation shall not be used.

(7) Wiring for temporary lighting in excess of 12 volts used on barricades, fences, and sidewalk coverings shall be protected against abrasion or accidental damage to the insulation.

(8) Trailing cords and extension cords shall:

(a) Be protected against damage.

(b) Hung in a manner which does not damage the covering.

(c) Retain their insulating value and dielectric and physical strength when spliced.

(d) Be insulated to prevent shock or shorts.

(e) Have a plug body or receptacle which is either molded to the cord or is equipped with a cord clamp to prevent strain on the terminal screws, or a receptacle installed in a steel box with a cover and cord clamp.

(9) A portable handlamp shall be made of molded composition or other approved material and shall have a molded handle with bulb guard attached to it.

(10) A portable light used in moist or other hazardous areas, such as a drum, tank, or vessel, shall be operated at a maximum of 12 volts, or shall be protected by an approved ground fault interrupter.

(11) A portable electric tool used in a wet atmosphere or environment shall be protected by an approved ground fault interrupter.

(12) An attachment plug or other connector supplying equipment at more than 300 volts shall be of the skirted type or shall be otherwise designed to confine any arcs.

History: 1954 ACS 95, p. 75, Eff. June 1, 1978.

R 408.41726 Exposure to energized conductors or switch gear of 440 volts between phases.

Rule 1726. Where the work requires exposure to, or handling of, energized conductors or switch gear of 440 volts or more between phases, 2 or more qualified employees shall work together.

History: 1954 ACS 95, p. 76, Eff. June 1, 1978.

R 408.41727 Switches, circuit breakers, disconnectors, transformers, and boxes.

Rule 1727. (1) Each switch, circuit breaker, and disconnector shall meet all of the following requirements:

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(a) Be marked to indicate its purpose unless it is so located that the purpose is evident and it is secured against displacement.

(b) Be of the weatherproof type where damp or wet conditions exist.

(2) A box for disconnecting means shall have dead fronts or covers, which shall be kept in place or closed when the panel is energized, or the requirements of R 408.41723 and R 408.41724 shall be complied with.

(3) An arc shield shall be provided on a disconnect of 60 ampere capacity or larger.

(4) A disconnecting means shall be provided to disconnect all energized conductors in a building or structure from the service entrance conductors.

(5) An energized transformer and other related energized equipment over 150 volts to ground shall be protected to prevent accidental contact. The protection shall be an individual housing or an electrical substation fence. A metallic enclosure shall be grounded. Access to this equipment shall require a key or tool. A transformer mounted on a utility pole at a height of more than 12 feet is excepted from the requirements of this subrule.

History: 1954 ACS 95, p. 76, Eff. June 1, 1978.

R 408.41728 Grounding and bonding.

Rule 1728. (1) Except when an approved ground fault interrupter is provided, exposed noncurrent carrying conductive parts of portable and fixed electrical equipment, including, but not limited to, motors, frames, and tracks of electrically operated cranes and electrically driven machinery shall be grounded. A grounding circuit shall be continuous, be capable of carrying the current imposed on it, and have a resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(2) Driven rod electrodes, either singly or connected, shall have a resistance to ground of not more than 25 ohms.

(3) Conductors used for bonding shall be capable of carrying the imposed current. The bonding clamps shall have a secure and positive metal to metal contact.

(4) When it is necessary to protect an employee from ground potential while he is working in proximity to energized primary equipment, such as is encountered in substations and power plants, the employee shall be isolated or insulated from the hazard.

History: 1954 ACS 95, p. 76, Eff. June 1, 1978.

R 408.41729 Temporary lighting.

Rule 1729. (1) A temporary light shall be equipped with a guard to prevent accidental contact with the bulb, except that a guard is not required when the bulb is fully recessed in the reflector.

(2) A temporary light shall not be suspended by the electric cord unless the cord and light is designed for suspension.

History: 1954 ACS 95, p. 76, Eff. June 1, 1978.

R 408.41730 Circuit protection.

Rule 1730. (1) Circuit protection shall be provided by fuses or circuit breakers for each feeder and branch circuit and shall be based on the current carrying capacity of the conductors and power load.

(2) A fuse puller shall be used to install or remove a cartridge fuse when 1 or more terminals are energized.

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(3) A circuit protection device shall not be placed in a grounded circuit except where the device simultaneously opens both the ground and energized circuit.

(4) Circuit protection in existing installations shall not be changed to increase the load in excess of the load rating of the conductor or equipment.

History: 1954 ACS 95, p. 76, Eff. June 1, 1978.

R 408.41731 Location and protection of electric lines.

Rule 1731. (1) Electric lines crossing work areas, employee foot or vehicular traffic aisles, shall be fastened overhead or protected by a cover capable of withstanding the imposed loads without creating a tripping hazard.

(2) All wiring installed above grade and used for construction operations shall be maintained at a height which provides safe clearance for all work operations.

History: 1954 ACS 95, p. 77, Eff. June 1, 1978.

R 408.41732 Electrical equipment used in hazardous locations.

Rule 1732. (1) Electrical components and equipment used in a hazardous location shall have an approved label for the specific hazardous location.

(2) All screws, gaskets, and threaded connections shall maintain a vapor tight, dust tight, or fiber tight condition as required by the type of hazard class.

History: 1954 ACS 95, p. 77, Eff. June 1, 1978.

R 408.41733 Battery room; safety equipment; charging battery.

Rule 1733. (1) When a battery room is used in conjunction with construction operations it shall meet all of the following requirements:

(a) Be equipped with an exhaust system arranged to remove fumes and gases from any ignition source.

(b) Have floor and racks protected from battery acid.

(c) Have a means of flushing the eyes and body of an employee provided within 25 feet of a battery room.

(d) Have facilities provided for flushing and neutralizing spilled electrolyte.

(e) Have fire protection as required by Part 18. Fire Protection and Prevention, being R 408.41801 et seq. of the Michigan Administrative Code.

(f) Provide protection of charging apparatus from damage by trucks.

(g) Be located in an area designated for that purpose.

(2) An employer shall provide and require the use of safety glasses, face shield, rubber gloves, and aprons by an employee handling acids and batteries.

(3) When charging a battery, the vent caps shall be kept in place and maintained operable.

History: 1954 ACS 95, p. 77, Eff. June 1, 1978.

R 408.41734 Inspection and repair of electrical equipment.

Rule 1734. (1) Electrical equipment shall be inspected periodically. The inspection shall be made at reasonable intervals according to the equipment use and the severity of conditions under which it is used. Worn and frayed cable shall not be used.

(2) Repairs of electrical equipment shall be made by a licensed electrician or an employee supervised by a licensed electrician except as provided in R 408.41723(1).

History: 1954 ACS 95, p. 77, Eff. June 1, 1978.

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PART 18. FIRE PROTECTION AND PREVENTION

R 408.41801 Adoption of federal O.S.H.A. standard.

Rule 1801. (1) Section 1926.24 and §§1926.150 to 1926.155 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrule (5) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) As of the effective date of this part, subpart F, referenced in 29 C.F.R. §1926.24, means part 18 of the rules of the construction safety standards commission.

(3) As of the effective date of this part, subpart K, referenced in 29 C.F.R. §1926.151, means part 17 of the rules of the construction safety standards commission.

(4) As of the effective date of this part, §1926.404, referenced in 29 C.F.R. §1926.152, means part 17 of the rules of the construction safety standards commission.

(5) Paragraph (a) of 29 C.F.R. §1926.154 is excepted. This paragraph has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" as O.H. rule 6310.

History: 1954 ACS 78, p. 82, Eff. Mar. 2, 1974; 1954 ACS 88, p. 115, Eff. Sept. 16, 1976.

R 408.41802—R 408.41834 Rescinded.

History: 1954 ACS 78, pp. 82-89, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41835 Rescission.

Rule 1835. Part 18 of the construction safety commission standards, being R 408.2801 and R 408.2802 and appearing on page 3331 of the 1964-65 Annual Supplement to the Code and page 5183 of the 1969 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 90, Eff. Mar. 2, 1974.

PART 19. TOOLS

R 408.41901 Scope.

Rule 1901. This part pertains to the manufacture, care, and use of tools for construction operations.

History: 1954 ACS 78, p. 90, Eff. Mar. 2, 1974; 1954 ACS 88, p. 116, Eff. Sept. 16, 1976; 1954 ACS 99, p. 132, Eff. Apr. 12, 1979.

R 408.41902 Rescinded.

History: 1954 ACS 78, p. 90, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41903 Rescinded.

History: 1954 ACS 78, p. 90, Eff. Mar. 2, 1974; 1954 ACS 82, p. 143, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

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R 408.41904 Rescinded.

History: 1954 ACS 78, p. 90, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41905 Rescinded.

History: 1954 ACS 78, p. 91, Eff. Mar. 2, 1974; 1954 ACS 82, p. 143, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41906—R 408.41922 Rescinded.

History: 1954 ACS 78, pp. 91-97, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41923 Rescinded.

History: 1954 ACS 78, p. 97, Eff. Mar. 2, 1974; 1954 ACS 82, p. 143, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41924 Rescinded.

History: 1954 ACS 78, p. 97, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41925 Rescinded.

History: 1954 ACS 78, p. 97, Eff. Mar. 2, 1974; 1954 ACS 82, p. 144, Eff. Dec. 21, 1974; rescinded 1954 ACS 88, p. 116, Eff. Sept. 16, 1976.

R 408.41926 Definitions; A to D.

Rule 1926. (1) "Abrasive wheel" means a cutting tool consisting of abrasive grains held together by a bonding material.

(2) "Approved tool" means a tool meeting the requirements for specific operations as prescribed in this part.

(3) "Band saw" means a machine equipped with 2 wheels on which a continuous band blade rides.

(4) "Chamber" means to fit without use of force.

(5) "Circular table saw" means a machine with a circular blade and with a table to support the material and used for ripping, crosscutting, dadoing, and rabbeting.

(6) "Combination or universal machine" means a machine combining several operations including, but not limited to, sawing, jointing, and drilling.

(7) "Cutter head" means a powered holder for a cutting blade.

History: 1954 ACS 99, p. 132, Eff. Apr. 12, 1979.

R 408.41927 Definitions; G to M.

Rule 1927. (1) "Grounded" means grounding as required by rule 1728 of Part 17. Electrical Installations, being R 408.41728 of the Michigan Administrative Code.

(2) "Hammer-actuated piston tool" means a low velocity, powder-actuated device that, when struck by a heavy hammer and supplemented by a power load, moves a captive piston to drive a fastener into a material.

(3) "Hand tool" means an instrument used or worked by hand.

(4) "Hand-held circular saw" means a hand-held machine with a circular blade used for crosscutting and ripping.

(5) "Jack" means a device for lifting and lowering a load or moving it horizontally by application of a pushing force.

(6) "Jointer" means a machine with a revolving cutter head set into an adjustable table over which the material is moved across the cutter head.

(7) "Minimum clear hot stick distance" means the distance from an energized conductor or equipment to the closest hand of the employee holding the hot stick.

History: 1954 ACS 99, p. 132, Eff. Apr. 12, 1979.

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R 408.41928 Definitions; P.

Rule 1928. (1) "Portable powered stapler and nailer" means a tool that drives a staple or nail by mechanical, pneumatic, or electrical power into a work place, but not a general office stapler.

(2) "Portable powered tool" means a machine or instrument carried or moved by hand and powered by something other than the hand.

(3) "Powder-actuated tool" means a device that makes instantaneous forced-entry fastenings into construction materials by use of a fastener and an explosive load.

(4) "Power load" means a substance capable of producing a propellant force in a powder-actuated tool.

(5) "Protective shield" means a device or guard attached to the muzzle end of a powder-actuated tool to confine flying particles.

(6) "Push block" means a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end, and used for pushing stock over revolving cutters.

(7) "Push stick" means a narrow strip of wood or other soft material, with a notch or sharp point on 1 end, which is used to push material through the point of operation of a cutting tool.

History: 1954 ACS 99, p. 132, Eff. Apr. 12, 1979.

R 408.41929 Definitions; Q to T.

Rule 1929. (1) "Qualified operator" means an employee holding a valid operator's card issued pursuant to R 408.41942 for the operation of powder-actuated tools.

(2) "Radial saw" means a machine with a circular blade suspended from a horizontal arm.

(3) "Rating" means the maximum working load that an object is designed to handle under given circumstances.

(4) "Stationary machine tool" means a machine that is set up on a construction project in a temporary, stationary position.

(5) "Tool" means a machine, instrument, or device covered by this part.

History: 1954 ACS 99, p. 133, Eff. Apr. 12, 1979.

R 408.41931 Employer and employees; responsibilities.

Rule 1931. (1) An employer shall do all of the following:

(a) Ensure that an employee has been trained in the use of tools before authorizing their use.

(b) Maintain, or require to be maintained, tools free of defects that could cause injury to an employee.

(2) An employee shall do all of the following:

(a) Use personal protective equipment as prescribed by Part 6. Personal Protective Equipment, being R 408.40601 et seq. of the Michigan Administrative Code.

(b) Report defective tools to the employer.

(c) Not use a tool for other than its designed or approved use.

History: 1954 ACS 99, p. 133, Eff. Apr. 12, 1979.

R 408.41932 Tools generally.

Rule 1932. (1) Regardless of ownership, a tool or part of a tool with a defect that could cause an injury shall be repaired or replaced before use.

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(2) When a guard is provided on a tool, it shall not be made inoperative. It may be removed only for repair, service, or setup, and it shall be replaced before the tool is returned to use.

(3) All means of power transmission, reciprocating, and rotating parts of a tool, such as belts, gears, sprockets, shafts, pulleys, and chains shall be guarded if exposed to contact, as prescribed in the general industry safety standards commission standard, Part 7. Guards for Power Transmission, being R 408.10701 et seq. of the Michigan Administrative Code, which is incorporated herein by reference and may be obtained from the construction safety division of the department of labor.

(4) Hand or portable powered tools shall not be left on a scaffold, ladder, or work platform after the completion of the work operation or day. Before the scaffold, ladder, or work platform is moved, all tools shall be removed or properly secured against displacement.

(5) Racks, bins, or tool chests shall be provided for the storage of tools, and any sharp or pointed edges shall be arranged so as not to create a hazard.

(6) A tool shall be visually inspected by the user for safe operation before each daily use, and when found defective, it shall be removed from service and tagged. The tag shall be as prescribed in rule 2231 of the construction safety standards commission standard, Part 22. Signals, Signs, Tags, and Barricades, being R 408.42231 of the Michigan Administrative Code.

(7) A tool used in a potentially explosive atmosphere shall be designed and approved for this atmosphere.

History: 1954 ACS 99, p. 133, Eff. Apr. 12, 1979.

R 408.41933 Portable powered tools; controls.

Rule 1933. (1) A hand-held powered circular saw having a blade diameter of more than 2 inches; an electric, hydraulic, or pneumatic chain saw; and a percussion tool without positive accessory holding means shall be equipped with a constant pressure switch or control that shuts off the power when the pressure is released. A gasoline-powered hand-operated tool shall be equipped with a constant pressure throttle control. A throttle position lock may be provided for starting only.

(2) A hand-held powered drill, tapper, fastener driver, grinder with a wheel more than 2 inches in diameter, disc sander, with a disc more than 2 inches in diameter, belt sander, reciprocating saw, saber saw, scroll saw, and jig saw with a blade shank more than a nominal ¼ inch, and similarly operating power tools shall be equipped with a constant pressure switch or control and may have a lock-on control if turn off can be accomplished by a single motion of the same finger or fingers that turn it on without release of the grip on the tool. A drill of more than ⅜ inch capacity shall not be equipped with the lock-on control.

(3) Other hand-held powered tools, such as, but not limited to, a platen sander, grinder with a wheel 2 inches or less in diameter, disc sander with discs 2 inches or less in diameter, router, planer, laminate trimmer, nibbler, shear, saber saw, scroll saw, and jig saw, with blade shank of nominal ¼ inch or less may be equipped with either a positive on-off control or other control prescribed in subrules (1) and (2) of this rule.

(4) The operating control on a hand-held power tool shall be located so as to prevent accidental operation, if such operation constitutes a hazard to an employee.

History: 1954 ACS 99, p. 134, Eff. Apr. 12, 1979.

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R 408.41934 Electric-powered tools.

Rule 1934. (1) An electric-powered tool, such as, but not limited to, a saw, drill motor, and router, shall have a ground fault circuit interrupter, or it shall be grounded. This subrule does not apply to a double-insulated electric power tool labeled with underwriters' laboratory or other nationally recognized testing laboratory approval for double-insulated tools.

(2) A portable, power-driven circular saw shall be equipped with a guard above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the saw is withdrawn from the work, the lower guard shall return automatically and instantly to the covering position.

(3) A cracked, bent, or damaged saw blade shall not be used.

(4) The bore of a saw blade shall be of proper size and shape to properly fit arbors or proper adapters.

(5) An electric-powered tool shall not be left running unattended.

(6) An extension cord to an electric-powered tool shall be located so as to minimize tripping hazards.

(7) The trailing cord of a portable powered tool shall not be used to hoist or lower the tool.

(8) A powered tool shall be disconnected from its power source when it is serviced or when the point of operation device is changed by a device or tool.

(9) When not grounded or double-insulated, an electrically powered hand tool used for the installation of power transmission and distribution systems shall be connected to the power supply by means of an isolating transformer or other isolated power supply.

History: 1954 ACS 99, p. 134, Eff. Apr. 12, 1979.

R 408.41935 Portable pneumatic-powered tools.

Rule 1935. (1) Pneumatic tools shall be kept in good operating condition and be thoroughly inspected at regular intervals. Particular attention shall be given to the control and exhaust valves, hose connections, and die and tool holders.

(2) A portable pneumatic grinder or drill shall be equipped with a means to maintain the speed at not more than the tool's rated speed.

(3) Safety clips or retainers shall be installed on pneumatic impact tools to prevent dies and tools from being accidentally expelled from the barrel.

(4) Pressure shall be shut off by means of a valve and exhausted from lines before disconnecting the lines from tools or connections, except when using a quick make-up coupling.

(5) Safety fasteners shall be provided at connections between tools and hose lines and at all quick make-up type connections to prevent accidental disengagement.

(6) The rated pressure capacity of hoses, pipes, filters, valves, and fittings shall be not less than the rated pressure capacity of the tool. The pneumatic tool and its accessories shall not be operated at a pressure greater than the rated capacity.

(7) Hoses shall not be laid over ladders, stairways, scaffolds, ramps, or runways in such a manner as to create a tripping hazard.

(8) A hose shall not be used for hoisting or lowering a pneumatic-powered tool.

(9) A pneumatic-powered tool having a hose with an inside diameter of more than ½ inch shall have a safety device at the source of supply or branch line to reduce the pressure in case of hose failure.

(10) An airless spray gun which atomizes paint and fluids at a pressure of more than 1,000 pounds per square inch shall be equipped with an automatic or visible

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manual safety device which prevents the pulling of the trigger to release the paint or fluid until the safety device is manually released.

(11) A line used to supply air to a pneumatic grinder shall be equipped with a moisture accumulator and oiler.

(12) A pneumatic tool used on or around electrically energized lines or equipment shall be grounded. Hoses used on or around electrically energized lines or equipment shall be manufactured of nonconductive material.

History: 1954 ACS 99, p. 134, Eff. Apr. 12, 1979.

R 408.41936 Cleaning with compressed air.

Rule 1936. (1) Compressed air shall not be used for blowing dirt or dust from the hands, face, or clothing.

(2) Air pressure at the discharge end of a portable air gun or hose used for cleaning shall not exceed 30 pounds per square inch gauge (p.s.i.g.), except the pressure may exceed 30 p.s.i.g. when sandblasting, cleaning concrete forms, or for joint cleaning. When air pressure exceeding 30 p.s.i.g. is used for concrete forms or joint cleaning, a pipe extension of not less than 4 feet shall be used at the end of the hose.

(3) When air under pressure is used to remove chips or dust, a chip guard such as a fixed or removable shield, safely located, shall be provided to protect the operator and any employee in an adjoining area.

(4) The employee using air under pressure shall use personal protective equipment to protect against hazards created by the operation.

History: 1954 ACS 99, p. 135, Eff. Apr. 12, 1979.

R 408.41937 Powered staplers and nailers.

Rule 1937. (1) A portable powered stapler or nailer capable of driving a fastener with a diameter more than .0475 inch, 18 gauge A.W.G., at more than 75 feet per second shall be designed so that the operator is required to make not less than 2 separate operations to activate the tool, with one operation being to place the tool against the work surface.

(2) The design shall prevent discharge of the stapler or nailer when loading or when dropped.

(3) A portable powered stapler or nailer shall not be pointed or discharged at other than the work piece.

(4) The operator of a portable powered stapler or nailer and those employees within the striking distance of its fastener shall wear eye protection as prescribed in rules 623 and 624 of Part 6. Personal Protective Equipment, being R 408.40623 and R 408.40624 of the Michigan Administrative Code.

(5) A positive actuation of the operator control shall be required to propel each fastener from a powered stapler or nailer.

(6) When relieving a jam-up of a fastening device, the source of power shall be disconnected.

(7) At the beginning of each shift, a portable powered stapler and nailer shall be tested for safe operation.

(8) A safety device or operating control shall not be made inoperative.

History: 1954 ACS 99, p. 135, Eff. Apr. 12, 1979.

R 408.41938 Hand tools.

Rule 1938. (1) A pipe, socket, end, or adjustable wrench or pliers having sprung or worn jaws that allow slippage shall not be used.

(2) Impact tools such as, but not limited to, a drift pin, chisel, wedge, or hammer, shall be kept free of mushroomed heads.

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(3) A wooden handle of a hand tool that is split, cracked, or splintered shall not be used.

(4) A measuring tape or device that is metal or contains conductive strands shall not be used when working on or near electrically energized parts.

History: 1954 ACS 99, p. 135, Eff. Apr. 12, 1979.

R 408.41941 Powder-actuated tool operators' qualifications.

Rule 1941. An operator of a powder-actuated tool shall be trained to clean the tool correctly and to recognize any worn or defective part or defective operation. The operator shall be able to use the powder-actuated tool safely under varying conditions, know the limitations of its use, and demonstrate competence by actually operating the tool in the presence of the persons who issue the operator's card. The operator shall be familiar with the provisions of these rules and the instructions provided by the manufacturer for operation and care of the powder-actuated tool to be operated, and be able to read the instructions.

History: 1954 ACS 99, p. 136, Eff. Apr. 12, 1979.

R 408.41942 Powder-actuated tool operators' cards.

Rule 1942. (1) An operator of a powder-actuated tool shall have an operator's card that should be in the operator's possession at all times while using the tool and be presented upon request or an employer may establish and maintain at the jobsite a list of employees qualified to operate a powder-actuated tool.

(2) Failure to comply with any of these rules is sufficient cause for the immediate surrender of an operator's card to the employer.

(3) The purpose of the card is to certify that the operator has completed the required training to become a qualified operator.

(4) The card should be of a size, approximately 2½ by 3½ inches, that readily fits into a wallet.

(5) The face of the card should include the following text and bear the signature of the issuer of the card, authorized as provided in subrule (8) of this rule:

QUALIFIED OPERATOR
POWDER-ACTUATED FASTENING TOOLS

DATE _____
SERIAL NUMBER _____
THIS CERTIFIES THAT (NAME OF OPERATOR) HAS RECEIVED THE PRESCRIBED TRAINING IN THE OPERATION OF POWDER-ACTUATED FASTENING TOOLS MANUFACTURED BY (NAME OF MANUFACTURER) _____
_____MODEL(S)_____
(AUTHORIZED ISSUER)_____
(SIGNATURE OF OPERATOR)_____

(6) A statement should be provided on the card as follows: "I have received instruction in the safe operation of powder-actuated fastening tools of the makes and models specified, and I agree to conform to the rules governing their use."

(7) A note should be printed on the card as follows: "Revocation of Card—Failure to comply with any rule for safe operation of powder-actuated fastening tools is sufficient cause for the immediate surrender of the card to the employer."

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(8) The manufacturer of a powder-actuated tool should establish an appropriate program to instruct its employees, dealers, and distributors in the proper technical training and testing of operators and the issuance of operators' cards. Operators' cards may be issued by either of the following:

(a) A dealer or distributor of powder-actuated tools, who has been authorized by the tool manufacturer to issue such cards.

(b) An authorized employee of a powder-actuated tool manufacturer.

History: 1954 ACS 99, p. 136, Eff. Apr. 12, 1979.

R 408.41943 Powder-actuated tool operation.

Rule 1943. (1) An operator and assistant using a powder-actuated tool shall be safeguarded by means of eye protection. Head and face protection shall be used, as required by working conditions and as set forth in rules 623 and 624 of Part 6. Personal Protective Equipment, being R 408.40623 and R 408.40624 of the Michigan Administrative Code.

(2) Before using a powder-actuated tool, the operator shall inspect it to determine to the operator's satisfaction that it is clean, that all moving parts operate freely, and that the barrel is free from obstructions. A tool found not to be in proper working order, or that develops a defect during use, shall be immediately removed from service and tagged, and not used until repaired. The tag shall be as prescribed in rule 2231 of the construction safety standards commission standard, Part 22. Signals, Signs, Tags, and Barricades, being R 408.42231 of the Michigan Administrative Code.

(3) A powder-actuated tool shall not be loaded until just prior to the intended firing time. An unattended powder-actuated tool shall not be left loaded.

(4) A powder-actuated tool shall not be left unattended in a place where it is available to unauthorized persons.

(5) Neither a loaded nor an empty powder-actuated tool shall be pointed at any employee, and hands should be kept clear of the open barrel end.

(6) A fastener shall not be driven:

(a) Through an existing hole, unless a positive guide is used to secure accurate alignment.

(b) Into a material which can be easily penetrated, unless the material is backed by a substance that will prevent the fastener from passing completely through and creating a flying missile hazard on the other side.

(c) Into a very hard or brittle material, such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick, or hollow tile, unless designed for such use. Before fastening any questionable material, the operator shall determine its suitability by using a fastening as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made pursuant to the tool manufacturer's recommendations.

(d) Directly into material, such as brick or concrete, closer than 3 inches from the unsupported edge or corner, or into a steel surface closer than ½ inch from the unsupported edge or corner, unless a special guard, fixture, or jig is used. As an exception, a low velocity powder-actuated tool may drive no closer than 2 inches from an edge in concrete or ¼ inch in steel. When fastening other material such as a 2-inch by 4-inch wood section to a concrete surface, a fastener of no greater than $\frac{7}{32}$ inch shank diameter may be driven not closer than 2 inches from the unsupported edge or corner of the work surface.

(7) A fastener shall not be driven into a spalled area caused by an unsatisfactory fastening.

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(8) A powder-actuated tool shall be used with the correct guard, shield, or attachment recommended by the manufacturer.

History: 1954 ACS 99, p. 136, Eff. Apr. 12, 1979.

R 408.41944 Powder-actuated tool testing and servicing.

Rule 1944. (1) A powder-actuated tool shall be tested each day before loading to see that safety devices are in proper working condition.

(2) The method of testing shall be pursuant to the manufacturer's recommended procedure.

(3) A powder-actuated tool found not in proper working order shall be immediately removed from service, tagged, and not used until proper repairs are made. The owner shall have it serviced and inspected at regular intervals by competent service personnel, and shall not permit it to be altered or repaired except by competent repair people.

History: 1954 ACS 99, p. 137, Eff. Apr. 12, 1979.

R 408.41945 Powder-actuated tools generally.

Rule 1945. A powder-actuated tool shall be designed and constructed as prescribed in section 6 of the ANSI standard, A 10.3-1977, powder-actuated fastening systems, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This standard may be purchased at a cost of $3.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 137, Eff. Apr. 12, 1979.

R 408.41949 Powder-actuated tool loads and studs.

Rule 1949. (1) Power loads shall be coded and used as prescribed in section 7 and table 1 of the ANSI standard A10.3-1977, powder-actuated fastening systems, which is incorporated herein by reference in R 408.41945.

(2) Where means other than the strength of loads are to be used to control penetration, an identification method acceptable to the construction safety standards commission shall be employed.

(3) Studs or other fasteners used in a powder-actuated tool shall be only those specifically manufactured for use in such tools.

History: 1954 ACS 99, p. 137, Eff. Apr. 12, 1979.

R 408.41950 Powder-actuated tool defects and misfires.

Rule 1950. In case of a misfire, the operator shall hold the powder-actuated tool in the operating position for not less than 30 seconds. The operator shall then try to operate the tool a second time. The operator shall wait another 30 seconds, holding the tool in the operating position, then the operator shall proceed to remove the explosive load in strict accordance with the manufacturer's instructions. Misfired cartridges should be placed carefully in a metal container filled with water and returned to the supervisor for disposal.

History: 1954 ACS 99, p. 138, Eff. Apr. 12, 1979.

R 408.41951 Woodworking machinery generally.

Rule 1951. (1) A woodworking machine shall have a disconnect switch that can be locked in the off position. This rule does not apply to hand-held tools. An employer shall establish and maintain a lock-out procedure. A machine connected

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to an electrical source by a plug-in cord shall be considered in compliance if the plug is disconnected and tagged.

(2) The vibration of a machine shall not create a hazard to the operator.

(3) An arbor and mandrel shall have a firm and secure bearing.

(4) The frames and all exposed metal parts of electric woodworking machinery shall be grounded. A portable motor driving an electric tool shall be grounded unless it has approved double insulation.

(5) A woodworking machine shall not automatically restart upon restoration of power after a power failure. A machine wired to a 110-volt line before the effective date of this part is excepted from this rule.

(6) Operating controls shall be located within reach of the operator while the operator is at the regular work station, making it unnecessary to reach over the cutters. The controls shall be installed so as to eliminate the danger of accidental activation. This subrule does not apply to a constant pressure control used only for setup purposes.

History: 1954 ACS 99, p. 138, Eff. Apr. 12, 1979.

R 408.41952 Stationary circular saws generally.

Rule 1952. (1) An automatic cut-off saw that strokes continuously without the operator being able to control each stroke shall not be used.

(2) Lugs shall be cast on saw frame or tables or another means shall be provided to limit the saw blade size that can be mounted so as to avoid overspeed caused by mounting a saw larger than intended.

(3) The operating speed as designated by the manufacturer shall be etched or otherwise permanently marked on a circular saw blade more than 20 inches in diameter. A saw blade shall not be operated at a higher speed than shown on the blade. When a marked saw blade is retensioned for a different speed, the marking shall be corrected to show the new speed.

(4) A hand-fed circular ripsaw shall have a spreader to prevent material from squeezing the saw or being thrown back at the operator. The spreader shall be made of steel, or its equivalent, and shall be thinner than the saw kerf and slightly thicker than the saw disk. It shall be at least 1 inch wide at the table to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so it will remain in true alignment with the saw, even when either the saw or table is tilted. It should be placed so there is not more than ½-inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. A spreader need not be used in connection with grooving, dadoing, or rabbeting. On the completion of such operations, the spreader shall be replaced immediately.

(5) A hand-fed circular ripsaw shall have nonkickback fingers or dogs located to oppose the thrust or tendency of the saw to pick up the material or to throw it back at the operator. They shall be designed to provide holding power for all the thicknesses of material being cut.

(6) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a wobble saw is prohibited.

(7) Combs, featherboards, or suitable jigs shall be provided at the work place for use when a guard cannot be used, as in dadoing, grooving, jointing, moulding, and rabbeting.

(8) A cracked, bent, or damaged saw blade shall not be used.

(9) The bore of a saw blade shall be of proper size and shape to properly fit arbors or proper adapters.

History: 1954 ACS 99, p. 138, Eff. Apr. 12, 1979.

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R 408.41953 Circular table saw guards.

Rule 1953. (1) A circular table saw shall have a hood-type guard covering the blade at all times when not in use. When in use, the hood-type guard shall enclose that part of the blade above the table and that part of the blade above the material by adjusting automatically to the thickness of the material being cut, or it may be a fixed or manually adjusted hood-type guard if the hood remains in contact with the material.

(2) A hood-type guard shall be made of 14-gauge metal or thicker. Plastic may be used if it can resist blows and strains incidental to reasonable operation, adjusting, and handling, and is designed to protect the operator from flying splinters and broken saw teeth. The guard shall be made of material soft enough so that it will be unlikely to cause tooth breakage.

(3) The hood shall be mounted so that its operation is positive, reliable, and in true alignment with the saw. The mounting shall be of sufficient strength to resist any reasonable side thrust or other force tending to throw it out of line.

(4) Where a hood-type guard cannot be used because of unusual shapes or cuts, a jig or fixture providing equal safety to the operator shall be used. On the completion of these operations, the guard shall be replaced immediately.

(5) A push stick shall be used in cutting short or narrow stock.

History: 1954 ACS 99, p. 139, Eff. Apr. 12, 1979.

R 408.41954 Radial arm saws; guards, spreaders, and stops.

Rule 1954. (1) The upper hood of a radial arm saw shall completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be constructed in a manner and of not less than 14-gauge sheet metal or equivalent material that protects the operator from flying splinters and broken saw teeth and deflects sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that automatically adjusts itself to the thickness of the stock and remains in contact with the stock being cut to give the maximum protection possible for the operation being performed.

(2) Nonkickback fingers or dogs shall be located on both sides of each radial arm saw blade used for ripping to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of material being cut. When a radial arm saw is used for ripping, a spreader should be provided that complies with R 408.41952(4).

(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. A limit chain or other equally effective device shall be provided to prevent the saw blade from sliding beyond the edge of table or the table at that place shall be extended to eliminate overrun.

(4) The cutting head of a radial arm saw shall return gently, without rebound, to the starting position when released by 1 of the following means:

(a) Sloping the unit.

(b) A counterweight system. This system shall not use fiber and synthetic rope or springs.

(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label colored standard danger red, not less than 1½ inches by ¾ inch, shall be affixed to the rear of the guard at approximately the level of the arbor, reading as follows: "DANGER: Do Not Rip or Plough From This End."

History: 1954 ACS 99, p. 139, Eff. Apr. 12, 1979.

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R 408.41955 Band saws.

Rule 1955. (1) All portions of the band saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide and the table.

(2) A band saw wheel shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be enclosed by either solid material, wire mesh, or perforated metal. Mesh or perforated metal shall not be less than .0037 inch (U.S. gauge no. 20) and the openings shall be not more than ⅜ inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The upper wheel guard shall be made to conform to the travel of the saw on the wheel. The top member of the guard should have not less than a 2-inch clearance outside the saw and be lined with smooth material.

(3) A guard for the portion of the blade between the sliding guide and the upper saw wheel guard shall protect the saw blade at the front and outer side. The guard shall be self-adjusting to raise and lower with the guide. The sliding blade guide shall be kept to within ¼ inch of the work piece.

(4) A band saw shall not be stopped quickly by thrusting a piece of wood against the cutting edge of teeth when the power is off.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

R 408.41956 Jointers; use and guards.

Rule 1956. (1) Each hand-fed planer and jointer with a horizontal or vertical head shall have a cylindrical cutting head, the knife projection of which shall not extend more than ⅛ inch beyond the cylindrical body of the head. Square cutting heads shall not be used on jointers and planers.

(2) The opening in the jointer table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than ⅛ inch. The table throat opening shall be not more than 2½ inches when tables are set or aligned for zero cut.

(3) A proper push block shall be used when jointing short or narrow stock.

(4) A hand-fed jointer with a horizontal or vertical cutting head shall have an automatic guard covering all the sections of the cutting head on the working side of the fence or guard. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall adjust itself automatically so as to cover the unused portion of the cutting head and shall remain in contact with the material at all times.

(5) A hand-fed jointer with a horizontal cutting head shall have a guard covering the section of the head back of the gauge or fence.

(6) Vertical head jointers shall have an exhaust hood covering the cutting head.

(7) The minimum length of the piece jointed shall be not less than 4 times the distance between the 2 tables. Neither half of the jointer table should be adjusted horizontally so that the clearance between the edge of the table and revolving knives is more than ¼ inch.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

R 408.41957 Woodworking lathes.

Rule 1957. (1) Guards covering the work pieces on a wood-turning lathe should be constructed of not less than 18-gauge expanded metal or equivalent material which permits observation of the turning operations.

(2) Material in a lathe shall be fastened securely to faceplates or between centers.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

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R 408.41958 Disk sanding machines.

Rule 1958. A disk sanding machine shall have the exhaust hood or other guard arranged to enclose the revolving disk, except for that portion of the disk above the table. The distance between the disk and the table edge shall be not more than ¼ inch.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

R 408.41959 Other woodworking machines.

Rule 1959. The mention of specific machines in R 408.41921 to R 408.41929 does not exclude other woodworking machines from the requirement that suitable guards be provided to reduce to a minimum the hazard due to the point of operation of these machines.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

R 408.41960 Stationary machine tools generally.

Rule 1960. (1) Machine tools, including, but not limited to, band saws, drill presses, and pipe cutting and threading machines which are set up on a construction project in a temporary stationary position, shall have a power control provided on each machine, so located and guarded as to prevent accidental starting and to enable the operator to cut off power without leaving his position at the point of operation.

(2) Frames of electrically driven or supplied machines shall be grounded.

(3) Band saws and other machinery requiring warm-up for safe operation shall be permitted to warm up before being put into operation when temperatures are below 45 degrees Fahrenheit.

(4) The use of cracked, bent, or otherwise defective parts, such as saw blades, cutters, and knives, is prohibited.

(5) Bases or frames of temporary stationary machinery shall be secured by fasteners of slip-resistant materials to prevent movement or upset.

History: 1954 ACS 99, p. 140, Eff. Apr. 12, 1979.

R 408.41961 Fuel-powered tools.

Rule 1961. (1) A fuel-powered tool shall be stopped before being refueled, serviced, or maintained.

(2) When using a fuel-fired powered tool in an enclosed area, the toxic fumes shall be exhausted as prescribed by the department of public health rules, being rule 2101(2) and rule 3101 which were adopted by authority of section 14(1) and (2) of Act No. 154 of the Public Acts of 1974, being §408.1014(1) and (2) of the Michigan Compiled Laws.

(3) A fuel-fired tool's moving parts, such as a flywheel, rotating screen, or clutch, shall be guarded.

(4) A fuel-fired tool shall not be started within 10 feet from the place where it was refueled.

(5) An engine throttle control provided on a fuel-powered tool shall be located so that it can be operated only while maintaining a secure grip on the tool.

(6) A fuel-fired tool shall have a guard that protects the throttle lever from inadvertent contact.

(7) A centrifugal clutch, if provided on a fuel-fired tool, shall have a throttle control, carburetor, and clutch system so that if the throttle control is released, the engine idle speed shall become lower than the clutch disengagement speed, allowing the driven components to come to a complete stop.

(8) A chain saw's chain shall be stopped if it is not being used for sawing. A chain saw shall be carried by the top handle with the guide bar to the rear.

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(9) The use of a chain saw to open a hole in a solid object, such as a floor, wall, or panel, is not permitted.

(10) A manual chain oiler control, if provided on a chain saw, shall be located so that it can be operated without relinquishing a secure grip on the saw.

(11) A chain saw's chain shall be guarded adjacent to the handle area, and the sawdust shall be directed away from the operator.

History: 1954 ACS 99, p. 141, Eff. Apr. 12, 1979.

R 408.41962 Abrasive wheels.

Rule 1962. An abrasive wheel used on a grinder shall be mounted, guarded, and used as prescribed in the general industry safety standards commission standard, Part 1A. Abrasive Wheels, being R 408.10101 et seq. of the Michigan Administrative Code. This standard may be purchased at a cost of 20 cents from the Standards Division, Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 141, Eff. Apr. 12, 1979.

R 408.41963 Metalworking machinery.

Rule 1963. A stationary metalworking machine shall be guarded, maintained, and used as prescribed in the general industry safety standards commission standard, Part 26. Metalworking Machinery, being R 408.12601 et seq. of the Michigan Administrative Code. This standard may be purchased at a cost of 20 cents from the Standards Division, Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

History: 1954 ACS 99, p. 141, Eff. Apr. 12, 1979.

R 408.41964 Hydraulic power tools.

Rule 1964. (1) A hydraulically powered tool shall use approved fire-resistant fluids which do not change the performance characteristics during temperature extremes.

(2) The rated capacity of hydraulic hose, valves, pipe, filters, and other fittings shall not be exceeded.

(3) Hoses used on or around an electrically energized line or equipment shall be nonconductive.

History: 1954 ACS 99, p. 141, Eff. Apr. 12, 1979.

R 408.41966 Jacks; level and ratchet, screw and hydraulic.

Rule 1966. (1) The rated capacity shall be legibly marked on a jack, and the capacity shall not be exceeded. A jack shall have a positive stop to prevent overtravel.

(2) A hydraulic jack used for lift slab construction shall have a device which causes the jack to support the load in any position if the jack malfunctions.

(3) A lift slab jack system which is automatically controlled shall have a device which stops the operation when a ½ inch leveling tolerance is exceeded.

(4) A jack shall be provided a firm foundation. A wood block shall be placed between the load and the metal cap of a jack to prevent slippage.

History: 1954 ACS 99, p. 142, Eff. Apr. 12, 1979.

R 408.41967 Chain falls and hoist and pullers; capacity.

Rule 1967. (1) A chain fall or hoist and puller shall be used at not more than its rated capacity.

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(2) The capacity of a chain fall or hoist and puller shall be permanently labeled or marked on it.

(3) An accessory, such as a chain or cable, used to secure or support a chain fall or hoist and puller shall have a capacity of not less than the chain fall or hoist and puller.

(4) An object subject to a lift or pull by a chain fall shall have the capacity to absorb the lift or pull without creating a hazard to an employee in the area.

History: 1954 ACS 99, p. 142, Eff. Apr. 12, 1979.

R 408.41968 Chain falls and hoist and pullers; use.

Rule 1968. (1) A chain fall or hoist and puller shall be secured to an anchorage and the load attached to the chain fall or hoist and puller in a manner which prevents inadvertent disengagement.

(2) When a chain fall or hoist and puller is under tension of a load, a positive action shall be required to release the tension.

(3) A hoist and puller lever handle shall not be operated with an extension handle, except as furnished by the manufacturer.

(4) A chain fall or hoist and puller shall be visually inspected for observable defects before each job use by the employee using the tool.

History: 1954 ACS 99, p. 142, Eff. Apr. 12, 1979.

R 408.41969 Hot sticks.

Rule 1969. (1) A hot stick and any tool attached to it shall be clean and inspected for damage before use.

(2) A hot stick which has been damaged shall not be used until replaced or repaired by a knowledgeable employee or an outside service and tested to meet the requirements of subrule (3).

(3) A hot stick shall not be used unless it has been certified and labeled by the manufacturer to meet the following standards:

(a) Fiberglass, 100,000 volts per foot of length for 5 minutes, or any equivalent test.

(b) Wood, 75,000 volts per foot of length for 3 minutes, or any equivalent test.

(4) A hot stick shall be stored in a manner to protect it from damage. A hot stick made of wood shall be protected from moisture.

(5) A hot stick shall not be used in excess of the rated capacity certified by the manufacturer.

(6) The minimum working distance and minimum clear hot stick distances prescribed in table 1, when using live-line tools, shall not be violated.

(7) The minimum working distance for live-line bare-hand technique prescribed in table 2 shall not be violated.

TABLE 1

Alternating Current—Minimum Distances

Voltage range (phase to phase) kilovolt	Minimum working and clear hot stick distance
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.

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TABLE 1 (Cont.)
Alternating Current—Minimum Distances

Voltage range (phase to phase) kilovolt	Minimum working and clear hot stick distance
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	[1]7 ft. 0 in.
500 to 552	[1]11 ft. 0 in.
700 to 765	[1]15 ft. 0 in.

[1]Note: For 345-362 kv., 500-552 kv., and 700-765 kv., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and a grounded surface.

TABLE 2
Minimum Clearance Distances For Live-Line Bare-Hand Work (Alternating Current)

Voltage range (phase to phase) kilovolts	Distance in feet and inches for maximum voltage	
	Phase to ground	Phase to phase
2.1- 15	2′0″	2′0″
15.1- 35	2′4″	2′4″
35.1- 46	2′6″	2′6″
46.1- 72.5	3′0″	3′0″
72.6-121	3′4″	4′6″
138 -145	3′6″	5′0″
161 -169	3′8″	5′6″
230 -242	5′0″	8′4″
345 -362	[1]7′0″	[1]13′4″
500 -552	[1]11′0″	[1]20′0″
700 -765	[1]15′0″	[1]31′0″

[1]Note: For 345-362 kv., 500-552 kv., and 770-765 kv., the minimum clearance distance may be reduced provided the distances are not made less than the shortest distance between the energized part and a grounded surface.

History: 1954 ACS 99, p. 142. Eff. Apr. 12, 1979.

PART 20. DEMOLITION

R 408.42001 Adoption of federal O.S.H.A. standard.

Rule 2001. (1) Sections 1926.850 to 1926.860 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

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(2) As of the effective date of this part, subparts N and O, referenced in 29 C.F.R. §1926.856, mean parts 10 and 13, respectively, of the rules of the construction safety standards commission.

(3) As of the effective date of this part, subpart N, referenced in 29 C.F.R. §1926.858, means part 10 of the rules of the construction safety standards commission.

(4) As of the effective date of this part, subpart U, referenced in 29 C.F.R. §1926.860, means part 27 of the rules of the construction safety standards commission.

History: 1954 ACS 78, p. 97, Eff. Mar. 2, 1974; 1954 ACS 88, p. 117, Eff. Sept. 16, 1976.

R 408.42002—R 408.42021 Rescinded.

History: 1954 ACS 78, pp. 97-99, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 117, Eff. Sept. 16, 1976.

R 408.42022 Rescission.

Rule 2022. Part 20 of the construction safety commission standards, being R 408.3001 to R 408.3007 and appearing on pages 4309 to 4311 of the 1967 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 100, Eff. Mar. 2, 1974.

PART 21. GUARDRAILS, RUNWAYS, RAMPS, AND STAIRWAYS

R 408.42101 Adoption of federal O.S.H.A. standard.

Rule 2101. (1) Sections 1926.500 to 1926.502 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference, except as noted in subrule (2) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Subpart D, referred to in 29 C.F.R. §1926.501, has been adopted by the Michigan department of public health and appears in that department's publication entitled "Occupational Health Standards for Construction" as rules 6201, 6260, 6265, 6270, 6301, 6605, 6610, and 6615.

History: 1954 ACS 78, p. 100, Eff. Mar. 2, 1974; 1954 ACS 88, p. 117, Eff. Sept. 16, 1976.

R 408.42102—R 408.42119 Rescinded.

History: 1954 ACS 78, pp. 100-103, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 117, Eff. Sept. 16, 1976.

R 408.42120 Rescission.

Rule 2120. Part 21 of the construction safety commission standards, being R 408.3101 to R 408.3103 and appearing on pages 4311 and 4312 of the 1967 Annual Supplement to the Code and page 5183 of the 1969 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 103, Eff. Mar. 2, 1974.

PART 22. SIGNALS, SIGNS, TAGS, AND BARRICADES

R 408.42201 Scope.

Rule 2201. This part pertains to the design and use of signals, traffic control devices, accident prevention signs, tags, and barricades for construction operations.

History: 1954 ACS 78, p. 103, Eff. Mar. 2, 1974; 1954 ACS 88, p. 118, Eff. Sept. 16, 1976; 1954 ACS 96, p. 94, Eff. July 26, 1978.

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R 408.42202—R 408.42207 Rescinded.

History: 1954 ACS 78, pp. 103-108, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 118, Eff. Sept. 16, 1976.

R 408.42208 Rescission.

Rule 2208. Part 22 of the construction safety commission standards, being R 408.3201 and appearing on page 4812 of the 1967 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 78, p. 108, Eff. Mar. 2, 1974.

R 408.42210 Applicability.

Rule 2210. The following parts contain additional rules for signaling:

(a) Part 10. Lifting and Digging.

(b) Part 27. Blasting and Use of Explosives.

(c) Part 30. Telecommunications.

History: 1954 ACS 96, p. 95, Eff. July 26, 1978.

R 408.42211 Definitions; A to C.

Rule 2211. (1) "Accident prevention sign" means the surface on which letters or markings used to warn of a hazard or to provide safety instructions or directions are temporarily or permanently affixed or placed.

(2) "Accident prevention tag" means the surface on which letters or markings are used to warn of an existing or immediate hazard and which is temporarily attached to a part of equipment or a structure.

(3) "Barricade" means a readily visible obstruction used to direct the passage of employees or vehicles.

(4) "Caution sign or tag" means a sign or tag used to warn of a potential hazard or to warn against an unsafe practice.

History: 1954 ACS 96, p. 95, Eff. July 26, 1978.

R 408.42212 Definitions; D.

Rule 2212. (1) "Danger sign or tag" means a sign or tag used to signal an immediate hazard.

(2) "Directional sign" means a sign having an arrow to point out a direction.

(3) "Do not operate tag" means a tag to warn of a potential hazard if the equipment is operated.

(4) "Do not start tag" means a tag used to tag out a starting mechanism which would cause a hazard if started.

History: 1954 ACS 96, p. 95, Eff. July 26, 1978.

R 408.42213 Definitions; E to T.

Rule 2213. (1) "Exit sign" means a sign used to designate a point of discharge from a room or building.

(2) "Out of order tag" means a tag used to indicate a machine is malfunctioning.

(3) "Safety instruction sign" means a sign used for general instruction or suggestion relative to safety.

(4) "Signal" means a specific use of hands or a visual or audible device, such as a flashing light or horn, to warn of a possible or existing hazard.

(5) "Traffic control devices" means all signs, signals, markings, and devices placed or erected for the purpose of regulating, warning, and guiding vehicular traffic.

History: 1954 ACS 96, p. 95, Eff. July 26, 1978.

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R 408.42221 Duties of employer.

Rule 2221. An employer shall provide, install, and maintain signals, signs, barricades, and tags, as prescribed by this part, where an employee might be, or would likely be, injured if not alerted to the hazard.

History: 1954 ACS 98, p. 95, Eff. July 26, 1978.

R 408.42222 Signals for lifting and digging equipment.

Rule 2222. (1) When materials are being raised or lowered by a crane, derrick, or shovel, hand signals or voice communication shall be used to direct the operator. The hand signals shall be clearly visible to the operator. The signals shall be as prescribed in table 1.

(2) The raising or lowering of earth and similar materials shall be exempt from the requirements of subrule (1) if the operator can clearly see the point of loading, the path traveled by the load, and the point of unloading.

(3) The operation of a material hoist shall be controlled by 1 of the following:

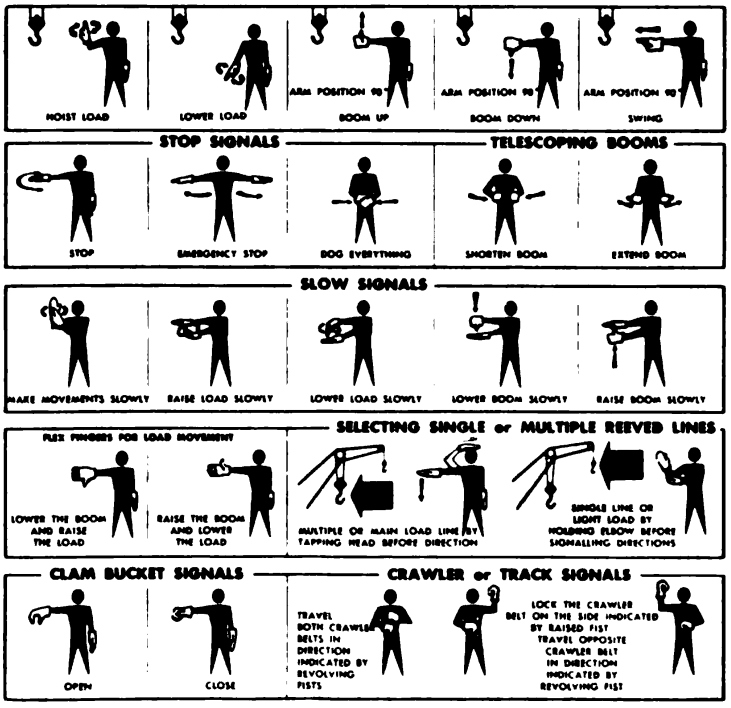
(a) A visible light signal with a light located at the operator's position and electrically operated from each landing served by the hoist.

(b) An audible signal, such as a gong, horn, buzzer, or bell, located at the operator's position and operated from each landing served by the hoist. The audible code shall be as follows:

stop —1
raise —2
lower —3

(c) Voice communication or telephone intercom.

TABLE 1
Hand Signals



History: 1954 ACS 98, p. 95, Eff. July 26, 1978.

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R 408.42223 Traffic control.

Rule 2223. (1) When vehicular traffic creates a hazard to employees performing construction operations within a public right-of-way, traffic control devices shall be installed and maintained as prescribed in part 6 of the 1973 edition of the Michigan manual of uniform traffic control devices, as revised, in part, in 1976, which is incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This manual may be purchased at a cost of $9.36 from the Department of State Highways and Transportation, Highway Bldg., Lansing, Michigan 48904, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) When operations are such that signs, signals, and barricades do not provide the necessary protection on, or adjacent to, a highway or street, flagmen or other appropriate traffic controls shall also be provided.

(3) Signaling directions by flagmen shall conform to part 6 of the 1973 edition of the Michigan manual of uniform traffic control devices, as revised, in part, in 1976, which is incorporated herein by reference and may be inspected at the Lansing office of the Department of Labor. This manual may be purchased as noted in subrule (1) of this rule.

(4) Hand signaling by flagmen shall be by use of red flags not less than 18 inches square or sign paddles, and in periods of darkness, red lights.

(5) Flagmen and other employees shall be provided with, and shall wear, a fluorescent orange warning garment while flagging or when exposed to hazards from vehicular traffic. Warning garments worn at night shall be of reflectorized material.

(6) When vehicular traffic creates a hazard to employees performing construction operations within a public right-of-way and where the speed limit is in excess of 30 miles per hour, the employer shall coordinate with the appropriate agencies of the local unit of government exercising authority over the roadway means of reducing the speed of vehicles to not more than 30 miles per hour and the construction operation shall not begin until such posting is accomplished.

History: 1954 ACS 98, p. 96, Eff. July 28, 1978.

R 408.42224 Barricades.

Rule 2224. (1) A barricade with a high point of not less than 36 inches shall be provided to direct vehicular traffic to protect an employee performing construction operations on other than a public right-of-way.

(2) A barricade shall be provided to obstruct or direct an employee from a hazardous area of a construction operation not otherwise affected by another standard.

(3) A barricade shall be illuminated during hours of darkness if an employee is working in the area.

History: 1954 ACS 98, p. 97, Eff. July 28, 1978.

R 408.42231 Accident prevention signs.

Rule 2231. (1) An accident prevention sign and fastening device shall be free of sharp edges, burrs, splinters, or other sharp projections which could create a hazard.

(2) Where conditions warrant the use of a sign size not covered in tables 1 to 5, the ratio of the height of the identifying panel such as danger, caution to the width of the sign shall be maintained as prescribed in the tables.

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(3) An accident prevention sign shall be:

(a) Placed to alert and inform in time to avoid the hazard or to take appropriate action.

(b) Placed and maintained so as to be legible, without distraction, and so it does not create a hazard in itself.

(c) Placed so that it will not be obscured.

(d) Removed or covered when the hazard is removed.

History: 1954 ACS 96, p. 97. Eff. July 26, 1978.

R 408.42232 Letter style and size.

Rule 2232. (1) A letter shall be block style and upper case for the upper panel and upper or upper and lower case for the lower panel.

(2) Letter size shall be determined by the length of the message and maximum visibility and readability. Table 2 shall be used as a guide for minimum letter height at safe viewing distance.

TABLE 2

Minimum Height of Letters (Inches)	Viewing Distance (Feet)
5	200-250
4½	150-200
4	120-150
3½	105-120
3	90-105
2½	75-90
2	60-75
1½	40-60
1	30-40
¾	20-30
½	10-20
¼	Less than 10

(a) Crowding of letters and words reduces legibility.

(b) A rule-of-thumb of 35-40 feet viewing distance per inch of letter height may be used for heights of letters greater than 5 inches.

History: 1954 ACS 96, p. 97. Eff. July 26, 1978.

R 408.42233 Danger sign.

Rule 2233. (1) A danger sign shall be used where an immediate hazard exists. The sign shall be removed when the hazard is removed.

(2) The proportions for a danger sign shall be not less than those prescribed in table 3 and the format of figure 1 shall be followed.

(3) A danger sign shall have the signal word "danger" in white within a red oval outlined in white on a black rectangular background in the upper panel. The lower panel where additional wording may be used shall be black or red letters on a white background as shown in figure 1.

(4) An employee shall be instructed that a danger sign indicates immediate danger and that special precautions are necessary.

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TABLE 3
Standard Proportions For Danger Signs

Sign Size, Inches Height Width	Black Rectangular Panel, Inches Height Width	Red Oval, Inches Height Width	Word Danger Height Inches	Minimum Space Available for Sign Wording, Inches
		HORIZONTAL PATTERN		
7 x 10	3¼ x 9⅜	2⅞ x 8½	1 7/16	2¾ x 9⅜
10 x 14	4⅝ x 13⅜	4⅛ x 11⅞	2 1/16	4¼ x 13⅜
14 x 20	6½ x 19⅜	5¾ x 17	2⅞	6¼ x 19⅜
20 x 28	9¼ x 27⅜	8¼ x 23⅞	4⅛	9½ x 27⅜
		UPRIGHT PATTERN		
10 x 7	2⅜ x 6⅜	2⅛ x 5⅞	1 1/16	6⅜ x 6⅜
14 x 10	3¼ x 9⅜	2⅞ x 8½	1 7/16	9½ x 9⅜
20 x 14	4⅝ x 13⅜	4⅛ x 11⅞	2 1/16	14 x 13⅜
28 x 20	6½ x 19⅜	5¾ x 17	2⅞	20¼ x 19⅜

FIGURE 1
Danger Sign



History: 1954 ACS 96, p. 98, Eff. July 26, 1978.

R 408.42234 Caution sign.

Rule 2234. (1) A caution sign shall be used to warn of a potential hazard or to caution against an unsafe practice.

(2) The proportions for a caution sign shall be not less than those prescribed in table 4 and the format of figure 2 shall be followed.

(3) A caution sign shall have the signal word "caution" in yellow on a black background in the upper panel. The lower panel where additional wording may be used shall be black letters on a yellow background.

(4) An employee shall be instructed that a caution sign indicates a possible hazard and that proper precautions shall be taken.

TABLE 4
Standard Proportions For Caution Signs

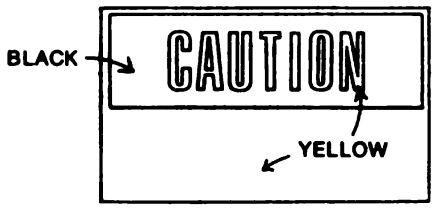
Sign Size Inches Height Width	Black Rectangular Panel, Inches Height Width	Word "Caution" Height of Letter, Inches	Min. Space Available for Sign Wording Below Panel Inches Height Width
	HORIZONTAL PATTERN		
7 x 10	2¼ x 9⅜	1⅝	3¼ x 9⅜
10 x 14	3¼ x 13⅜	2¼	5½ x 13⅜

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TABLE 4 (Cont.)
Standard Proportions For Caution Signs

Sign Size Inches Height Width	Black Rectangular Panel, Inches Height Width	Word "Caution" Height of Letter, Inches	Min. Space Available for Sign Wording Below Panel Inches Height Width
14 x 20	3¾ x 19⅜	2¾	9 x 19⅜
20 x 28	4¼ x 27⅜	3¼	14½ x 27⅜
	UPRIGHT PATTERN		
10 x 7	1⅝ x 6⅜	1⅛	7 x 6⅜
14 x 10	2¼ x 9⅜	1⅝	10½ x 9⅜
20 x 14	3¼ x 13⅜	2¼	15½ x 13⅜
28 x 20	3¾ x 19⅜	2¾	24 x 19⅜

FIGURE 2
Caution Sign



History: 1954 ACS 96, p. 98, Eff. July 26, 1978.

R 408.42235 Safety instruction sign.

Rule 2235. (1) A safety instruction sign shall be used for a general instruction or suggestion relative to safety measures.

(2) The proportions for a safety instruction sign shall be not less than those prescribed in table 5 and the format of figure 3 shall be followed.

(3) A safety instruction sign shall have the signal word in white on a green background in the upper panel. The lower panel where additional wording may be used shall be black letters on a white background.

TABLE 5
Standard Proportions For Safety Instruction Signs

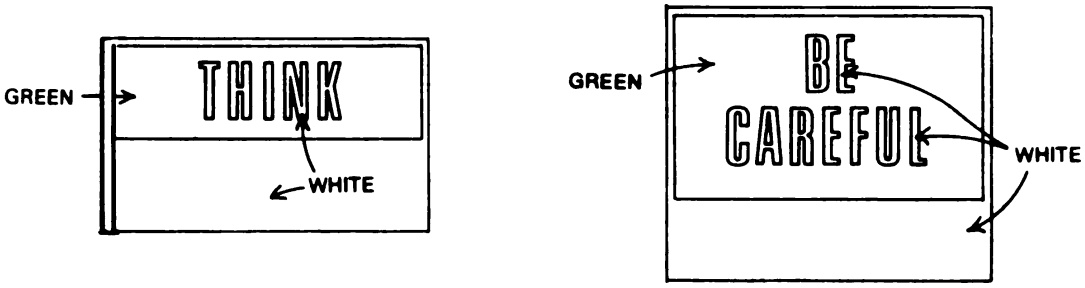
Sign Size, Inches Height Width	Green Rectangular Panel, Inches Height Width	Word "Think" Height of Letters, Inches	Min. Space Available for Sign Wording Below Panel, Inches Height Width
7 x 10	2¾ x 9⅜	1⅜	3½ x 9⅜
10 x 14	3¾ x 13⅜	2¼	5½ x 13⅜
14 x 20	3¾ x 19⅜	2¾	9 x 19⅜
20 x 28	4¼ x 27⅜	3¼	14½ x 27⅜

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TABLE 5 (Cont.)
Standard Proportions For Safety Instruction Signs

Sign Size, Inches Height Width	Green Panel, Inches Height Width	Word "Be" Height of Letters, Inches	Word "Careful" Height of Letters, Inches	Min. Space Available for Sign Wording Below Panel, Inches Height Width
7 x 10	3⅜ x 9⅜	1¾	1 3/16	2½ x 9⅜
10 x 14	4¾ x 13⅜	1¾	2 3/16	4 x 13⅜
14 x 20	6¾ x 19⅜	2½	3⅛	6 x 19⅜
20 x 28	9½ x 27⅜	3½	4⅜	9¼ x 27⅜

FIGURE 3
Safety Instruction Signs



(Note: The words "Think" and "Be Careful," given here, are only illustrations. Other wordings may be used.)

History: 1954 ACS 98, p. 99, Eff. July 26, 1978.

R 408.42236 Exit sign.

Rule 2236. An exit sign, when required, shall be lettered in legible, red letters, not less than 6 inches high, on a white background, and the principal stroke of the letters shall be not less than ¾ of an inch wide.

History: 1954 ACS 98, p. 100, Eff. July 26, 1978.

R 408.42237 Directional signs.

Rule 2237. (1) A directional arrow, other than a traffic control sign, used on a danger, caution, or safety instructional sign shall be black.

(2) A safety-related directional sign shall have a white arrow on a black upper panel with the lower panel white and any letters in black.

(3) A directional sign shall use proportions prescribed in table 6 and the format of figure 4.

TABLE 6
Standard Proportions For Directional Signs

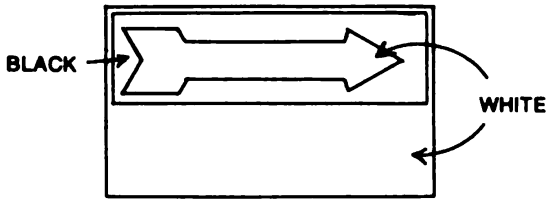
Sign Size, Inches Height Width	Black Rectangular Panel, Inches Height Width	White Arrow, Inches				Maximum Space for Sign Wording Below Panel Height
		Over-all Length	Arrow Head Height Width	Arrow Shaft Height	Arrow Tail Height Width	
6½ x 14	3¼ x 13⅜	12⅜	2¾ x 3	1⅛	2⅜ x 3¼	2¼ x 13⅜
9 x 20	4½ x 19⅜	18⅜	3¾ x 4⅛	1⅝	3¼ x 4½	3⅜ x 19⅜

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TABLE 6 (Cont.)
Standard Proportions For Directional Signs

Sign Size, Inches Height Width	Black Rectangular Panel, Inches Height Width	White Arrow, Inches Over-all Length	Arrow Head Height Width	Arrow Shaft Height	Arrow Tail Height Width	Maximum Space for Sign Wording Below Panel Height
12 x 28	6 x 27⅜	25⅜	5⅛ x 5⅜	2⅛	4⅜ x 6	4¾ x 27⅜
15 x 36	7½ x 35⅜	34⅜	6⅜ x 6⅞	2⅜	5½ x 7½	5¼ x 35⅜

FIGURE 4
Directional Signs



History: 1954 ACS 96, p. 100, Eff. July 26, 1978.

R 408.42241 Accident prevention tags generally.

Rule 2241. (1) An appropriate accident prevention tag shall be used as a temporary means of warning an employee of an existing hazard, such as defective tools or equipment. A tag shall not be used in place of an accident prevention sign or considered a complete warning method.

(2) A tag shall be affixed by string, wire, or adhesive.

(3) A tag shall be large enough to attract attention to the hazard but not less than 2⅜ by 4¾ inches.

(4) The signal word shall be in bold type.

History: 1954 ACS 96, p. 101, Eff. July 26, 1978.

R 408.42242 Accident prevention tags; types; use and specifications.

Rule 2242. (1) A "Do Not Start" tag shall be attached to the starting mechanism of equipment that would cause a hazardous condition if activated. The background color shall be white with black lettering on a red square. (See figure 5.)

(2) A "Danger" tag shall be used where an immediate hazard or probability of injury exists. The background color shall be white with white letters on a red oval within a black square. (See figure 6.)

(3) A "Caution" tag shall be used to warn of a potential hazard or to caution against an unsafe practice. The background color shall be yellow with yellow letters on a black rectangle. (See figure 7.)

(4) An "Out of Order" tag shall be used only for the specific purpose of indicating equipment or machinery is out of order and its use might create a hazard. The background shall be white with white letters on a black square. (See figure 8.)

(5) A "Do Not Operate" tag shall be used to warn of potential hazard if use of the equipment would create a hazard. The background color shall be white with black lettering on a red square. (See figure 9.)

(6) An accident prevention tag shall be removed when the reason for use has been eliminated.

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FIGURE 5
White Tag, Black Letters
On Red Square

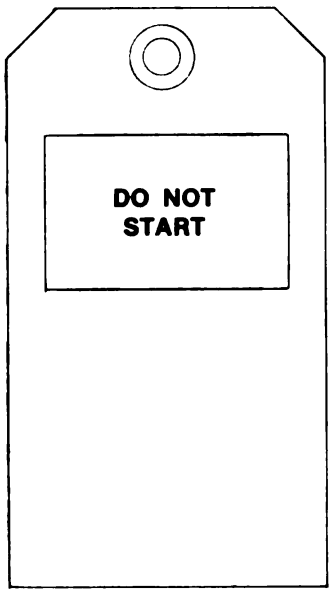


FIGURE 6
White Tag, White Letters On
Red Oval With A Black Square

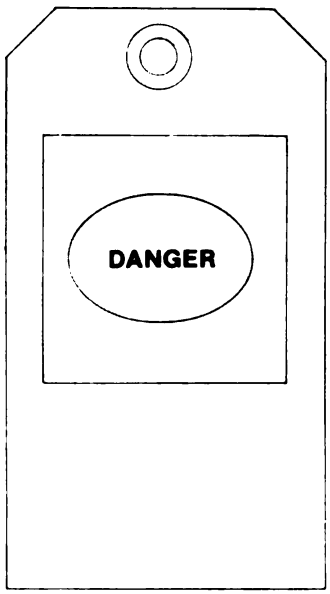


FIGURE 7
Yellow Tag, Yellow Letters
On A Black Background

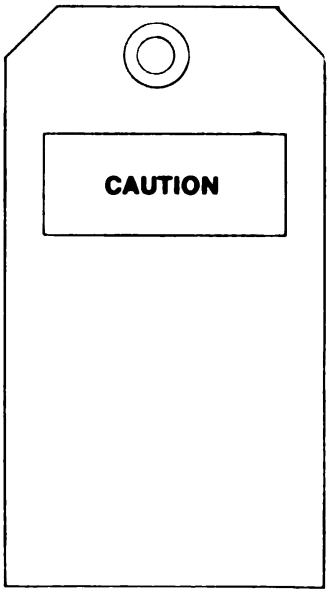
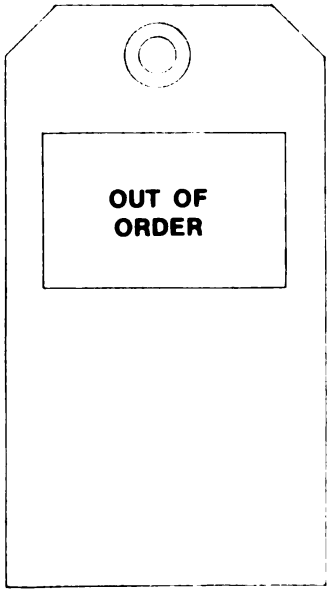
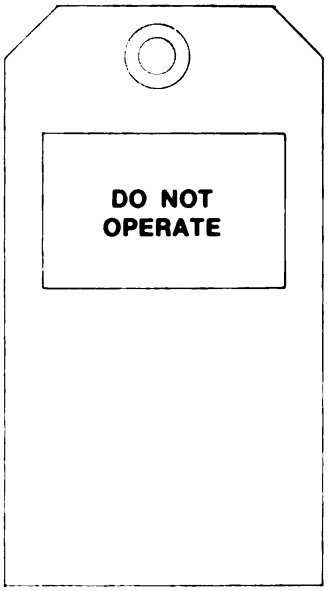


FIGURE 8
White Tag, White Letters
On Black Background



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FIGURE 9
White Tag, White Letters
On Red Square



APPENDIX A
Examples Of Sign Wording
For Accident Prevention Signs

Danger Signs—
Danger—Keep Off, Electric Current.
Danger—No Smoking, Matches, or Open Lights.
Danger—Men Working Above.
Danger—Not Room Enough Here to Clear Men on Cars.
Danger—Keep Away.
Danger—Men in Boiler.
Danger—Insufficient Clearance.
Danger—2,300 Volts.
Danger—Keep Out.
Danger—Crane Overhead.
Danger—Keep Off.

Caution Signs—
Caution—Do Not Operate, Men Working on Repairs.
Caution—Hands Off Switch, Men Working on Line.
Caution—Working on Machines, Do Not Start.
Caution—Goggles Must Be Worn When Operating This Machine.
Caution—This Door Must Be Kept Closed.
Caution—Electric Trucks, Go Slow.
Caution—This Space Must Be Kept Clear at All Times.
Caution—Stop Machinery to Clean, Oil, or Repair.
Caution—Keep Aisles Clear.
Caution—Operators of This Machine Shall Wear Snug Fitting Clothing—No Gloves.
Caution—Close Clearance.

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Caution—Watch Your Step.
Caution—Electric Fence.

Safety Instruction Signs—
Report All Injuries to the First-Aid Room at Once.
Walk—Don't Run.
Report All Injuries No Matter How Slight.
Think, If Safe Go Ahead.
Make Your Work Place Safe Before Starting the Job.
Report All Unsafe Conditions to Your Foreman.
Help Keep This Plant Safe and Clean.

Directional Signs—
This Way Out (below arrow panel).
This Way (inside arrow) Out (below arrow panel).
Fire Exit (below arrow panel).
Fire (inside arrow) Extinguisher (below arrow panel).
To the (inside arrow) Fire Escape (below arrow panel).
To the (inside arrow) First Aid (below arrow panel).
Manway (below arrow panel).
This Way to (inside arrow) First Aid Room (below arrow panel).

Informational Signs—
No Trespassing Under Penalty of the Law.
This Elevator is for Freight Only, Not for Passengers.
No Admittance Except to Employees on Duty.
No Admittance.
No Admittance, Apply at Office.
No Trespassing.
Men.
Women.
For Employees Only.
Office.

History: 1954 ACS 96, p. 101, Eff. July 26, 1978.

PART 24. TAR KETTLES

R 408.42401 Applicability.

Rule 2401. This part applies to portable tar kettles, tankers, and yard storage units, except those having vessels of less than 15 gallons capacity or burners of less than 5000 Btus firing rate and where used for paving operations.

History: 1954 ACS 80, p. 66, Eff. Aug. 27, 1974.

R 408.42402 Tar kettle construction.

Rule 2402. (1) A tar kettle vat for molten material shall be of welded construction and all other materials of the tar kettle, except tires, used in its construction shall be noncombustible. A tanker for molten material shall be braced and baffled to contain the load.

(2) A safety factor of 2, which is the ratio of the breaking strength of a piece of material or object to the actual load or stress when in use, shall be applicable to all components and shall be maintained.

(3) A cover for a tar kettle vessel shall be hinged, close fitting and capable of smothering a fire inside the vessel, when in a closed position.

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(4) A tar kettle shall be maintained level when containing molten material.

(5) A discharge valve from a tar kettle vessel shall be a quick closing type with standard pipe thread.

(6) Pipe, tubing, hose and conductors used for hot materials from a tar kettle or tanker shall be supported when above ground or floor level. Hose, tubing, pipe and conductors running horizontally shall be supported at intervals that will prevent sagging. Connections shall be made with unions or couplings and shall be maintained free of leaks.

(7) A rotating or reciprocating part exposed to contact shall be guarded with an enclosure of 16 gauge sheet metal or expanded metal secured to the frame or kettle.

(8) Where a pump unit is mounted on a tar kettle and the fuel container is an integral part of the pump, the pump unit shall be shielded from the tar kettle by a barrier of rigid noncombustible material.

History: 1954 ACS 80, p. 66, Eff. Aug. 27, 1974.

R 408.42403 Loading.

Rule 2403. (1) A tar kettle vessel shall be charged or loaded in a manner to avoid splashing. The weight of chunk material lifted manually shall be not more than 25 pounds.

(2) A vessel shall not be filled closer than 6 inches from the overflow level.

History: 1954 ACS 80, p. 66, Eff. Aug. 27, 1974.

R 408.42404 Controls.

Rule 2404. (1) A tar kettle and tanker shall be equipped with a working temperature gauge.

(2) A tar kettle, unless equipped with working automatic temperature controls, shall be tended by an operator at all times when it is fired.

(3) A tar kettle purchased after the effective date of this part shall be equipped with a safety pilot which will stop the fuel flow on flame failure.

(4) A yard storage unit shall have a safety pilot light with an audible alarm system and be thermostatically controlled.

(5) A yard storage unit or tanker purchased or constructed after the effective date of this part shall have a level indicator to show the amount of the contents within the vessel.

History: 1954 ACS 80, p. 67, Eff. Aug. 27, 1974.

R 408.42405 Fuel.

Rule 2405. (1) The fuel for a tar kettle or pump motor shall be limited to natural gas, L.P. gas, fuel oil, kerosene or electricity, except gasoline may be used as fuel for a pump motor.

(2) Fittings, hose and piping shall be compatible with the fuel used.

(3) If a fuel tank is located less than 10 feet from a tar kettle or tanker, the fuel tank shall be shielded from the tar kettle or tanker by a barrier of rigid noncombustible material.

History: 1954 ACS 80, p. 67, Eff. Aug. 27, 1974.

R 408.42406 Fire precautions.

Rule 2406. (1) One or more portable fire extinguishers of the dry powder type having a total capacity of not less than 40 pounds shall be located not less than 10 feet nor more than 25 feet from a tar kettle being fired. An extinguisher less than 10 pounds shall not be provided.

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(2) A tar kettle shall not be placed less than 20 feet from combustible materials unless separated by a fire-resistant blanket.

(3) A tar kettle shall not be placed less than 10 feet from a structure that extends above the highest part of a kettle, piping excluded.

(4) A tar kettle shall not be placed in or upon a building except by permission of an authorized representative of the department.

(5) A tar kettle shall not be moved while being fired.

History: 1954 ACS 80, p. 67, Eff. Aug. 27, 1974.

R 408.42407 Material handling.

Rule 2407. (1) A supply bucket used for handling hot material shall be of metal construction with all seams liquid tight. The bale handle shall be made of not less than ¼ inch steel with the handle hooked to hook ears riveted to the bucket. The handle ears shall be located above the center of balance.

(2) A leaking bucket shall be removed from service and repaired or scrapped.

(3) A supply bucket of hot material shall not be carried up a ladder.

(4) A manually powered hoist shall be equipped with manila rope not less than ¾ inch in size. The rope shall be inspected before the start of each job for broken fibers, burns, mildew and cuts. A rope having 1 of these conditions shall be replaced.

(5) The rope pulley shall be secured to the thrustout or hoisting jack in a manner to support not less than 3 times the weight to be lifted. The pulley groove shall be the same size as the rope.

(6) A cast or forged steel hook equipped with a safety latch shall be used to prevent a bucket from becoming unhooked when hoisting.

(7) Where a structural steel or wood beam thrustout is used, it shall be designed and installed in a manner to support not less than 3 times the weight being lifted and prevent tipping and twisting. A wood thrustout shall be set on edge.

(8) Where a counterweight is used, it shall be contained or secured in place to prevent slippage.

(9) Where a manual or powered hoisting jack is used, it shall be designed and installed in such a manner as to support not less than 3 times the load to be lifted.

(10) An employee shall not stand or walk under material being hoisted.

(11) A supply bucket shall not be filled closer than 2 inches from the top.

(12) When working on a roof deck or tending a tar kettle, tanker or yard storage unit, an employee shall wear a closed shirt covering the upper body including the arms and wrists, trousers that extend over the tops of the shoes and leather shoes not less than ankle high.

History: 1954 ACS 80, p. 67, Eff. Aug. 27, 1974.

R 408.42408 Rescission.

Rule 2408. Part 24 of the construction safety commission standards, being R 408.3401 to R 408.3407 of the Michigan Administrative Code and appearing on pages 6194 to 6196 of the 1972 Annual Supplement to the Code, is rescinded.

History: 1954 ACS 80, p. 68, Eff. Aug. 27, 1974.

PART 25. CONCRETE CONSTRUCTION

R 408.42501 Adoption of federal O.S.H.A. standard.

Rule 2501. (1) Sections 1926.700 to 1926.702 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference and may be inspected at the

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Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) As of the effective date of this part, subpart E, referenced in 29 C.F.R. §1926.700, means part 6 of the rules of the construction safety standards commission.

History: 1954 ACS 78, p. 108, Eff. Mar. 2, 1974; 1954 ACS 88, p. 118, Eff. Sept. 16, 1976.

R 408.42502—R 408.42515 Rescinded.

History: 1954 ACS 78, pp. 108-111, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 118, Eff. Sept. 16, 1976.

PART 26. STEEL ERECTION

R 408.42601 Scope.

Rule 2601. This part pertains to flooring requirements, structural steel assembly, bolting, riveting, and plumbing up on a construction site.

History: 1954 ACS 78, p. 111, Eff. Mar. 2, 1974; 1954 ACS 88, p. 118, Eff. Sept. 16, 1976; 1954 ACS 100, p. 93, Eff. Sept. 5, 1979.

R 408.42602—R 408.42605 Rescinded.

History: 1954 ACS 78, pp. 111, 112, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 119, Eff. Sept. 16, 1976.

R 408.42606 Definitions; L to T.

Rule 2606. (1) "Joist" means an open web load carrying member suitable for the direct support of floors and roof decks in a structure.

(2) "Lanyard" means a rope suitable for supporting 1 person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object.

(3) "Lofted building" means a structure which consists essentially of exterior steel framework such as, but not limited to, a warehouse, powerhouse, cranebay, and industrial building.

(4) "Plumbing up" means securing to obtain vertical alignment.

(5) "Tag line" means a rope used to guide a hoisted object.

(6) "Tier building" means a multistory structure such as, but not limited to, an office, apartment, hotel, or manufacturing building.

History: 1954 ACS 100, p. 93, Eff. Sept. 5, 1979.

R 408.42611 General flooring requirements.

Rule 2611. (1) A safety railing of ½-inch wire rope or equivalent shall be installed approximately 42 inches high around the periphery of a temporary planked or temporary metal decked floor of a tiered building and other multifloored structures during structural steel assembly.

(2) An unused opening in the floor, temporary or permanent, shall be completely planked over or shall be guarded as prescribed in subrule (1) of this rule.

(3) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(4) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

History: 1954 ACS 100, p. 94, Eff. Sept. 5, 1979.

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R 408.42612 Permanent flooring.

Rule 2612. (1) Permanent flooring shall be installed in a tiered building as the erection of structural members progresses with not more than 8 stories between the erection floor and the uppermost permanent floor, except where the structural integrity can be maintained as a result of the design.

(2) There shall be not more than 4 unconnected stories or 48 feet, whichever is less, between the erection floor and the uppermost permanent floor, except where the structural integrity can be maintained.

(3) Metal decking shall be of sufficient strength, laid tight, and secured to prevent movement.

History: 1954 ACS 100, p. 94, Eff. Sept. 5, 1979.

R 408.42613 Temporary flooring.

Rule 2613. (1) Temporary flooring shall be installed on the derrick or erection floor in a tiered building and shall consist of planking not less than 2 inches thick, undressed, full size, or metal decking of equivalent strength, all capable of carrying the working load. The floor shall cover the entire area except for access openings and shall be secured against displacement.

(2) Where the structure is not adaptable to a temporary floor and scaffolding is not used, safety nets, prescribed in Part 6. Personal Protective Equipment, being R 408.40601 of the Michigan Administrative Code, shall be installed and maintained whenever the potential fall is more than 2 stories or 30 feet.

(3) Where planking or safety nets would interfere with the erection of a structure, the use of safety belts with a lanyard shall be accepted as alternative protection as prescribed in Part 6. Personal Protective Equipment, being R 408.40601 of the Michigan Administrative Code.

(4) In the erection of a lofted building, the use of a safety belt and lanyard shall be acceptable as alternate protection in lieu of planking or nets.

(5) Where the work area is inaccessible or hazardous to reach, a connector may ride the headache ball to and from the work station providing that the man riding the ball attaches his lanyard to the hoist line.

(6) When erecting is being done with use of a crane or derrick, the temporary floor shall be maintained within 2 stories or 30 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

(7) The extreme end of planking shall extend beyond the end bearer not less than 6 inches nor more than 12 inches.

(8) Planks shall overlap the intermediate bearer on each end by a minimum of 12 inches.

(9) Wire mesh, ¾-inch exterior plywood, or equivalent, shall be used around a column where the planks do not fit tightly.

(10) Provisions shall be made to secure temporary floors against displacement.

History: 1954 ACS 100, p. 94, Eff. Sept. 5, 1979.

R 408.42621 Structural steel assembly.

Rule 2621. (1) During the final placing of structural steel members, the load shall not be released from the hoisting line until the member is secured by not less than 2 bolts or their equivalent at each support.

(2) Open web steel joists shall not be placed on any structural steel framework unless the framework is bolted or welded to withstand the dead load, wind, and erection stresses.

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(3) Where open web steel joists are used in steel framing and the columns are framed in less than 2 directions with structural steel members, a joist shall be field bolted or welded to columns to provide lateral stability during erection.

(4) Where joists more than 40 feet long are used, a center row of bolted or welded bridging shall be installed to provide lateral stability during erection prior to releasing the hoisting line. A load shall not be placed on the open web steel joists until this is done.

(5) A tag line shall be used to control movement of major hoisted loads.

History: 1954 ACS 100, p. 95, Eff. Sept. 5, 1979.

R 408.42624 Bolting and riveting.

Rule 2624. (1) A container shall be provided for storing and carrying fasteners, such as bolts and rivets and drift pins. The container shall be secured against inadvertent displacement when there is a possibility of the container falling.

(2) A pneumatic tool used for riveting or bolting shall have the pressure relieved and shall be disconnected from the hose line before adjustment or repairs are made to the tool.

(3) An impact wrench shall be equipped with a device to retain the socket.

(4) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(5) When a bolt, drift pin, or rivet is knocked out, a means shall be provided to prevent it from falling.

(6) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(7) When rivet heads are cut off or backed off, a means shall be provided to prevent them from falling.

History: 1954 ACS 100, p. 95, Eff. Sept. 5, 1979.

R 408.42625 Plumbing up.

Rule 2625. (1) Turnbuckles and other apparatus used in plumbing up shall be accessible to the employees for adjustment and dismantling. Connections of the equipment used in plumbing up shall be secured. The turnbuckles shall be secured to prevent unwinding while under stress.

(2) Plumbing up guy wires shall be removed under the supervision of a competent person.

History: 1954 ACS 100, p. 95, Eff. Sept. 5, 1979.

PART 27. BLASTING AND USE OF EXPLOSIVES

R 408.42701 Adoption of federal O.S.H.A. standard.

Rule 2701. (1) Sections 1926.900 to 1926.914 of the O.S.H.A. safety and health regulations for construction from title 29 of the Code of Federal Regulations (C.F.R.) are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the June 24, 1974, volume 39, number 122, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) As of the effective date of this part, "Secretary of Labor," as referred to in 29 C.F.R. §1926.900, means director of labor.

History: 1954 ACS 78, p. 112, Eff. Mar. 2, 1974; 1954 ACS 88, p. 119, Eff. Sept. 16, 1976.

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R 408.42702—R 408.42722 Rescinded.

History: 1954 ACS 78, pp. 112-118, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 119, Eff. Sept. 16, 1976.

PART 28. MARINE OPERATIONS

R 408.42801—R 408.42811 Rescinded.

History: 1954 ACS 78, p. 118, Eff. Mar. 2, 1974; rescinded 1954 ACS 88, p. 119, Eff. Sept. 16, 1976.

PART 30. TELECOMMUNICATIONS

R 408.43001 Adoption of federal O.S.H.A. standard.

Rule 3001. (1) Section 1910.268 of the O.S.H.A. safety and health regulations for general industry, from title 29 of the Code of Federal Regulations (C.F.R.) is incorporated herein by reference, except as noted in subrules (2) and (11) of this rule, and may be inspected at the Lansing office of the department of labor. The federal construction standard may be purchased at a cost of 75 cents by ordering the March 26, 1975, volume 40, number 59, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. This section may also be purchased at a cost of 20 cents from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Paragraphs (a)(2)(i) and (a)(3) of 29 C.F.R. §1910.268 are excepted.

(3) As of the effective date of this part, the words "for purposes of 1910.35(a)," as used in 29 C.F.R. §1910.268(b)(1)(iii), are excepted.

(4) As of the effective date of this part, section 1910.110, referenced in 29 C.F.R. §1910.268(b)(4), means rule 3003 of this part.

(5) As of the effective date of this part, the words "Assistant Secretary for Occupational Safety and Health," as used in 29 C.F.R. §1910.268(c), mean director of the department of labor.

(6) As of the effective date of this part, the words "Subpart D of this part," as used in 29 C.F.R. §1910.268 (h)(1), mean part 11 of the rules of the construction safety standards commission.

(7) As of the effective date of this part, section 1910.25(c)(5), referenced in 29 C.F.R. §1910.268(h)(5), means rule 3004 of this part.

(8) As of the effective date of this part, sections 1910.133(a)(2) to (a)(6), referenced in 29 C.F.R. §1910.268(i)(2), mean part 6 of the rules of the construction safety standards commission.

(9) As of the effective date of this part, subpart Q, referenced in 29 C.F.R. §1910.268(i)(9), means part 7 of the rules of the construction safety standards commission.

(10) As of the effective date of this part, the words "Subpart W of Part 1926 of this title," as used in 29 C.F.R. §1910.268 (j)(2)(i), mean part 13 of the rules of the construction safety standards commission.

(11) Paragraphs (b)(1)(i), (b)(3), (b)(8), (i)(3)(ii), (o)(2), (p)(2), and (p)(3) of 29 C.F.R. §1910.268 are excepted. These paragraphs have been adopted by the Michigan department of public health as R 325.2491.

History: 1954 ACS 88, p. 119, Eff. Sept. 16, 1976.

R 408.43002 Applicability.

Rule 3002. Operations or conditions not specifically covered by this part are subject to all the applicable standards promulgated by the construction safety standards commission. Operations which involve general industrial work are

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subject to all the applicable standards promulgated by the occupational safety standards commission.

History: 1954 ACS 88, p. 120, Eff. Sept. 16, 1976.

R 408.43003 Vehicles fueled by LP gas; storage or service; repair; parking.

Rule 3003. (1) Vehicles fueled by LP gas may be stored or serviced inside garages if there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in table 1.

TABLE 1
Maximum Permitted Filling Density

Specific gravity at 60° F. (15.6° C.)	Aboveground containers		Underground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Over 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	
	Percent	Percent	Percent
0.496-0.503	41	44	45
.504- .510	42	45	46
.511- .519	43	46	47
.520- .527	44	47	48
.528- .536	45	48	49
.537- .544	46	49	50
.545- .552	47	50	51
.553- .560	48	51	52
.561- .568	49	52	53
.569- .576	50	53	54
.577- .584	51	54	55
.585- .592	52	55	56
.593- .600	53	56	57

(2) Vehicles fueled by LP gas which are being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(3) Vehicles fueled by LP gas shall not be parked near sources of heat, open flames, or similar sources of ignition, or near open pits, unless the pits are adequately ventilated.

History: 1954 ACS 88, p. 120, Eff. Sept. 16, 1976.

R 408.43004 Trolley and side-rolling ladders.

Rule 3004. (1) Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.

(2) The dimensions of the side rails shall not be less than the following for group 2 or group 3 woods:

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	$^{25}/_{32}$	3
Over 10 up to and including 20	$^{25}/_{32}$	$3\frac{1}{4}$

(3) The minimum thicknesses of side rails provide for the cutting of a groove not over ⅛ inch in depth. The thickness shall be increased when grooves of greater

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depth are used. Flat steps shall have the following minimum dimensions for group 2 or group 3 woods:

Length of step (inches)	Thickness (inch)	Width (inches)
Up to and including 16	25/32	3
Over 16 up to and including 20	25/32	3¼
Over 20 up to and including 24	25/32	3½
Over 24 up to and including 28	25/32	4

(4) The width between the side rails, inside to inside, shall be at least 12 inches.

(5) Flat steps shall be inset in the side rails ⅛ inch and secured with at least two 6-d nails at each end, or the equivalent thereof. They shall be reinforced with angle braces or with a 3/16-inch steel rod.

(6) Locking devices should be provided on all trolley ladders.

(7) Tracks shall comply with the following requirements:

(a) Tracks shall be wood or metal (excluding cast iron), or a combination of these materials.

(b) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels cannot jump the track. Tracks shall be so designed as to provide for all probable loads to which they are subjected.

(c) The supports shall be securely fastened by lag screws or by machine, hook, or toggle bolts, or their equivalent.

(d) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(8) A wheel carriage shall comply with the following requirements:

(a) A wheel carriage shall be so designed as to provide for all loads to which it is subjected. Two-point suspension should be used.

(b) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder, with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel does not allow the ladder to drop or become detached from the track.

(c) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(d) The wheels at the upper end of the ladder shall have a minimum wheel base of 8 inches.

(e) When wheels are used at the bottom of the ladder, there shall be at least 1 wheel supporting each side rail.

(f) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which such gear is subjected.

History: 1954 ACS 88, p. 120. Eff. Sept. 16, 1976.

PART 31. DIVING OPERATIONS

R 408.43101 Scope.

Rule 3101. This part pertains to the safe use and maintenance of equipment and procedures of the occupation of diving and the related support operations as used in construction operations. This part does not apply to a diving operation

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performed solely for recreational instruction purposes using open-circuit compressed-air SCUBA and conducted within the no-decompression limits.

History: 1954 ACS 99, p. 143, Eff. June 16, 1979.

R 408.43103 Definitions; A to C.

Rule 3103. (1) "Acfm" means actual cubic feet per minute.

(2) "ATA" means atmosphere absolute.

(3) "Bell" means an enclosed compartment, pressurized (closed bell) or unpressurized (open bell), which allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during diving operations.

(4) "Bottom time" means the total elapsed time, measured in minutes, from the time when the diver leaves the surface in descent to the time that the diver begins ascent.

(5) "Bursting pressure" means the pressure at which a pressurized device would fail structurally.

(6) "Cylinder" means a pressure vessel for the storage of gases.

History: 1954 ACS 99, p. 144, Eff. June 16, 1979.

R 408.43104 Definitions; D.

Rule 3104. (1) "Decompression chamber" means a pressure vessel for human occupancy, such as a surface decompression chamber, pressurized bell, or deep diving system used to decompress divers and to treat decompression sickness.

(2) "Decompression sickness" means a condition with a variety of symptoms which may result from gas or bubbles in the tissues of divers after pressure reduction.

(3) "Decompression table" means a profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

(4) "Dive location" means a surface or vessel from which a diving operation is conducted.

(5) "Dive location reserve breathing gas" means a volume tank or independent supply of air or mixed gas at the dive location sufficient, under standard operating conditions to allow the diver to reach the surface.

(6) "Dive team" means divers and support employees involved in a diving operation, including the designated person in charge.

(7) "Diver" means an employee in the water using underwater apparatus which supplies compressed breathing gas at the ambient pressure.

(8) "Diver-carried reserve breathing gas" means a diver-carried supply of air or mixed gas sufficient, under standard operating conditions, to allow the diver to reach the surface, a bell, or to be rescued by a standby diver.

(9) "Diving mode" means a type of diving requiring specific equipment, procedures, and techniques, such as SCUBA, surface-supplied air, or mixed-gas diving.

History: 1954 ACS 99, p. 144, Eff. June 16, 1979.

R 408.43105 Definitions; F to M.

Rule 3105. (1) "Fsw" means feet of seawater or equivalent static pressure head.

(2) "Heavy gear" means diver-worn deep-sea dress, including helmet, breastplate, dry suit, and weighted shoes.

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(3) "Hyperbaric conditions" means pressure conditions in excess of surface pressure.

(4) "Inwater stage" means a suspended underwater platform which supports a diver in the water.

(5) "Liveboating" means the practice of supporting a surface-supplied air or mixed gas diver from a vessel which is underway.

(6) "Mixed-gas diving" means a diving mode in which the diver is supplied in the water with a breathing gas other than air.

History: 1954 ACS 99, p. 144, Eff. June 16, 1979.

R 408.43106 Definitions; N to S.

Rule 3106. (1) "No-decompression limits" means a combination of the depth of a dive and the bottom time which permits a diver to return to the surface without decompression, as expressed in volume I, air diving—1973, as amended through December, 1975, and volume II, mixed gas diving—1973, as amended through December, 1975, of the U.S. navy diving manual which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. These volumes may be purchased at a cost of $3.25 each from the Superintendent of Documents, Government Printing Office, Public Document Department, Washington, D.C. 20402, or from the Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.

(2) "O.H. rule" means an occupational health rule adopted by reference pursuant to section 14 of Act No. 154 of the Public Acts of 1974, as amended, being §408.1014 of the Michigan Compiled Laws. Copies of these rules are available from the Michigan Department of Public Health, 3500 N. Logan, Box 30035, Lansing, Michigan 48909.

(3) "Psig" means pounds per square inch, gauge.

(4) "Qualified employee" means one who, by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(5) "SCUBA diving" means a diving mode independent of surface supply in which the diver uses open-circuit self-contained underwater breathing apparatus.

(6) "Standby diver" means a diver at the dive location available in a sufficient state of readiness to assist a diver in the water.

(7) "Surface-supplied air diving" means a diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.

History: 1954 ACS 99, p. 144, Eff. June 16, 1979.

R 408.43107 Definitions; T to W.

Rule 3107. (1) "Treatment table" means a depth-time and breathing gas profile used in the treatment of decompression sickness.

(2) "Umbilical" means the composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which may supply a diver or bell with breathing gas, communications, power, and heat and may include a safety line.

(3) "Volume tank" means a pressure vessel connected to the outlet of a compressor and used as an air reservoir.

(4) "Working pressure" means the maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

History: 1954 ACS 99, p. 145, Eff. June 16, 1979.

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R 408.43109 Emergencies.

Rule 3109. An employer may deviate from the requirements of these rules to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer complies with both of the following:

(a) Notifies the department of labor within 72 hours of the onset of the emergency situation, indicating the nature of the emergency and extent of the deviation from these rules.

(b) Upon request from the department of labor or public health, submits this information in writing.

History: 1954 ACS 99, p. 145, Eff. June 16, 1979.

R 408.43111 Employer responsibilities.

Rule 3111. The employer shall be responsible for compliance with both of the following:

(a) All provisions of these rules of general applicability.

(b) All requirements pertaining to specific diving modes to the extent diving operations in the modes are conducted.

History: 1954 ACS 99, p. 145, Eff. June 16, 1979.

R 408.43112 Qualifications of dive team.

Rule 3112. (1) The employer shall ensure that each dive team member has the experience and training necessary to perform assigned tasks in a safe and healthful manner. The training and experience shall include all of the following:

(a) The use of tools, equipment, and systems relevant to assigned tasks.

(b) Techniques of the assigned diving mode.

(c) Diving operations and emergency procedures.

(d) Familiarity with the contents of the safe practices manual required by R 408.43114.

(2) All dive team members shall be trained in cardiopulmonary resuscitation and first aid by the American red cross or equivalent organization.

(3) Each dive team member who is exposed to or controls the exposure of others to hyperbaric conditions shall be trained in diving-related physics and physiology.

History: 1954 ACS 99, p. 145, Eff. June 16, 1979.

R 408.43113 Dive team assignments.

Rule 3113. (1) The employer or an employee designated by the employer shall be at the dive location and shall be in charge of all aspects of the diving operation affecting the safety of dive team members.

(2) The designated person in charge shall have experience and training in the conduct of the assigned diving operation.

(3) Each dive team member shall be assigned tasks in accordance with the employee's experience or training, except that limited additional tasks may be assigned to an employee undergoing training if these tasks are performed under the direct supervision of an experienced dive team member.

(4) The employer shall not require a dive team member to be exposed to hyperbaric conditions against the employee's will, except when necessary to complete decompression or treatment procedures.

(5) The employer shall not permit a dive team member to dive or be otherwise exposed to hyperbaric conditions for the duration of any temporary, physical

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impairment or condition which is known to the employer and is likely to adversely affect the health of a dive team member.

History: 1954 ACS 99, p. 145, Eff. June 16, 1979.

R 408.43114 Safe practices manual.

Rule 3114. (1) The employer shall develop and maintain a safe practices manual which shall be made available to each dive team member at the dive location.

(2) The safe practices manual shall contain a copy of these rules, the employer's policies for implementing their requirements, and all of the following:

(a) Operating procedures and checklists for diving operations.

(b) Assignments and responsibilities of the dive team members.

(c) Equipment procedures and checklists.

(d) Emergency procedures for fire, equipment failure, adverse environmental conditions and medical illness, and injury.

History: 1954 ACS 99, p. 146, Eff. June 16, 1979.

R 408.43121 Pre-dive procedures; emergency aid.

Rule 3121. A list of the following telephone or call numbers shall be kept at the dive location:

(a) An operational decompression chamber, if not at the dive location.

(b) Accessible hospitals.

(c) Available physicians.

(d) Available means of transportation.

(e) The nearest U.S. coast guard rescue coordination center.

History: 1954 ACS 99, p. 146, Eff. June 16, 1979.

R 408.43122 Pre-dive procedures; planning and assessment.

Rule 3122. (1) Planning of a diving operation shall include an assessment of the safety and health aspects of all of the following:

(a) Diving mode.

(b) Surface and underwater conditions and hazards.

(c) Breathing gas supply, including reserves.

(d) Thermal protection.

(e) Diving equipment and systems.

(f) Dive team assignments and physical fitness of dive team members, including any impairment known to the employer.

(g) Repetitive dive designation or residual inert gas status of dive team members.

(h) Decompression and treatment procedures, including altitude corrections.

(i) Decompression tables.

(j) Emergency procedures.

(2) Decompression, repetitive, and no-decompression tables, as appropriate, shall be at the dive location.

History: 1954 ACS 99, p. 146, Eff. June 16, 1979.

R 408.43123 Pre-dive procedures; hazardous activities.

Rule 3123. To minimize hazards to the dive team, diving operations shall be coordinated with other activities in the vicinity which are likely to interfere with the diving operation.

History: 1954 ACS 99, p. 146, Eff. June 16, 1979.

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R 408.43124 Pre-dive procedures; employee briefing.

Rule 3124. (1) Dive team members shall be briefed on all of the following:

(a) The tasks to be undertaken.

(b) Operating procedures for the diving mode.

(c) Any unusual hazards or environmental conditions likely to affect the safety of the diving operation.

(d) Any modifications to operating procedures necessitated by the specific diving operation.

(2) Prior to making individual dive team member assignments, the employer shall inquire into the dive team member's current state of physical fitness, and indicate to the dive team member the procedure for reporting physical problems or adverse physiological effects during and after the dive.

History: 1954 ACS 99, p. 146, Eff. June 16, 1979.

R 408.43125 Pre-dive procedures; communications.

Rule 3125. An operational 2-way voice communication system shall be provided as follows:

(a) At the dive location to obtain emergency assistance.

(b) Between each surface-supplied air or mixed-gas diver and a dive team member at the dive location or bell.

(c) Between the bell and the dive location.

History: 1954 ACS 99, p. 147, Eff. June 16, 1979.

R 408.43126 Pre-dive procedures; equipment inspection.

Rule 3126. The breathing gas supply system, including reserve breathing gas supplies, masks, helmets, gauges, timekeeping devices, thermal protection, and bell handling mechanisms, when appropriate, shall be inspected prior to each dive.

History: 1954 ACS 99, p. 147, Eff. June 16, 1979.

R 408.43127 Pre-dive procedures; warning signal.

Rule 3127. A warning flag shall be fully displayed when diving as follows: Any person diving or submerging in any of the waters of this state with the aid of a diving suit or other mechanical diving device shall place a buoy or boat in the water at or near the point of submergence. The buoy or boat shall bear a red flag not less than 14 inches by 16 inches with a 3½ inch white stripe running from 1 upper corner to a diagonal lower corner. The flag shall be in place only while actual diving operations are in progress. A vessel shall not be operated within 100 feet of a buoyed diver's flag unless it is involved in tending the diving operation. A person diving shall stay within a surface area of 100 feet of the diver's flag.

History: 1954 ACS 99, p. 147, Eff. June 16, 1979.

R 408.43131 Procedures during dive; water entry and exit.

Rule 3131. (1) A means capable of supporting the diver shall be provided for entering and exiting the water.

(2) The means provided for exiting the water shall extend below the water surface.

(3) A means shall be provided to assist an injured diver from the water or into a bell.

History: 1954 ACS 99, p. 147, Eff. June 16, 1979.

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R 408.43132 Procedures during dive; hand-held power tools and equipment.

Rule 3132. (1) Tools and equipment shall be qualified for underwater use.

(2) Hand-held electrical tools and equipment shall be de-energized before being placed into or retrieved from the water.

(3) A hand-held power tool shall not be supplied with power from the dive location until requested by the diver.

(4) A current supply switch to interrupt the current flow to the welding or cutting electrode shall be:

(a) Tended by a dive team member in voice communication with the diver performing the welding or cutting.

(b) Kept in the open position except when the diver is welding or cutting.

(5) The welding machine frame shall be grounded and a ground wire shall be connected directly to the work.

(6) Welding and cutting cables, electrode holders, and connections shall be capable of carrying the maximum current required by the work, and shall be properly insulated.

(7) Insulated gloves shall be provided to divers performing welding and cutting operations.

(8) Prior to welding or cutting on a closed compartment, a structure, or a pipe, which contains a flammable vapor or in which a flammable vapor may be generated by the work, the compartment, structure, or pipe shall be vented, flooded, or purged with a mixture of gases which will not support combustion.

History: 1954 ACS 99, p. 147, Eff. June 16, 1979.

R 408.43133 Procedures during dive; explosives.

Rule 3133. (1) Explosives shall be transported, stored, and used as prescribed in this rule and the applicable provisions of the construction safety standards commission standard, Part 27. Blasting and Use of Explosives, being R 408.42701 of the Michigan Administrative Code, or the general industry safety standards commission standard 1910.109, Explosives and Blasting Agents, adopted by section 14 of Act No. 154 of the Public Acts of 1974, as amended, being §408.1014 of the Michigan Compiled Laws.

(2) Electrical continuity of explosive circuits shall not be tested until the diver is out of the water.

(3) Explosives shall not be detonated while the diver is in the water.

History: 1954 ACS 99, p. 148, Eff. June 16, 1979.

R 408.43134 Procedure during dive; termination.

Rule 3134. The working interval of a dive shall be terminated when any of the following occurs:

(a) A diver requests termination.

(b) A diver fails to respond correctly to communications or signals from a dive team member.

(c) Communications are lost and cannot be quickly reestablished between the diver and a dive team member at the dive location, and between the designated person in charge and the person controlling the vessel in liveboating operations.

(d) A diver begins to use diver-carried reserve breathing gas or the dive-location reserve breathing gas.

(e) When the scheduled work interval has expired.

History: 1954 ACS 99, p. 148, Eff. June 16, 1979.

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R 408.43141 Post-dive procedures generally.

Rule 3141. The employer shall comply with all of the following requirements which are applicable after each diving operation:

(a) Check the physical condition of the diver.

(b) Instruct the diver to report any physical problems or adverse physiological effects, including symptoms of decompression sickness.

(c) Advise the diver of the location of a decompression chamber which is ready for use.

(d) Alert the diver to the potential hazards of flying after diving.

(e) Instruct the diver to remain awake and in the vicinity of the dive location for not less than 1 hour after a dive which requires a decompression chamber.

History: 1954 ACS 99, p. 148, Eff. June 16, 1979.

R 408.43142 Post-dive procedures; record of dive.

Rule 3142. (1) All of the following information shall be recorded and maintained for each diving operation:

(a) Names of dive team members, including the designated person in charge.

(b) Date, time, and location.

(c) Diving modes used.

(d) General nature of the work performed.

(e) Approximate underwater and surface conditions, such as visibility, water temperature, wind velocity, and current.

(f) Maximum depth and bottom time for each diver.

(2) For each dive for which a decompression chamber is required, all of the following additional information shall be recorded and maintained:

(a) Depth-time and breathing gas profiles.

(b) Decompression table designation, including any modification.

(c) Elapsed time since last pressure exposure, if less than 24 hours, or repetitive dive designation for each diver.

(3) For each dive in which decompression sickness is suspected or symptoms are evident, all of the following additional information shall be recorded and maintained:

(a) Description of decompression sickness symptoms, including depth and time of onset.

(b) Description and results of treatment.

History: 1954 ACS 99, p. 148, Eff. June 16, 1979.

R 408.43145 Liveboating generally.

Rule 3145. Diving operations involving liveboating shall not be conducted during any of the following conditions:

(a) With an inwater decompression time of greater than 120 minutes.

(b) Using surface supplied air at depths deeper than 190 fsw, except that dives with bottom times of 30 minutes or less may be conducted to depths of 220 fsw.

(c) Using mixed gas at depths greater than 220 fsw.

(d) In rough seas with a wave height of more than 3 feet.

(e) In other than daylight hours.

History: 1954 ACS 99, p. 148, Eff. June 16, 1979.

R 408.43146 Liveboating; procedures.

Rule 3146. (1) The propeller of the vessel shall be stopped before the diver enters or exits the water.

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(2) A device shall be used which minimizes the possibility of entanglement of the diver's hose in the propeller of the vessel.

(3) Two-way voice communication between the designated person in charge and the person controlling the vessel shall be used while the diver is in the water.

(4) A standby diver shall be available while a diver is in the water.

(5) A diver-carried reserve breathing gas supply shall be carried by each diver engaged in liveboating operations.

History: 1954 ACS 99, p. 149, Eff. June 16, 1979.

R 408.43151 Equipment generally.

Rule 3151. Equipment modification, repair, test, calibration, or maintenance service shall be recorded by means of a tagging or logging system, and shall include the date and nature of the work performed, and the name or initials of the person performing the work.

History: 1954 ACS 99, p. 149, Eff. June 16, 1979.

R 408.43152 Equipment; breathing gas supply hoses.

Rule 3152. (1) Breathing gas supply hoses shall meet all of the following criteria:

(a) Have a working pressure of not less than the working pressure of the breathing gas system.

(b) Have a rated bursting pressure of not less than 4 times the working pressure.

(c) Be tested initially and not less than annually thereafter to 1.5 times their working pressure.

(d) Be tensile tested before being placed into initial service and after any repair, modification, or alteration, by subjecting each hose-to-fitting connection to a 220-pound axial load and by passing a visual examination for evidence of separation, slippage, or other damage to the assembly.

(e) Be inspected prior to each diving operation for cuts, kinks, soft spots, or bubbles.

(f) Have their open ends taped, capped, or plugged when not in use.

(2) Breathing gas supply hose connectors shall meet all of the following criteria:

(a) Be made of corrosion-resistant materials.

(b) Have a working pressure at least equal to the working pressure of the hose to which they are attached.

(c) Be resistant to accidental disengagement.

History: 1954 ACS 99, p. 149, Eff. June 16, 1979.

R 408.43153 Equipment; umbilicals.

Rule 3153. Umbilicals shall meet all of the following criteria:

(a) Be marked and labeled in 10 feet increments to 100 feet beginning at the diver's end, and in 50 feet increments thereafter.

(b) Be made of kink-resistant materials.

(c) Have a working pressure greater than the pressure equivalent to the maximum depth of the dive relative to the supply source plus 100 psi.

History: 1954 ACS 99, p. 149, Eff. June 16, 1979.

R 408.43154 Equipment; buoyancy control.

Rule 3154. (1) Helmets or masks connected directly to the dry suit or other buoyancy changing equipment shall be equipped with an exhaust valve.

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(2) A dry suit or other buoyancy changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(3) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(4) Except when the diver is wearing a variable volume suit, an inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an overpressure relief device or exhaust valve shall be used for SCUBA diving.

History: 1954 ACS 99, p. 149, Eff. June 16, 1979.

R 408.43155 Equipment; compressed-gas cylinders.

Rule 3155. (1) A compressed-gas cylinder shall be designed, constructed, and maintained pursuant to the applicable provisions of 29 C.F.R. §§1910.166 and 1910.167 which were adopted by section 14 of Act No. 154 of the Public Acts of 1976, as amended, being §408.1014 of the Michigan Compiled Laws.

(2) Be stored in a ventilated area and protected from excessive heat.

(3) Be secured from falling.

(4) Have shutoff valves recessed into the cylinder or protected by a cap, except when in use or manifolded, or when used for SCUBA diving.

(5) Be subjected to internal inspection for rust and corrosion not less than annually.

History: 1954 ACS 99, p. 150, Eff. June 16, 1979.

R 408.43156 Decompression chambers; operation.

Rule 3156. (1) A qualified employee shall be available to operate the decompression chamber for not less than 1 hour after a dive for which a decompression chamber is required. The qualified employee may be a dive team member or another employee qualified to operate the decompression chamber.

(2) The decompression chamber operator shall have available at the chamber location necessary treatment tables, treatment gas appropriate to the diving mode, and sufficient gas to conduct treatment.

(3) A muffler on each decompression intake and exhaust line and the suction guard on the exhaust line shall be regularly inspected and maintained.

(4) A 2-way voice communication system shall be provided between the occupants of other separately pressurized compartments and a dive team member at the chamber location.

(5) A decompression chamber shall be maintained and operated to minimize sources of ignition and combustible materials in each compartment.

History: 1954 ACS 99, p. 150, Eff. June 16, 1979.

R 408.43157 Equipment; gauges and timekeeping devices.

Rule 3157. (1) Gauges indicating diver depth which can be read at the dive location shall be used for all surface-supplied dives.

(2) Each depth gauge shall be dead-weight tested or calibrated against a master reference gauge initially and every 6 months thereafter, and shall also be tested when there is a discrepancy of more than plus or minus 2% of full scale between any 2 equivalent gauges.

(3) A timekeeping device shall be available and monitored at each surface-supplied dive location.

(4) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

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(5) A timekeeping device shall be worn by each SCUBA diver in a position to be monitored by the diver.

History: 1954 ACS 99, p. 150, Eff. June 16, 1979.

R 408.43158 Equipment; weights and harnesses.

Rule 3158. (1) Divers shall be equipped with a weight belt or assembly capable of quick release, except when heavy gear is worn.

(2) Except when heavy gear is worn or except in SCUBA diving, each diver shall wear a safety harness with all of the following:

(a) A positive buckling device.

(b) An attachment point for the umbilical to prevent strain on the mask or helmet.

(c) A lifting point to distribute the pull force of the line over the diver's body.

History: 1954 ACS 99, p. 150, Eff. June 16, 1979.

R 408.43161 Recordkeeping; recording and reporting.

Rule 3161. (1) The employer shall record and report occupational injuries and illnesses pursuant to department of labor requirements of Part 11. Recording and Reporting of Occupational Injuries and Illnesses, being R 408.22101 et seq. of the Michigan Administrative Code.

(2) In addition, the employer shall record the occurrence of any diving related injury or illness which requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

History: 1954 ACS 99, p. 150, Eff. June 16, 1979.

R 408.43162 Recordkeeping; availability of records.

Rule 3162. (1) Upon the request of the director of the department of labor or the director of the department of public health, the employer shall make available for inspection and copying any record or document required by these rules.

(2) Upon request of any employee, former employee, or authorized representative, the employer shall make available for inspection and copying any record or document required by these rules which pertains to the individual employee or former employee.

(3) Records and documents required by these rules shall be retained by the employer for the following periods:

(a) Dive team member physician reports—5 years.

(b) Safe practices manual—current document only.

(c) Depth-time profile—until completion of the recording of the dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness.

(d) Recording of dive—1 year, except 5 years where there has been an incident of decompression sickness.

(e) Decompression procedure assessment evaluations—5 years.

(f) Records of hospitalizations—5 years.

History: 1954 ACS 99, p. 151, Eff. June 16, 1979.

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

SAFETY STANDARDS FOR AGRICULTURE

(By authority conferred on the general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being §§408.1016 and 408.1021 of the Michigan Compiled Laws)

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PART 51. AGRICULTURAL TRACTORS

R 408.45101 Adoption of federal standard.

Rule 5101. Effective 15 days after filing with the secretary of state, a tractor used in agricultural operations shall be as prescribed in 29 C.F.R. §§1928.51, 1928.52, and 1928.53, O.S.H.A. safety and health regulations for agricultural tractor rollover protective structures, which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. These sections were published in the April 25, 1975, Federal Register and may be purchased at a cost of 75 cents from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 231 W. Lafayette, Detroit, Michigan 48226. These sections may also be purchased at a cost of 20 cents from the Michigan Department of Labor, 7150 Harris Drive, Lansing, Michigan 48926.

History: 1954 ACS 91, p. 78, Eff. May 19, 1977.

PART 53. FARM FIELD EQUIPMENT

R 408.45301 Adoption of federal standard.

Rule 5301. (1) Farm field equipment used in agricultural operation shall be as prescribed in paragraphs (a) to (c) of 29 C.F.R. §1928.57, O.S.H.A. safety and health regulations for the guarding of farm field equipment, farmstead equipment, and cotton gins, which are incorporated herein by reference and may be inspected at the Lansing office of the department of labor. This section was published in the March 9, 1976, and October 22, 1976, Federal Registers and may be purchased at a cost of 75 cents from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 231 W. Lafayette, Detroit, Michigan 48226. This section may also be purchased at a cost of 20 cents from the Michigan Department of Labor, 7150 Harris Drive, Lansing, Michigan 48926.

(2) Notwithstanding the effective dates contained in paragraph (a)(3) of the referenced regulation, the effective dates shall be 15 days after filing with the secretary of state.

History: 1954 ACS 91, p. 78, Eff. May 19, 1977.

EMPLOYMENT SECURITY COMMISSION

ADMINISTRATIVE REGULATIONS

(By authority conferred on the employment security commission by section 4 of Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being §421.4 of the Michigan Compiled Laws)

R 421.1 Rescinded.

History: 1944 ACS 12, p. 34; 1954 AC, p. 4801; rescinded 1954 ACS 13, p. 82, Eff. Feb. 14, 1958.

R 421.10 Disclosure of information.

Rule 10. (1) All information, files and records of the Michigan employment security commission, reflecting information obtained from an employing unit or individual pursuant to administration of the act by the commission or its agents or representatives, shall be held confidential, and shall not be disclosed nor open to public or private inspection by anyone except as hereinafter provided.

(2) Such information in possession of the commission as may: (a) affect a claim for benefits, (b) affect a charge to an employer's rating account, or (c) be necessary for proper presentation of a case in any hearing before the commission,

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a referee, or the appeal board, upon request by an interested party, shall be made available to such interested party for examination at an office of the commission by him or his duly authorized representative who has supplied the commission with satisfactory proof of authorization and identity. A duly licensed attorney at law who states that he represents a claimant or an employer who is an interested party is not required to furnish proof of authorization.

(3) No information shall be released to any of the agencies, bureaus or departments specified in section 11(b) of the act unless a written request has been first submitted to the commission stating the specific information desired, the specific purpose for which the information is to be used, and the name of any person authorized by the principal to receive the information from the commission.

(4) Information shall be released to a college, university or public agency of this state only as specified in section 11(b) of the act for use in connection with research projects of a public service nature and only after a written request, signed by the administrative head (or his delegated representative) of the college, university or public agency, as required by the commission, is submitted to the commission and the commission is assured the information will not be made public in any way identifying any individual or employing unit from or concerning whom the information was obtained by the commission. The request shall contain a complete statement as to the nature of the information requested, the public service objective for which the request has been made, the prospective use of the information and the manner in which it will be made public.

(5) The individual signing the request for confidential information shall certify that: (a) the requested information is for and to be used by the college, university or public agency in accordance with the relevant provisions in the act; (b) he is empowered by the college, university or public agency he represents to commit his principal for expenses which may be incurred by the commission in fulfilling the request; (c) if reports based on the information are to be published, the college, university or public agency will submit the reports to the commission for review so that the commission may ascertain and assure that the confidentiality provisions of the act or applicable federal statutes or standards are not violated; and (d) he is aware of the penalties provided in the act for unauthorized or improper use of the information.

(6) The commission will decide the feasibility of supplying such information based on the staff time available and the current workload of the commission, and will require reimbursement on a cost basis for supplying or preparing the information.

(7) Nothing in this rule shall be construed to prohibit publication by the commission of statistical data or other information in the interest of the public, not disclosing the identity of any individual or employing unit, nor under the same limitation, to prohibit the commission in accordance with section 4 of the act from making available to the public upon request, statements of any and all informal rules or criteria of decisions, administrative policies, or interpretations and the like which are or may be utilized by the commission, its agents, or employees in any manner in the performance of their administrative duties.

History: 1944 ACS 12, p. 34; 1954 AC, p. 4802; 1954 ACS 44, p. 35, Eff. Nov. 14, 1965; 1954 ACS 53, p. 57, Eff. Feb. 14, 1968.

EMPLOYERS

R 421.101 Report to determine liability.

Rule 101. (1) Every individual or legal entity which becomes an "employing unit" as defined in section 40 of the act shall, on or before the last day of the month

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next following the month during which it became an employing unit, file with this commission a "Report to Determine Liability" and such additional reports as the commission may require for the purpose of determining whether it is an "employer" as defined in section 41 of said act.

(2) Every "employing unit" which is determined to be an "employer" (including every "employing unit" which has elected, with the approval of the commission, to become an "employer") shall be notified of such determination or approval and shall be supplied as soon as practical with a copy of the act and the employers' handbook, the rules adopted by the commission, and a certificate informing the employees that the employer is covered by the Michigan employment security act and has been so registered with the commission. Additional certificates will be furnished to each employer upon request.

(3) Every "employer" shall, upon the receipt thereof, post the certificate or certificates in a conspicuous place or places in such employer's place of business as to bring to the attention of each employee the contents of the certificate or certificates. Certificates shall remain posted and displayed so long as the employer is subject to the act. No such certificate shall be posted by any person or "employing unit" which has not been determined to be an "employer" liable for contributions under the act, or by any "employing unit" which has ceased to be an "employer."

History: 1944 AC, p. 1436; 1944 ACS 12, p. 35; 1954 AC, p. 4802; 1954 ACS 13, p. 82, Eff. Feb. 14, 1958.

R 421.110 Rescinded.

History: 1944 AC, p. 1437; 1954 AC, p. 4803; rescinded 1954 ACS 13, p. 82, Eff. Feb. 14, 1958.

R 421.112 Determination of cash value of room and board.

Rule 112. (1) If board, rent, housing, lodging, meals, or similar advantage is extended in any medium other than cash as partial or entire remuneration for service constituting "employment" as defined in section 42 of the act, the reasonable cash value of same shall be deemed wages subject to contribution.

(2) Where the cash value for such board, rent, housing, lodging, meals, or similar advantage is agreed upon in any contract of hire, the amount so agreed upon shall be deemed the value of such board, rent, housing, lodging, meals or similar advantage. Check stubs, pay envelopes, and the like, furnished to employees setting forth such cash value, are acceptable evidence as to the amount of the cash value agreed upon in any contract of hire except as provided in subrules (4) and (5) of this rule.

(3) In the absence of such an agreement in a contract of hire, the rate for board, rent, housing, lodging, meals or similar advantages, furnished in addition to money wages or wholly comprising the wages of an employed individual, shall be deemed to have the following cash value except as provided in subrule (4) of this rule:

Full board and room per week	$13.50
Meals (without lodging) per week	9.00
Meals (without lodging) per day	1.50
Meals (without lodging) per meal	.50
Lodging (without meals) per week	4.50
Lodging (without meals) per day	.75

Provided, however, that when lodging is furnished to superintendents of properties, caretakers, janitors, etc., the value of such lodging shall be the amount which would be paid by such an employee for similar or equivalent accommodations furnished by an individual other than his employer.

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(4) The commission or its authorized agent at the request of any employer or employee or on its own motion may, after affording reasonable opportunity at a hearing for the submission of relevant information in writing or in person, determine the reasonable cash value of such board, rent, housing, lodging, meals or similar advantage in particular instances or group of instances, if it is determined that the values fixed in or arrived at in accordance with subrule (3) above or in the contract of hire do not properly reflect the reasonable cash value of such remuneration.

(5) If the commission determines that the reasonable cash value is other than prescribed in a contract of hire or in subrule (3) above, the employer's payroll and contribution reports to the commission shall thereafter show the value of such remuneration as determined by the commission.

(6) For the purpose of determining whether an individual is "unemployed" as defined in section 48 of the act, the reasonable cash value of board, rent, housing, lodging, meals, or similar advantage as compensation for personal services shall also be established in accordance with this rule.

History: 1944 ACS 12, p. 35; 1954 AC, p. 4803; 1954 ACS 13, p. 82. Eff. Feb. 14, 1958.

R 421.113 Gratuities and tips.

Rule 113. The following criteria shall be applicable in determining whether tips are wages under the contribution provisions of the act:

(a) Tips received by an individual from a person or persons other than his employer, and not accounted for to the employer, are not wages.

(b) Where a customer writes the amount of the tip on his bill and the employer pays the employee the amount so shown and charges it to the customer's account, such amounts are not wages.

(c) Where the employer adds a certain percent to the customer's bill for disbursement to his employees, the sums so disbursed are wages.

History: 1954 ACS 44, p. 36. Eff. Nov. 14, 1965.

R 421.115 Records required of employing units.

Rule 115. (1) Each employing unit having employment performed for it shall maintain records as hereinafter indicated and shall preserve such records (including those required under previous regulations relating to records) reasonably protected against damage or loss for a period of not less than 6 years after the calendar year in which the remuneration to which they relate was paid, or if not paid, was due:

(a) For contribution purposes:

(i) Beginning and ending dates of each pay period.

(ii) Total amount of remuneration for employment paid in any quarter.

(iii) Total amount of wages (as defined in section 44(2) of the act) paid in any quarter.

(b) For each worker, unless the commission has ruled that his services do not constitute employment:

(i) Name.

(ii) Social security account number.

(iii) The place of his employment. For the purpose of this record, the place of employment shall be recorded as the city of 500,000 in which he performs his work or, if not employed in such a city, as the county in which he performs his work. The place of employment of a worker who does not perform the majority of his work in any one such city or county shall be recorded as the city or county in Michigan in which he has his base of operations; or, if he has no base of operation

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in Michigan, as the city or county in Michigan from which his services are directed or controlled; or, if the place from which his service is directed or controlled is also outside Michigan, as the city or county within Michigan in which he has his residence.

(iv) Dates on which he was hired, rehired, or returned to work after a temporary lay-off, and dates separated from work and reason therefor.

(v) Remuneration paid for services and dates of payment, showing separately:

(A) Cash remuneration, including special payments (such as bonuses; gifts, etc.).

(B) Reasonable cash value of remuneration in any medium other than cash (determined in accordance with applicable regulations of the commission), including special payments (such as bonuses, gifts, etc.).

(vi) Amounts paid him as allowances or reimbursement for traveling or other business expenses, and dates of payment.

(vii) With respect to pay periods in which he performs services in both employment and nonsubject work:

(A) Hours spent in employment.

(B) Hours spent in nonsubject work.

(2) Records shall be maintained by employing units in such form as to make it possible to determine from an inspection thereof with respect to any worker:

(a) Earnings by calendar weeks.

(b) Weeks of less than full-time work.

(c) Time lost due to reasons other than lack of work.

(d) Calendar days worked.

History: 1944 AC, p. 1438; 1944 ACS 12, p. 36; 1954 AC, p. 4804; 1954 ACS 13, p. 83. Eff. Feb. 14, 1958.

R 421.121 Employer's contribution.

Rule 121. (1) Contributions shall become due and payable quarterly with respect to wages paid in each calendar quarter except that the commission may require such contributions to become due and payable on a monthly basis in any instance in which an employer has a history of delinquency or in any instance in which the commission has reason to believe that the collection of contributions may be jeopardized by payment on a quarterly basis.

(2) Each employer shall submit a contribution report on forms provided by the commission. A quarterly report and the contributions due on wages paid during the calendar quarter shall be submitted and paid on or before the 25th day of the month next following the last day of such calendar quarter or, if required by the commission, a monthly report and the contributions due on wages paid during the calendar month shall be submitted and paid on or before the 25th day of the month next following the last day of the month for which the report is submitted.

(3) An employer notified by the commission to report and pay contributions on a calendar month basis shall file such report and pay contributions due with respect to wages paid in the month such notice is mailed by the commission. Further, such employer shall, within 25 days after the mailing of such notice, file separate monthly contribution report(s) and pay contributions due with respect to wages paid in each previously completed calendar month in the particular quarter in which the notice is mailed.

(4) Any remuneration payable to an individual which has not been actually paid to such individual within 21 days after the end of the pay period in which such remuneration was earned shall be deemed to have been paid on the 21st day after the end of such pay period. Remuneration, the exact amount of which, or the persons to whom payable, or both, have not been determinable during any pay

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period, shall be considered to have been earned in the pay period in which both the amount and the persons to whom payable are first determinable.

(5) The certification on each contribution report shall be signed by:

(a) The individual, if the employer is an individual; or

(b) The president, vice-president, or other officer, if the employer is a corporation; or

(c) A responsible or duly authorized member having knowledge of its affairs, if the employer is a partnership or other unincorporated organization.

(6) An employing unit, which at any time becomes an employer under the provisions of the Michigan employment security act during the course of any calendar year, shall, immediately thereafter, prepare and file a contribution report for each then completed calendar quarter, or each then completed calendar month, if required by the commission within such calendar year and shall thereafter file such reports as are otherwise required by this rule.

(7) An employing unit which elects, under the provisions of section 25 of the act, to become an employer shall, upon written approval of such election by the commission, file such reports as are required, including a contribution report for all completed calendar quarters or calendar months if required by the commission, beginning with the date of coverage as approved by the commission.

(8) Upon the discontinuance, sale, assignment, or transfer, whether voluntary or by operation of law, of the trade, organization, or business in Michigan, of an employer, contributions shall become immediately due and payable as of the date of such discontinuance, sale, assignment, or transfer and, within 15 days of such date, the employer shall file with the commission all reports required by this rule for that part of the calendar month or calendar quarter which has elapsed since the last day of the preceding required reporting period.

(9) The last return of contribution report for any employing unit shall be marked "Final Return" by the employer or other person filing the return. The period covered by such return shall be plainly written on the return, indicating the date of the final payment of wages by such employer. In addition to the foregoing there shall be executed and filed a "Report of Employer on Discontinuance or Disposition of Business or Assets in Whole or in Part."

(10) Each return, together with any supporting data, shall be executed and filed in accordance with instructions and the applicable rules. Employers shall make application to the commission for the forms needed in ample time to have their returns prepared, certified, and filed with the commission on or before the due date. The return shall be carefully prepared so as to set forth fully and clearly the data called for therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the act. Each employer is requested to file his own report with respect to wages for employment performed for him. Consolidated reports of parent and subsidiary corporations shall not be recognized or permitted.

History: 1944 AC, p. 1439; 1944 ACS 12, p. 37; 1954 AC, p. 4805; 1954 ACS 13, p. 84, Eff. Feb. 14, 1958; 1954 ACS 44, p. 36, Eff. Nov. 14, 1965.

R 421.162 Charges and credits to employer's rating account.

Rule 162. (1) The commission shall notify employers with respect to their rating accounts as follows:

(a) When a benefit check is issued to an individual, the commission shall mail to the employer whose rating account is charged with such benefits, a copy of such check, showing:

(i) The name and social security account number of the payee.

(ii) The amount paid.

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(iii) The date of issuance.

(iv) The calendar week or period for which benefits have been paid.

(v) The designation of the employer.

(b) A statement shall be mailed to an employer for each day as of which benefits are chargeable to his rating account. Such statements shall set forth the date and amount of charge. Copies of the benefit checks on which the charge is based shall be mailed with the statement.

(c) Any statements issued to an employer in accordance with the provisions of subrule (1)(b) of this rule shall, in the absence of a pending protest by such employer affecting the validity of benefit payments included in such statement, become final unless within 15 days after the date of mailing the employer files an application requesting a review and redetermination by the commission, in accordance with section 32a of the act.

(d) A quarterly statement consisting of a summary listing of daily statements of charges shall be mailed to each employer for reconciliation purposes. Such quarterly statement shall be subject to review and redetermination by the commission as to the accuracy of the statement only, if the employer requests such review and redetermination within 15 days after the date of mailing of the quarterly statement.

(2) The deductions from charges as provided in section 20(a) of the act shall be in the form of credits to the employer's rating account. Notices of the credits together with a covering statement shall be mailed to the employer at least monthly.

(3) If it is found that any benefits paid and charged to an employer's rating account were improperly paid or charged, an amount equal to the charge based on such benefits shall be credited to the employer's rating account as of the current period, except that the commission may consider an employer's request that the credit be made as of the quarter in which the charges were originally made if such request is filed within 15 days after the mailing of the credit or within 15 days after the mailing of contribution rate for the first calendar year which can be affected by the requested retroactive credit: Provided, that if the employer files a request within 15 days of the mailing of a credit which in combination with 1 or more preceding similar credits is sufficient to change a contribution rate if such credits are given retroactive effect, then the request shall be considered as timely filed with respect to all such credits: Provided further, that where the allowance of retroactive credit will affect contributions previously paid within the meaning of the provisions of section 16 of the act, application for such credits be made not later than 3 years after the date of payment of the affected contributions: Provided further, that in the absence of an intentional false statement, misrepresentation or concealment of a material fact by a claimant, no credit shall be issued to an employer where improper payment was made because of the employer's failure to furnish information timely in connection with a new or additional claim as provided in section 32(b) of the act.

History: 1944 AC, p. 1443; 1944 ACS 12, p. 38; 1944 ACS 26, p. 15; 1944 ACS 29, p. 11; 1954 AC, p. 4806; 1954 ACS 13, p. 84, Eff. Feb. 14, 1958.

R 421.165 Rescinded.

History: 1944 AC, p. 1443; 1944 ACS 12, p. 39; 1944 ACS 26, p. 16; 1954 AC, p. 4807; rescinded 1954 ACS 13, p. 85, Eff. Feb. 14, 1958.

R 421.184 Employer elections to cover multi-state workers.

Rule 184. (1) The following rule shall govern the Michigan employment security commission in its administrative cooperation with other states subscribing

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to the interstate reciprocal coverage arrangement, hereinafter referred to as "the arrangement."

(2) As used in this rule, unless the context clearly indicates otherwise:

(a) "Jurisdiction" means any state of the United States, the District of Columbia, or with respect to the federal government, the coverage of any federal unemployment compensation law.

(b) "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated.

(c) "Agency" means any officer, board, commission or other authority charged with the administration of the unemployment law of a participating jurisdiction.

(d) "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this regulation is sent for its approval; and "interested agency" means the agency of such jurisdiction.

(e) "Services customarily performed" by an individual in more than 1 jurisdiction means services performed in more than 1 jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than 1 jurisdiction or if such services are required or expected to be performed in more than 1 jurisdiction under the election.

(3) Submission and approval of coverage elections under the interstate reciprocal coverage arrangement:

(a) Any employing unit may file an election, to cover under the law of a single participating jurisdiction all of the services performed for him by any individual who customarily works for him in more than 1 participating jurisdiction. Such an election may be filed, with respect to an individual, with any participating jurisdiction in which (i) any part of the individual's services are performed; (ii) the individual has his residence; or (iii) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

(b) The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election. If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law of the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable; and shall notify the agency of the elected jurisdiction accordingly. In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.

(c) If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

(d) Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by 1 or more interested agencies. An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

(e) In case any such election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within 10 days after being notified of such action.

(4) Effective period of elections:

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(a) Commencement:

An election duly approved under this rule shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election as approved, specifies the beginning of a different calendar quarter.

If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer has no liability to pay contributions for the earlier period in question.

(b) Termination:

(i) The application of an election to any individual under this rule shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than 1 participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such finding is mailed to all parties affected.

(ii) Except as provided in subparagraph (i), each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(iii) Whenever an election under this rule ceases to apply to any individual, under subparagraph (i) or (ii), the electing unit shall notify the affected individual accordingly.

(5) Reports and notices by the electing unit:

(a) The electing unit shall promptly notify each individual affected by its approved election, on the form supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

(b) Whenever an individual covered by an election under this rule is separated from his employment, the electing unit shall again notify him forthwith, as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of the termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

(c) The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than 1 participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

(6) Approval of reciprocal coverage elections.

The Michigan employment security commission hereby delegates to its director authority to approve or disapprove reciprocal coverage elections in accordance with this rule.

History: 1944 ACS 12, p. 40; 1954 AC, p. 4807; 1954 ACS 13, p. 85, Eff. Feb. 14, 1958; 1954 ACS 44, p. 37, Eff. Nov. 14, 1965.

CLAIMS

R 421.201 Interested party.

Rule 201. (1) The term "interested party" as used in the act or these rules shall mean any one whose statutory rights or obligations may be affected by the outcome or disposition of the determination, redetermination, or decision, and such party therefore shall have the right to (a) receive a copy of the notice of determination or redetermination, (b) request a reconsideration of the determina-

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tion, and (c) appeal to a referee or the appeal board in the manner provided in the act.

(2) A claimant whose rights to benefits is or may be affected by a determination, redetermination, or decision, and the employer or employing unit whose liability status is or may be affected by such a determination, redetermination, or decision shall be deemed to be an interested party.

(3) Any employer whose statutory rights or liability are involved in a determination or redetermination concerning a contribution rate, assessment, or benefit charge to the employer's experience record is an interested party in such action. The commission is an interested party on any appeal before a referee or the appeal board.

History: 1944 AC, p. 1445; 1944 ACS 12, p. 42; 1954 AC, p. 4809.

R 421.204 Unemployment compensation notice to employee.

Rule 204. (1) Whenever a worker is separated from his employment, his employer shall deliver to such worker at the time of separation a copy of form MESC 1711, unemployment compensation notice to employee, unless prior to the date of separation the employer has delivered a copy of said form to the worker and has posted notices notifying the worker that:

(a) If he loses his form MESC 1711, he may obtain a duplicate from a designated office in the establishment.

(b) He should have form MESC 1711 in his possession when he reports to an employment security office for the purpose of filing a claim.

(2) If the commission finds that an employer is failing to deliver form MESC 1711 prior to the time of separation or is failing to post adequate notices concerning replacement of lost MESC 1711's, such employer at the direction of the commission shall be required to deliver form MESC 1711 to a worker whenever he is separated from employment.

(3) Such form shall contain at least:

(a) The employer's name and registration number.

(b) The address of the employer to which must be directed a request for wage and separation information.

(c) Such other information as is required by the commission.

History: 1944 AC, p. 1446; 1944 ACS 12, p. 42; 1954 AC, p. 4809; 1954 ACS 44, p. 39, Eff. Nov. 14, 1965.

R 421.205 Notification to employing units of claims filed and wage and separation information required from employing units.

Rule 205. (1) When an individual files a new claim for benefits, the commission shall notify all of his base period employing units thereof, and request wage and/or separation information on a form designed for that purpose. Each employing unit shall respond, within 7 days from the date of mailing or personal service of such request, on the form furnished by the commission and shall direct the response to the commission's address shown on the form. The following information shall be contained thereon:

(a) A summary statement of pertinent facts if the employing unit questions whether the individual should receive benefits.

(b) Such other information as the commission requests.

(2) When an individual files an additional claim, the commission shall notify the separating employing unit and the currently chargeable employer. The employing unit shall respond in writing within 7 days from the date of mailing or personal service of such notice if it questions the individual's eligibility or qualification.

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(3) An employing unit shall notify the commission of the possible disqualification or ineligibility of a claimant in the following manner:

(a) By inserting such information on the form sent to the employing unit by the commission requesting wage and separation information, or

(b) By notifying the commission in writing of the existence of possible ineligibility or disqualification in response to a notice of claim renewal, or

(c) By notifying the commission in writing of a possible disqualification or ineligibility within 3 days from the date the possible disqualification or ineligibility arose.

(4) When a notice of possible disqualification or ineligibility is used, it shall be mailed or delivered to the commission at 7310 Woodward Avenue, Detroit, Michigan 48202, and shall contain:

(a) The individual's full name and social security account number.

(b) The employing unit's name, registration number, if 1 has been assigned by the commission, and the address to which must be directed any request for wage and separation information.

(c) The last day worked by the individual.

(d) A statement of the circumstances based on which the employing unit questions whether the individual should be entitled to benefits.

(e) Such other information as is required by the form.

(5) Should an employing unit fail to comply with the requirements of subrule (1) of this rule, the commission shall make a determination of the individual's benefit rights based upon such information as is available.

(6) If an employing unit responds to a request from the commission after such response is due under subrule (1) or (2), such response shall not (in the absence of a showing that the employing unit could not reasonably comply with the due dates of subrule (1) or (2) or of a showing of a false statement, misrepresentation or nondisclosure of a material fact on the part of the claimant, or of an administrative clerical error) form the basis of a determination or redetermination, as the case may be, of disqualification or ineligibility for any claim period for which benefits have been paid prior to the receipt by the commission of such response.

(7) In the event that the individual disagrees with the wage information furnished by an employer, the individual's statement shall be taken on a form designed for the purpose, and submitted to the employer for verification. The employer shall respond within 7 days from the date of mailing or personal service of such form. Such response, on the form furnished by the commission, shall be directed to the commission's address shown thereon, and shall indicate the amount of wages earned within each calendar week during which the individual worked for the employer during the individual's base period.

(8) In all instances where a notice is submitted by an employing unit indicating the sole reason for ineligibility to be leave of absence or disqualification for vacation with pay, and with respect to which period of time no claim was filed, the branch offices shall, upon receipt and recording of appropriate evidence of reemployment by the employing unit granting such leave or vacation with pay, disregard said form without notification to the interested parties, and without the necessity of making a determination with respect to the period of time during which the claimant was on a leave of absence.

(9) As used in this rule, "respond" means that the employing unit shall, within the period specified in this rule from the date of mailing or personal service of the request for information by the commission, forward the information requested to the commission by mail, wire, or messenger.

History: 1944 ACS 12, p. 42; 1944 ACS 26, p. 17; 1944 ACS 29, p. 12; 1954 AC, p. 4810; 1954 ACS 13, p. 87, Eff. Feb. 14, 1958; 1954 ACS 44, p. 39, Eff. Nov. 14, 1965.

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R 421.206 Rescinded.

History: 1944 ACS 12, p. 43; 1954 AC, p. 4811; rescinded 1954 ACS 13, p. 88, Eff. Feb. 14, 1958.

R 421.207 Rescinded.

History: 1944 ACS 26, p. 21; 1944 ACS 29, p. 13; 1954 AC, p. 4812; 1954 ACS 13, p. 88, Eff. Feb. 14, 1958; 1954 ACS 44, p. 40, Eff. Nov. 14, 1965; rescinded 1954 ACS 53, p. 56, Eff. Feb. 14, 1968.

R 421.208 Registering for work.

Rule 208. (1) To comply with the registration requirements of section 28(1)(a) of the act a claimant shall:

(a) Register for work in person with a placement representative of the state employment service at the employment security office designated by the commission which services an area in which he is available for work and shall fully and accurately supply to such representative such information as to his qualifications for work as may be required and continue to report to such a representative thereafter when he is required to report to file a claim under R 421.210; or

(b) Register for work in person with a placement representative of the state employment service at the employment security claims office where he desires to file a claim for benefits and shall fully and accurately supply to such representative such information as to his qualifications for work as may be required and continue to report to such a representative thereafter when he is required to report to file a claim under R 421.210. If in the area served by the employment security office there is no work available that is of a character which the claimant is qualified to perform by past experience and training, and of a character generally similar to work for which he has previously received wages, a copy of claimant's registration for work shall be forwarded to an employment security office which serves the area in which the claimant is available for work within the meaning of section 28(1)(c) of the act, as ascertained by the commission.

(2) An area within the meaning of subrule (1) above shall comprise the geographical locality assigned by the commission, as of the effective date of this amended rule, to be served by an employment security office, provided that the geographical area in Detroit and vicinity assigned by the commission to be served by employment security offices located in Detroit, Dearborn, Royal Oak, and Wyandotte, shall constitute a single area for purposes of subrule (1).

(3) Except as provided in subrule (4) of this rule, a claimant's registration shall be before an interviewer or authorized representative of a state employment service and shall include such of his past work experience and training and other personal data as may be necessary to assure his being considered for referral to any suitable work which may be available.

(4) While a claimant is unemployed as a result of a mass layoff or labor dispute in his employing unit, his application for benefits (prepared at the time of filing his new claim) on which is set forth his work experience during his most recent base period shall be deemed to be his registration for work. For the purposes of this subrule a claimant shall be deemed to be unemployed as a result of a mass layoff only where the commission finds, after consulting with the employer involved, that all of the following conditions exist:

(a) The employer has simultaneously laid off a group or class of 100 or more employees for a reason other than a reduction in force, namely a reason such as a shortage of fuel and materials, weather conditions, mechanical breakdowns, fires, inventory, change of models, acts of God and the like; and

(b) The claimant is a member of such group or class; and

(c) It is contemplated that the members of such group or class, when recalled to work, will be recalled as a group and not individually.

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(5) If, in registering for work under subrule (3) above, a claimant indicates that he is unwilling to be referred to or notified of work of a character which he is qualified to perform by past experience or training and of a character generally similar to work for which he has received wages, a determination shall be made as to claimant's availability for suitable work.

History: 1944 ACS 12, p. 43; 1944 ACS 26, p. 18; 1954 AC, p. 4812; 1954 ACS 44, p. 41, Eff. Nov. 14, 1965.

R 421.209 Effect of religious convictions on sabbath day work.

Rule 209. An individual shall not be deemed unavailable for work solely because, due to the precepts of his religion, he limits himself to jobs not requiring work on his sabbath. An individual who refuses to work on the sabbath designated by his religion, because of conscientious observance of the sabbath as a matter of religious conviction, shall be deemed to have good cause for refusing such work.

History: 1954 ACS 44, p. 41, Eff. Nov. 14, 1965.

R 421.210 Filing and effective dates of claims for benefits.

Rule 210. (1) An individual shall not receive waiting week credit or benefits for any week of unemployment for which he has failed to report and claim such credit or benefits in accordance with the provisions of this rule.

Except as otherwise provided in this rule, an individual, in order to file a claim for benefits, shall appear in person at the employment security office which has been established for the purpose of taking claims in the area in which he resides or in such other area as authorized by the commission, in this or another state.

(2) Definitions:

(a) "Reporting day," except as otherwise provided in this subrule, means that day determined by the following schedule on which an individual shall report to file a claim, unless otherwise permitted or directed by the commission.

If the final digit of an individual's social security number is:	His reporting day is:
0 or 1	Monday
2 or 3	Tuesday
4 or 5	Wednesday
6 or 7	Thursday
8 or 9	Friday

"Reporting day" for an individual in an area served by an itinerant service claims office means that day on which itinerant service is available.

(b) "Separated or on long term layoff" means the termination of an individual's employment relationship with a given employing unit or an interruption of an individual's work by his employing unit which has not advised him when to return to work or has advised him to return to work after the end of the calendar week succeeding the week in which his last day of work occurred.

(c) "Short term layoff" means an interruption of an individual's work by his employing unit which has advised him to return to work by not later than the end of the calendar week succeeding the week containing his last day of work.

(d) "Under employed individual" means an individual who is unemployed as defined in section 48 of the act and who in a given week worked less than his customary full-time hours of work with his regular employing unit because full-

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time work was not available or furnished, and is neither separated nor on long term layoff nor on short term layoff.

(e) "Week of under employment" means a week during which an individual who is unemployed as defined in section 48 of the act worked less than his customary full-time hours of work with his regular employing unit because full-time work was not available or furnished, and the individual is neither separated nor on long term layoff nor on short term layoff.

(f) "Day of work" means any calendar day or portion thereof on which an individual performed services for an employing unit under a contract of hire, including any day or portion thereof for which an individual received or is entitled to receive "call-in" pay.

(j) "Good cause for late filing of a new or additional claim" and "good cause for late reporting to file a continued claim" is deemed to exist if there is a justifiable reason determined in accordance with a standard of conduct expected of an individual acting as a reasonable person in the light of all the circumstances, which prevented a timely filing or reporting as required by this rule. Justifiable reasons which the commission may consider as constituting good cause for late filing of a new or additional claim or for late reporting to file a continued claim include, but are not limited to, the following:

(i) Acts of God, such as floods or storms, which prevent an individual from getting to an office or itinerant point either in this or another state.

(ii) Working, reliance on a promise of work which did not materialize, or seeking work where there is a reasonable indication that work is available.

(iii) Closing of commission offices, or failure to provide itinerant service when scheduled.

(iv) Personal physical incapacity or the physical incapacity or death of a relative or ward of either the individual or the individual's spouse, or of any person living in the same household as the individual claiming benefits.

(v) Attendance at a funeral.

(vi) Incarceration.

(vii) Jury duty.

(3) Filing and effective date of claims filed in person:

(a) Except as otherwise provided in subrule (4)(a), an individual is required to file the following in person:

(i) His new claim with respect to a benefit year, or his continued claim for a waiting week or for his first compensable week of unemployment in such benefit year.

(ii) Any other claim, when requested to do so by the claims personnel at the employment security claims office at which he files his claim, because questions about his right to benefits are raised by circumstances such as any of the following:

(A) The conditions or circumstances of his separation from employment.

(B) The claimant's answers to questions on any mail claim indicate that he may be unable to work or that there may be undue restrictions on his availability for work or that his search for work may be inadequate or that he may be disqualified.

(C) The claimant's answers to questions on any mail claim create uncertainty about his credibility or indicate a lack of understanding of the applicable requirements.

(D) The claimant's record shows that he has previously filed a fraudulent claim.

In such circumstances, the claimant is required to continue to file claims in

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person until the commission determines that filing claims in person is no longer required for the resolution of such questions.

(b) If an individual who is separated or on a long term layoff files his claim on his reporting day first following his last day of work, his claim shall be effective with the beginning of the calendar week which includes his last day of work. However, if his reporting day is within 24 hours following his last day of work and he filed his claim on his reporting day in the immediately succeeding week, his claim shall be effective with the beginning of the calendar week which includes his last day of work.

(c) If an individual who is on a short term layoff files his claim no later than his reporting day in the 2nd calendar week succeeding the week in which the short term layoff occurred, his claim shall be effective with the beginning of the week in which the short term layoff occurred. If, however, an individual after the beginning of a short term layoff should become separated or on long term layoff, the provisions of subrule (3)(b) apply with respect to the week in which the separation or long term layoff occurred, and the day on which the separation or long term layoff occurred shall be considered the last day of work.

If an individual who was on a short term layoff becomes separated or on a long term layoff and then files a claim which meets the conditions of subrule (3)(b) his claim shall be effective with the beginning of the week in which the short term layoff occurred and shall apply also to the week in which the separation or long term layoff occurred.

(d) If an individual who is an under employed individual files his claim no later than his reporting day in the third calendar week succeeding the date that wages were paid for a week of under employment his claim shall be effective with the beginning of the week of under employment. If, however, the individual after the end of the week of under employment should become separated or on long term layoff the provisions of subrule (3)(b) shall apply with respect to the week in which the separation or long term layoff occurred and the day on which the separation or long term layoff occurred shall be considered the last day of work.

If an individual who was an under employed individual becomes separated or on long term layoff in the calendar week succeeding the week of under employment and then files a claim which meets the conditions of subrule (3)(b), his claim shall be effective with the beginning of the week of under employment and shall apply as well to the week in which the separation or long term layoff occurred.

(e) If an individual resides in an area served by an itinerant service claims office, his claim shall be effective as if timely filed under the provisions of subrule (3)(b), (c), or (d) if filed on either of the following days:

(i) On the first day that itinerant claims service is available following his last day of work if separated or on a long term layoff, except that if the first day of such service is within 24 hours following his last day of work, then on the first day that itinerant claims service is available after the calendar week containing his last day of work.

(ii) On the first day that itinerant claims service is available in the second calendar week following a week of under employment or week of short term layoff, except that if there is no itinerant claims service available in the second calendar week following the week in question, then on the first day that itinerant claims service is available in the following calendar week.

(f) A new or additional claim filed within 7 days, or 14 days in an area with biweekly itinerant claims service, after the time limits prescribed in subrule (3)(b), (c), (d), or (e) shall nonetheless be effective as described in those subrules

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if the individual claims, and the commission determines, that good cause for late filing of a new or additional claim exists. A new or additional claim not filed within the extended period provided in this subrule but filed within 7 days, or 14 days in areas with biweekly itinerant claims service, from the end of such extended period, is still effective as described in subrule (3)(b), (c), (d), or (e) if the individual claims, and the commission determines, that the reason for his failure to file within the time extension described in this subrule was due to the continuing existence of the reason which originally constituted good cause for late filing of a new or additional claim or was due to a new and further reason which constitutes good cause for late filing of a new or additional claim within the additional extended period. Not more than 2 extensions beyond the time limits prescribed in subrule (3)(b), (c), (d), or (e) shall be granted to an individual for filing a claim for the same period.

(g) An individual shall file a continued claim on his reporting day on a weekly basis or on such other basis as prescribed by the commission in order to receive waiting week credit or benefits for a completed week or weeks of unemployment and to establish the effective date of the next succeeding benefit period, if otherwise eligible and qualified. However, the claim shall be deemed to have been timely filed if either of the following occur:

(i) The claim is for a week or weeks of unemployment immediately following the effective date of a new or additional claim filed under subrule (3)(b), (c), (d), (e), or (f) and is filed in person at the same time as such new or additional claim.

(ii) Good cause for late reporting to file a continued claim is determined by the commission to exist and the claim is filed in person, not more than 7 days after his reporting day, or 14 days after his reporting day in areas with biweekly itinerant claims service.

A continued claim not filed within the extended period provided in this subrule is still deemed to have been timely filed if it is determined by the commission that the reason for his failure to file within the time extension described above in this subrule was due to the continuing existence of the reason which constituted good cause for late reporting to file a continued claim or due to a new or further reason which constitutes good cause for late reporting to file a continued claim and the claim is filed in person, within 7 days, or 14 days in areas with biweekly itinerant claims service, from the end of such additional extended period provided.

Not more than 2 extensions as described in subrule (3)(g)(ii) shall be granted to an individual for filing a claim for the same period.

If an individual fails to report in person as scheduled but notifies the commission either verbally or in writing within the time limits set forth above for reporting in person that his failure to report was for a reason which might constitute good cause for late reporting to file a continued claim and that he has a compelling personal reason for not appearing in person on his next reporting day, the commission may authorize him to file a claim by mail for the prior week or weeks of unemployment. The authorization shall consist of mailing a properly authenticated report and claim by mail form to the individual which form shall be deemed timely filed with respect to the week or weeks involved if completed by the individual and received by the commission within 7 days from the date such form was mailed to him by the commission, if the commission finds that he had good cause for late reporting to file a continued claim, and a sufficiently compelling reason for not filing the continued claim in person.

An individual whose good cause for late reporting to file a continued claim is his confining personal illness, shall have 7 days from the cessation of such condition, but in no case more than 1 year from the date of the originally scheduled

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appointment which the individual failed to keep, to report to the commission either in person or by filing his report and claim by mail and thereby satisfy the reporting requirement with respect to a prior completed period of unemployment.

(h) If a claim is not timely filed with respect to a given week in accordance with the provisions of subrule (3)(b), (c), (d), (e), (f), or (g), it shall be effective the first day of the calendar week in which the claim is filed, if the claim is filed on or before the individual's reporting day in that week; otherwise, the claim shall be effective no later than the first day of the next succeeding calendar week.

(i) If a claim is effective on the first day of a given week in accordance with the provisions of subrule (3)(b), (c), (d), (e), (f), (g), or (h), or subrule (4)(d) or (e) but it is determined with respect to such week that the individual was not unemployed as defined in section 48 of the act or was ineligible or disqualified under the act, his claim shall be invalid for such week and shall be effective, irrespective of any other provisions of this rule, on the first day of the next succeeding calendar week. However, in order for the individual to receive waiting week credit or benefits for such succeeding calendar week he must be unemployed and otherwise eligible and qualified in such succeeding calendar week.

(4) Filing and effective dates of claims filed by mail:

(a) Notwithstanding the requirements of in person claim filing in subrule (3)(a), an individual has the right to file a claim by mail in any of the following circumstances:

(i) The individual is located in an area requiring the expenditure of an unreasonable amount of time or money in traveling to the nearest employment security claims office.

(ii) Conditions make it impracticable for the commission to take claims in person.

(iii) The individual returned to full-time work on or before the scheduled date for his filing a claim, and in person filing would interfere with such work.

(iv) The commission finds that the individual has good cause for failing to file a claim in person.

(b) If subrules (3)(a) and (4)(a) are inapplicable, the commission may authorize the filing of claims by mail if the commission finds that such filing is consistent with the proper and efficient administration of the act.

(c) A claim by mail pursuant to subrule (4)(a) or (b) may be initiated either by request of an individual or by the commission, but in any event, an individual shall have the right to file a claim in person if he so desires.

(d) The effective date of a claim by mail, where permitted pursuant to subrule (4)(a) or (b), shall be governed by the time limits provided in subrule (3), except that a request in writing or orally by an individual to file a claim by mail shall be considered timely if received by the commission or postmarked within 7 days following the time limits provided by subrule (3), and the completed claim form is received by the commission or postmarked within 7 days, or within such additional time limits prescribed by the commission, from the date the form was mailed or furnished to the individual by the commission. Claims by mail initiated by the commission shall be governed by the same time limitations.

(e) If a request to file by mail is not received or postmarked within the respective time limit applicable to that individual as specified in subrule (4)(d), the claim shall be effective with the beginning of the week in which the individual's request is received or postmarked, if the claim by mail form is received by the commission or postmarked within 7 days, or within such

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additional time limits prescribed by the commission, from the date the form was mailed or furnished to the individual by the commission. However, if the form is not received by the commission or postmarked within 7 days, or within such additional time limits prescribed by the commission, from the date the form was mailed or furnished to the individual by the commission, the claim shall be effective beginning with the week in which the form is received or postmarked.

(f) The submission of a request to file a new or additional claim by mail shall also be considered as a timely request for the filing of continued claims by mail for weeks of unemployment following the effective date of the new or additional claim, if the individual is not required to file such claims in person pursuant to subrule (3)(a).

(g) Notwithstanding any of the preceding provisions, the furnishing of a claim by mail form to an individual shall not constitute, in and of itself, an authorization to file a claim by mail.

History: 1944 AC, p. 1446; 1944 ACS 12, p. 44; 1944 ACS 28, p. 19; 1944 ACS 31, p. 10; 1954 AC, p. 4813; 1954 ACS 44, p. 42, Eff. Nov. 14, 1965; 1954 ACS 68, p. 49, Eff. Aug. 2, 1971.

R 421.211 Benefit year beginning date.

Rule 211. (1) The benefit year for an individual who does not have a benefit year established and who meets the requirements of section 46 of the act shall begin with the effective date of the new claim as determined in accordance with the provisions of R 421.210.

(2) An individual who has established a benefit year but has not received a benefit check for a compensable period during such benefit year may request a redetermination of benefit rights and cancellation of the established benefit year and may file a new claim to establish a new benefit year, the beginning date of which shall be determined in accordance with subrule (1) of this rule.

History: 1944 AC, p. 1447; 1944 ACS 28, p. 20; 1954 AC, p. 4815; 1954 ACS 13, p. 89, Eff. Feb. 14, 1958.

R 421.212 Leaving an employer in response to a recall by a former employer or to accept full-time work with another employer.

Rule 212. (1) If an individual, who is currently employed at the time of accepting a recall to work for a former employer or accepting permanent full-time work with another employer, continues to work concurrently with both employers for a reasonable length of time, not to exceed 10 working days, wages earned with the employer for whom the individual was working at the time of recall or acceptance of other work are subject to transfer to the recalling or new employer under section 29(5) of the act.

(2) Wages transferred to a recalling employer or an employer with whom an individual has accepted work and performed services under section 29(5) of the act are subject to reduction under section 29(4) of the act in the event of a subsequent disqualifying act with the recalling employer or employer with whom an individual has accepted work.

History: 1954 ACS 44, p. 45, Eff. Nov. 14, 1965; 1954 ACS 53, p. 58, Eff. Feb. 14, 1968.

R 421.215 Multiple employment.

Rule 215. (1) This regulation is applicable only with respect to benefit years beginning before August 27, 1967.

(2) Multiple employment is deemed to exist when an individual has earned total wages, on the basis of which benefits may be paid, in excess of $15.00 from 2 or more employers in each of at least 2 consecutive calendar weeks during the 35 most recent uncharged and uncancelled credit weeks of his base period.

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(3) When an individual has been employed in multiple employment, all employers involved in such multiple employment are considered multiple employers during the entire base period.

(4) Wages earned within a calendar week of multiple employment shall be totalled for the purpose of determining whether a credit week exists and only 1 credit week shall be established for any week of multiple employment regardless of the number of employers with whom an individual has earned wages during that week.

(5) When multiple employment exists within the base period, determinations shall be issued simultaneously with the same weekly benefit rate for all multiple employers, and each determination shall reflect the pro-rata share of benefits allowed and chargeable to each multiple employer.

(6) Each multiple employer shall be charged in accordance with section 20(e) of the act, in the ratio that the total wages earned with such employer during the last 35 uncharged and uncancelled credit weeks of an individual's base period bear to the total wages earned with all multiple employers during the same period, computed to the next highest multiple of ½ of the weekly benefit rate. However, if an individual is disqualified under section 29(1)(a) of the act the wages earned from an employer involved in such disqualification shall not be used as a basis for computing, paying or charging benefits.

(7) When an individual has credit weeks with an employer who is not involved in multiple employment during the last 35 uncharged and uncancelled credit weeks of his base period, a determination shall be issued separately to such employer as provided in section 20(b) of the act.

History: 1944 AC, p. 1949; 1944 ACS 12, p. 45; 1954 AC, p. 4816; 1954 ACS 13, p. 89, Eff. Feb. 14, 1958; 1954 ACS 44, p. 45, Eff. Nov. 14, 1965; 1954 ACS 53, p. 58, Eff. Feb. 14, 1968.

R 421.228 Rescinded.

History: 1944 ACS 12, p. 45; 1954 AC, p. 4816, rescinded 1954 ACS 13, p. 89, Eff. Feb. 14, 1958.

R 421.243 Payment of benefits to interstate claimants.

Rule 243. (1) This rule shall govern the Michigan employment security commission in its administrative cooperation with other states and the Dominion of Canada for the payment of benefits to interstate claimants.

(2) As used in this rule, unless the context clearly requires otherwise:

(a) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits are payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

(b) "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of 1 or more liable states through the facilities of an agent state. The term interstate claimant shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Michigan employment security commission finds that this exclusion would create undue hardship on such claimants in specified areas.

(c) "State" includes any state as defined in the Michigan employment security act.

(d) "Agent state" means any state in which an individual files a claim for benefits against another state or states.

(e) "Liable state" means any state or states against which an individual files a claim for benefits through another state.

(f) "Benefits" means the compensation payable to an individual with respect to his unemployment under the unemployment insurance law of any state.

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(g) "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

(3) If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(4) For the purposes of this rule, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(5) The benefit rights of interstate claimants established by this rule shall apply only with respect to new claims (notices of unemployment) filed on or after the effective date of this rule.

(6) Michigan as agent state:

(a) Shall not refuse to take an interstate claim.

(b) Shall take claims for interstate claimants on uniform interstate forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan.

(c) Shall take claims for interstate claimants in conformity with the requirements of subrules (3), (4), and (5) of this rule.

(d) Shall take claims for interstate claimants in accordance with the reporting requirements and type of week in use in Michigan.

(e) Shall register for work an interstate claimant in accordance with Michigan registration requirements and shall report such registration to the liable state.

(f) Shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts related to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the state of Michigan.

(g) Shall limit its responsibility and authority in connection with the determination of interstate claims, to investigation and reporting of relevant facts.

(h) Shall afford all reasonable cooperation in the filing of appeals, taking of evidence and the holding of hearings in connection with appealed interstate claims.

(7) Michigan as liable state:

(a) Shall accept interstate claims when filed on uniform interstate claim forms and in accordance with uniform procedures adopted pursuant to the interstate benefit payment plan.

(b) Shall accept interstate claims as meeting Michigan's reporting requirements when filed in accordance with the reporting requirements of an agent state.

(c) Shall accept interstate claims when filed in conformity with the requirements of subrules (3), (4), and (5) of this rule.

(d) Shall deem the registration for work of any interstate claimant as meeting Michigan registration requirements when such registration has been made through a public employment office in an agent state when and as required by the law, regulations, and the procedures of the agent state.

(e) Shall accept interstate claims filed in accordance with the type of week in use in the agent state, and make required adjustments to fit such claims to the type of week used in Michigan on the basis of consecutive claims filed.

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(f) Shall determine whether an interstate claimant filing against Michigan is eligible and qualified under the provisions of the Michigan act.

(g) Shall accept an appeal of an interstate claimant, provided, that with respect to the time limits imposed by the Michigan act upon the filing of an appeal in connection with a disputed claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to Michigan on the date when it is received by a qualified officer of an agent state, and provided further, that when an appeal is filed by means of a written communication from a claimant directly to Michigan the date of such communication is received at any office of the commission shall be deemed to be the filing date.

(8) All of the provisions of this rule shall apply to the taking of claims in and for Canada in accordance with the provisions of the agreement, as amended, between Canada and the United States of America, respecting unemployment insurance.

History: 1944 AC, p. 1454; 1944 ACS 12, p. 45; 1944 ACS 27, p. 17; 1954 AC, p. 4816; 1954 ACS 13, p. 89, Eff. Feb. 14, 1958; 1954 ACS 44, p. 46, Eff. Nov. 14, 1965.

R 421.251 Labor dispute.

Rule 251. (1) Whenever an employer believes that the unemployment of any of his workers in Michigan is due to a labor dispute in any establishment operated by such employer within the United States, or to shutdown operations caused by such labor dispute, he shall file within 48 hours from the time the unemployment begins, a written statement with the Michigan Employment Security Commission at 7310 Woodward Avenue, Detroit, Michigan 48202, setting forth:

(a) That there is unemployment in Michigan due to a labor dispute or to shutdown operations caused by such labor dispute.

(b) The location of the plant(s) and division(s) operated by the employing unit within the United States in which the labor dispute or shutdown operations occurred which caused such unemployment.

(c) The location of any other plant(s) and division(s) operated by the employing unit in the state of Michigan in which there is no labor dispute but in which there is unemployment due to the labor dispute or to shutdown operations cause by such labor dispute.

(d) A statement of the principal issues involved.

If any of the above information is not available for inclusion in the written statement required within 48 hours, a supplemental statement incorporating such information shall be filed as soon as the information is available.

(2) In order to disqualify an individual for benefits because of being directly interested and consequently being directly involved in a labor dispute, the commission must find that the resolution of such labor dispute may reasonably be expected to affect the individual's wages, hours or other conditions of employment. In the absence of substantial and preponderating evidence to the contrary, a reasonable expectation of an effect shall be deemed to exist if any 1 of the following 3 circumstances is found to be applicable:

(a) If it is established that there is in the particular establishment or employing unit a practice or custom or contractual obligation to extend within a reasonable period to members of the individual's grade or class of workers in the establishment in which the individual is or was last employed changes in terms and conditions of employment which are substantially similar or related to some or all of the changes in terms and conditions of employment which are made for the workers among whom there exists the labor dispute which has caused the individual's total or partial unemployment; or

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(b) If it is established that 1 of the issues in or purposes of such labor dispute is to obtain a change in the terms and conditions of employment for members of the individual's grade or class of workers in the establishment in which the individual is or was last employed; or

(c) If such labor dispute exists at a time when the collective bargaining agreement (which covers the individual's grade or class of workers in the establishment in which the individual is or was last employed and the workers in another establishment of the same employing unit who are actively participating in such labor dispute) has expired, has been opened by mutual consent or may by its terms be modified, supplemented or replaced.

Notwithstanding the applicability of 1 of the above subdivisions, an individual shall not be deemed to be directly interested in a labor dispute, if there is substantial and preponderating evidence which indicates that there is no reasonable expectation that the individual's wages, hours or other conditions of employment may be affected by the resolution of the current labor dispute.

(3) For the purpose of determining the practice or custom of an establishment or employing unit, as this phrase is used in subrule (2)(a) above, the collective bargaining history of the employing unit shall be examined for the period of existence of the employing unit but for not more than 5 years preceding the inception of the current labor dispute. A practice or custom shall be deemed to exist if, and only if, the employing unit has always, during the period examined, extended changes in terms and conditions of employment to members of the individual's grade or class of workers which were substantially similar or related to some or all of the changes in terms and conditions of employment which were made for the workers among whom the current labor dispute exists or existed.

(4) The phrase "extend within a reasonable period," as used in subrule (2)(a) above, shall mean that the establishment or employing unit has, by past practice, custom, or contract, actually effectuated substantially similar or related changes for members of the individual's grade or class of workers within 90 days after changes were made for the workers among whom there exists or existed the labor dispute which caused the unemployment in question.

(5) The requirement in subrule (2)(a) that the changes in terms and conditions must have been substantially similar or related does not mean that the changes extended each time during the period examined to members of the individual's grade or class of workers must have been identical.

(6) The term "establishment" as applied to an employing unit engaged in construction activities at different locations shall be construed for the purpose of adjudicating building trade labor disputes, as follows: Each separate project of such employing unit, whether a general contractor or subcontractor, shall be considered a separate establishment within the meaning of this term as used in subsection 29(8) of the act if the project is a separate activity insofar as the employees are concerned for the purpose of employment. In determining which construction activities of an employing unit shall constitute a separate project and consequently a separate establishment, the following factors, among others, are to be considered:

(a) Whether the employees for each project were hired for that job and are to be terminated upon its completion;

(b) Whether the employees of an employing unit operating different projects worked primarily on 1 project rather than interchangeably on other projects;

(c) Whether separate building schedules were followed;

(d) Whether construction accounting procedures were such that contracts were bid on for each project on the basis of separate cost accounting, separate tax computations, separate payrolls, etc.

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(7) Each employing unit engaged on a project, such as general contractor or subcontractor, is considered to be a separate establishment.

(8) For the purpose of determining whether the payment of union dues shall be deemed financing under subsection 29(8)(a) II of the act, the following provisions shall be applicable:

(a) The payment of regular union dues in amounts and for purposes established prior to any unemployment due to a labor dispute shall not be construed as financing even if such dues are used for a strike fund or other financing of the labor dispute.

(b) The payment of regular union dues which are established or increased after there is unemployment due to such labor dispute and which are used for the purpose of financing the current labor dispute shall be construed as financing the labor dispute.

(c) The payment of a special assessment into a fund established at any time and used for the purpose of financing the current labor dispute shall be construed as financing a labor dispute.

(d) The term "special assessment," for the purpose of this rule, means a payment made by a union member to his union to establish a fund for a specific purpose other than the payment of the ordinary administrative expenses of the union.

(e) The term "regular union dues," for the purpose of this rule and subsection 29(8)(a) II of the act, means any payment (other than a special assessment) made by a union member on a continuing basis to his union.

History: 1944 AC, p. 1456; 1944 ACS 12, p. 47; 1954 AC, p. 4819; 1954 ACS 13, p. 91, Eff. Feb. 14, 1958; 1954 ACS 44, p. 47, Eff. Nov. 14, 1965.

R 421.254 Value of lost remuneration.

Rule 254. If the value of lost remuneration is unknown, it shall be computed in the following manner:

(a) The total earnings of the worker with the employer (or employing unit) during the calendar week covered by the claim, exclusive of earnings for overtime work, shall be divided by the total number of hours, exclusive of overtime hours, worked during the calendar week. The value of the lost remuneration shall be the result obtained by multiplying the hourly rate so arrived at by the number of hours lost during such calendar week for any reason other than the failure of the employer to furnish full-time employment.

(b) In the absence of any circumstances to the contrary, a work week of 40 hours shall be deemed to be a normal week for the purposes of this rule.

History: 1944 AC, p. 1457; 1944 ACS 12, p. 47; 1954 AC, p. 4819; 1954 ACS 13, p. 91, Eff. Feb. 14, 1958.

R 421.262 Rescinded.

History: 1944 ACS 12, p. 47; 1954 AC, p. 4819; rescinded 1954 ACS 13, p. 91, Eff. Feb. 14, 1958.

R 421.265 Rescinded.

History: 1944 ACS 12, p. 48; 1944 ACS 26, p. 21; 1944 ACS 29, p. 13; 1954 AC, p. 4819; rescinded 1954 ACS 13, p. 91, Eff. Feb. 14, 1958.

R 421.270 Request for redetermination.

Rule 270. (1) A request for a redetermination shall be made in writing by an interested party.

(2) Payment of benefits for any week of possible ineligibility or disqualification or any week of benefit entitlement subject to possible reduction under section 29(4) of the act or forfeiture under section 62(b) of the act shall be withheld (a)

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during the 15 days allowed for filing of a request for redetermination when the employer has submitted information regarding possible ineligibility, disqualification or forfeiture, or (b) as of the date a request for redetermination has been received by the commission or the commission has initiated investigation as to possible ineligibility, disqualification or forfeiture.

(3) Payment of benefits withheld, if finally allowed, may be made only after the decision allowing such benefits has become final.

(4) In determining whether good cause exists for the commission to reconsider any prior determination or redetermination, under section 32a of the act, after the 15-day protest period has expired, good cause shall include any of the following situations:

(a) When an interested party has newly discovered material facts which through no fault of his own were not available to him at the time of the determination, but a request for reconsideration of a determination or redetermination made after expiration of the statutory 15-day period, solely for the purpose of evading or avoiding such statutory period, is not deemed to be made for good cause.

(b) When the commission has additional or corrected information.

(c) When an administrative clerical error has been discovered in connection with a determination or redetermination.

History: 1944 ACS 12, p. 48; 1954 AC, p. 4819; 1954 ACS 13, p. 91, Eff. Feb. 14, 1958; 1954 ACS 53, p. 58, Eff. Feb. 14, 1968.

R 421.301 Worker must procure social security account number.

Rule 301. (1) Each worker engaged in employment covered by the Michigan employment security act, as amended, including service covered by election of an employing unit, shall procure a federal social security account number, irrespective of whether such worker pays the tax imposed by the federal insurance contributions act (formerly title VIII of the social security act) and shall furnish his number to every employing unit for which he performs covered employment.

(2) Such worker who does not have a federal social security account number shall file an application therefor not later than 30 days after the effective date of this rule or after the first day on which he is engaged in covered employment for an employing unit, whichever occurs later. It shall be the duty of employing units to procure the appropriate forms for applications for social security account numbers and to furnish such application forms to each worker engaged in covered employment in their employ who does not have a federal social security account number.

History: 1944 AC, p. 1457; 1944 ACS 12, p. 48; 1954 AC, p. 4820; 1954 ACS 44, p. 49, Eff. Nov. 14, 1965.

EMPLOYMENT SECURITY APPEAL BOARD

R 421.401—R 421.426 Rescinded.

History: 1954 AC, pp. 4820-4824; rescinded 1954 ACS 50, p. 58, Eff. May 15, 1967.

PRACTICE BEFORE REFEREES AND APPEAL BOARD

R 421.501—R 421.561 Rescinded.

History: 1954 ACS 50, pp. 53-58; Eff. May 15, 1967; rescinded 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

EMPLOYMENT SECURITY BOARD OF REVIEW

RULES OF PRACTICE

(By authority conferred on the employment security board of review by section 36 of Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being §421.36 of the Michigan Compiled Laws)

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PART 1. GENERAL PROVISIONS

R 421.1101 Definitions.

Rule 101. As used in these rules:

(a) "Act" means Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being §421.1 et seq. of the Michigan Compiled Laws.

(b) "Agent office" means an unemployment insurance office outside the state of Michigan serving as agent of the commission.

(c) "Board of review" means the Michigan employment security board of review.

(d) "Commission" means the Michigan employment security commission.

(e) Unless the context otherwise requires, the word "party" means the commission, the employing unit, and the claimant, and includes an agent or attorney of any such person.

History: 1954 ACS 101, p. 150, Eff. Nov. 14, 1979.

R 421.1102 Tense, gender, and number.

Rule 102. For the purposes of these rules, the present tense includes the past and future tenses, and the future, the present; each gender includes the other 2 genders; and the singular includes the plural and the plural, the singular.

History: 1954 ACS 101, p. 150, Eff. Nov. 14, 1979.

R 421.1103 Principal office of commission and board; location.

Rule 103. The principal office of both the Michigan employment security commission and of the Michigan employment security board of review is 7310 Woodward Avenue, Detroit, Michigan 48202.

History: 1954 ACS 101, p. 150, Eff. Nov. 14, 1979.

R 421.1104 Service of decisions, notices and orders; "principal office" defined.

Rule 104. (1) A decision, notice, or order shall be served on each party and on the agent or attorney of record of each party either (a) by personal service; or (b) by depositing copies in a United States mail receptacle, enclosed in an envelope, properly sealed, addressed and posted to such person at his address appearing on the record of the appeal proceedings; or (c) by certified or registered mail. An affidavit or certification of the person making such service shall be prima facie proof of service, rebuttable by a preponderance of the credible evidence.

(2) In addition, where the claimant's collective bargaining representative is not his agent of record or the claimant's employer is not a party, each notice of a referee hearing and, if a written request for the specific decision is received by the commission before its date of mailing, each referee decision shall be served by any of the methods in subrule (1) of this rule on the principal office of the claimant's collective bargaining representative, if any, or of the employer, where the claim involves any of the following:

(a) Whether a claimant is disqualified under sections 29(1)(g), 29(8), or 29(9) of the act.

(b) Whether money paid a claimant is vacation or holiday pay within the meaning of a collective bargaining agreement, under section 48 of the act.

(c) Whether a claimant is on a leave of absence within the meaning of a collective bargaining agreement, under section 48 of the act.

(d) The impact of a collective bargaining agreement on the issue of suitable work under sections 28 or 29 of the act, including, but not limited to, the claimant's

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prior training, prior earnings, experience, and possible loss of recall or seniority rights.

(e) A claim for federal unemployment benefits where the employer is not a party.

(3) For purposes of subrule (2) notice, "principal office" means a collective bargaining representative address filed with the commission by the representative or the claimant or an employer address filed with the commission by the employer.

History: 1954 ACS 101, p. 150, Eff. Nov. 14, 1979.

R 421.1105 Computation of time periods.

Rule 105. (1) The calendar day on which any decision, notice, or order is mailed shall be excluded in the computation of time.

(2) The calendar day on which compliance is required shall be included in the computation of time.

(3) If the last day for compliance is a Saturday, Sunday or legal holiday, the time for compliance will extend to the end of the next day which is not a Saturday, Sunday, or legal holiday.

History: 1954 ACS 101, p. 151, Eff. Nov. 14, 1979.

R 421.1106 Withdrawal or discontinuance of appeal.

Rule 106. A party who has filed an appeal may withdraw or discontinue the appeal by filing a written request and obtaining approval of the referee or the board of review before whom the appeal is pending.

History: 1954 ACS 101, p. 151, Eff. Nov. 14, 1979.

R 421.1107 Adjournments; taking testimony of witness unable to appear and testify at scheduled hearing; deposition.

Rule 107. (1) Adjournments of hearings may be granted by the referee or the board of review before whom the appeal is pending. Adjourned hearings shall be rescheduled to a time and place that the referee or board of review deems most convenient for all interested parties.

(2) The referee or the board of review may schedule an adjourned hearing at a place convenient to the residence of a witness to take his testimony, if he is unable to appear and testify at a regularly scheduled hearing.

(3) The testimony may be taken by any referee of this state or of any agent state, or may be taken by deposition pursuant to the provisions of law applicable to depositions in civil actions pending in the circuit courts of this state.

History: 1954 ACS 101, p. 151, Eff. Nov. 14, 1979.

R 421.1108 Witness fee vouchers; processing.

Rule 108. At the conclusion of a testimonial hearing by the referee or the board of review, witness fee vouchers shall be processed by the commission for payment for those witnesses who (a) were duly subpoenaed, (b) appeared in person at the hearing, and (c) verified their mileage and proper mailing addresses.

History: 1954 ACS 101, p. 151, Eff. Nov. 14, 1979.

R 421.1109 "Good cause" defined.

Rule 109. As used in these rules, "good cause" includes, but is not limited to, (a) newly discovered material evidence, or (b) a legitimate inability to act sooner, or (c) a failure to receive a reasonable and timely notice, order, or decision, or (d)

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untimely delivery of a protest or appeal by a business or governmental agency entrusted with delivery of mail, or (e) having been misled by incorrect information from the commission, referee, or board of review.

History: 1954 ACS 101, p. 151, Eff. Nov. 14, 1979.

R 421.1110 Employer or claimant fraud; hearing procedure.

Rule 110. (1) A hearing of employer or claimant fraud under section 62(b), (c), or (d) of the act shall be preceded by a written notice of the penalties and the issues involved.

(2) Where one party has documentary evidence or witnesses concerning a party's alleged fraud, he shall make available his witness list and the documentary evidence to the party not less than 5 business days before the fraud hearing.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1111 Decisions of referees, board, and courts; subject matter index; copies.

Rule 111. Copies of all referee decisions, board of review decisions, and Michigan court decisions involving the act where the commission is a party, shall be kept on file by the commission at 7310 Woodward Avenue, Detroit, Michigan 48202. To the extent practicable, the commission shall also maintain an up-to-date subject matter index of all referee, board of review, and court decisions. The subject matter index and copies of the decisions shall be available to the public for reference purposes.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1112 Rescission.

Rule 112. R 421.501 to R 421.561 of the Michigan Administrative Code, appearing on pages 4356 to 4361 of the 1967 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

PART 2. APPEALS TO REFEREES

R 421.1201 Appeal; form.

Rule 201. (1) An appeal to a referee shall be in writing and shall be signed by the appealing party or his agent.

(2) Appeal forms for referee hearings and rehearings shall be available at all commission offices.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1202 Appeal: deadline; statements on redetermination; procedure on appeal of denial of redetermination.

Rule 202. (1) An appeal to a referee shall be received by the principal office or any branch office of the commission, or by any agent office of the commission outside the state of Michigan, within 20 days after the date of mailing or personal service of the commission's redetermination.

(2) A party who receives a denial of redetermination because his request for review was not filed with the commission within 20 days after the date of mailing or personal service of the underlying determination or redetermination may appeal the denial of redetermination to a referee. The referee shall take evidence on whether there was good cause for issuing a redetermination and on the issue or issues specifically covered by the underlying determination or redetermination.

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The issue or issues shall be set forth in the notice of hearing together with the issue of timeliness. If the referee decides there was good cause, he shall proceed to decide the issue or issues specifically covered by the underlying determination or redetermination.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1203 Notice of hearing.

Rule 203. (1) Notice of the time and place of any hearing before a referee, and a short and plain statement of the issues involved, shall be mailed to, or personally served upon, each party by mail or personal service not less than 10 calendar days before the date of the hearing.

(2) The notice shall be deemed mailed on its date of mailing.

(3) When a referee adjourns a hearing for which notice has been given, notice to the parties of the new hearing date may be given orally if the new hearing date is within 10 calendar days of the old hearing date. Otherwise, the new notice shall be mailed.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1204 Subpoenas.

Rule 204. (1) A party may request subpoenas to compel witnesses to testify at a referee hearing or to compel persons to produce books, records, and papers at a referee hearing.

(2) Requests for subpoenas shall be made to a branch office or the referee division of the commission.

(3) The subpoenas shall be issued promptly, unless the commission decides that the request is unreasonable.

(4) A party denied a subpoena may apply to the board of review for issuance of the subpoena, and the proceedings before the referee shall be stayed until the board decides whether the subpoena should be issued.

History: 1954 ACS 101, p. 152, Eff. Nov. 14, 1979.

R 421.1205 Consolidation of proceedings.

Rule 205. Any number of proceedings before 1 or more referees may be consolidated for hearing when the facts and circumstances are similar and no substantial right of any party will be prejudiced thereby. All cases shall be consolidated for hearing in which the alleged facts and the points of law are the same.

History: 1954 ACS 101, p. 153, Eff. Nov. 14, 1979.

R 421.1206 Readiness of parties after notice of hearing; adjournment; issues before referee.

Rule 206. (1) A party appearing at a hearing before a referee after notice shall have his evidence and witnesses present and be ready to proceed on the statement of the issues contained in the notice of hearing.

(2) If the notice of hearing does not place the parties on notice of an issue which is raised at the referee hearing, the hearing shall be adjourned for a reasonable time if requested by either party. Evidence shall not be taken on the issue, nor a decision issued thereon, unless a knowing and informed waiver of adjournment is obtained from the parties. The purpose of the adjournment is to give the parties the opportunity to prepare to meet the issue.

(3) If an issue is not specifically covered by the determination transferred or the redetermination appealed to the referee, it shall not be contained in the notice

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of hearing or raised at the referee hearing. Nor shall an issue be contained in the notice of hearing or raised at the referee hearing for a period of time beyond the time specifically covered by it in the determination transferred or the redetermination appealed to the referee.

History: 1954 ACS 101, p. 153, Eff. Nov. 14, 1979.

R 421.1207 Conduct of hearing.

Rule 207. (1) The referee shall conduct and control the hearing to develop the rights of the parties.

(2) At the beginning of the hearing, the referee shall identify all parties, representatives, and witnesses present and shall outline briefly the issues involved.

(3) Oral evidence at a hearing before a referee shall be taken only on oath or affirmation.

(4) Each party shall have the following rights:

(a) To call and examine witnesses.

(b) To introduce exhibits.

(c) To cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination.

(d) To impeach any witness regardless of which party first called him to testify.

(e) To rebut the evidence against him.

(5) A party may be called and examined as if under cross-examination.

(6) Oral arguments may be presented at the conclusion of the hearing.

(7) The referee may allow a reasonable time after conclusion of the hearing for the filing of written argument.

(8) The referee shall secure such competent, relevant, and material evidence that he deems necessary to arrive at a fair decision. To that end, the referee may adjourn the hearing from time to time to direct the parties to bring the required evidence. The referee may cause subpoenas to be issued for that purpose. The referee may examine any party or witness.

(9) When an interested party is not represented by legal counsel or an authorized agent, the referee before whom the hearing is taking place shall advise the party of his rights, aid him in examining and cross-examining witnesses, and give every assistance to the party compatible with an impartial discharge of his official duties.

History: 1954 ACS 101, p. 153, Eff. Nov. 14, 1979.

R 421.1208 Divided hearing.

Rule 208. When it is difficult or impossible for all parties and their witnesses to appear at the same place of hearing, a referee in his discretion may order that the testimony of any such parties and witnesses be taken at places of hearing convenient to the parties and witnesses.

History: 1954 ACS 101, p. 153, Eff. Nov. 14, 1979.

R 421.1209 Further hearing prior to decision.

Rule 209. (1) At any time between the hearing before a referee and issuance of his decision, the referee on his own motion, or at the request of any party to the proceeding, may direct a further hearing.

(2) A further hearing is within the discretion of the referee.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

R 421.1210 Decision of referee.

Rule 210. (1) Within 60 days after concluding a final hearing, the referee shall issue a written decision which shall be signed by him and dated. The decision shall

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set forth the findings of fact upon which the decision is based, the reasons for the decision, and the decision. The findings of fact, the reasons, and the decision shall be separately stated; but a failure to so separately state shall not vitiate the decision.

(2) The decision shall contain a notice of rights of appeal, pursuant to R 421.1213 of this part.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

R 421.1211 Rehearing of referee's decision.

Rule 211. (1) A request for a rehearing of a referee's prior decision shall be received by the referee or by an office, or agent office, of the commission within 20 days after the date of mailing of the decision.

(2) Reasons for requesting a rehearing include, but are not limited to, a dismissal for lack of prosecution or the discovery of material evidence after the date of the referee hearing.

(3) A rehearing may also be granted on the referee's own motion.

(4) Granting a rehearing is within the discretion of the referee.

(5) If a timely request for rehearing is denied, both the denial and the referee's prior decision may be appealed to the board of review.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

R 421.1212 Reopening and review of referee's decision.

Rule 212. (1) A request for a reopening and review of a referee's prior decision shall be received by the referee or by an office, or agent office, of the commission within 1 year, but more than 20 days, after the date of mailing of the decision.

(2) There shall be a showing of good cause for reopening.

(3) A reopening and review may also be granted on the referee's own motion if the review is initiated by the referee, with notice to the interested parties, within 1 year after the date of mailing of the prior decision.

(4) Granting a reopening is within the discretion of the referee.

(5) If a request for reopening is denied, the board of review will not review the referee's prior decision unless it first decides that the referee abused his discretion in not granting a reopening.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

R 421.1213 Notice of rights of appeal.

Rule 213. (1) Each referee decision or final order shall notify the parties of all of the following:

(a) A party has the right to have a decision or a denial of a motion for rehearing reviewed by the board of review by making a timely appeal.

(b) A party may make a timely request to the board of review for an oral argument or to present additional evidence in connection with his appeal.

(c) Absent a hearing before it, the board of review may consider a party's written argument to the board of review only if all parties are represented or by agreement of the parties.

(d) A referee decision or final order may be appealed directly to a circuit court if all parties sign a written stipulation and timely file it.

(e) A party may make a timely request to a referee to rehear a prior decision.

(f) A party may make a timely request to a referee, for good cause only, to reopen and review a prior decision.

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(2) Each referee decision or final order shall state the deadline and places of receipt of the above alternatives. It shall also state in boldface type: "TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME."

(3) The form of each notice shall be as authorized by the board of review.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

R 421.1214 Stipulations.

Rule 214. (1) The parties to a referee decision or order may sign a written agreement to appeal the referee decision or order directly to a circuit court rather than to the board of review. The commission is a party.

(a) Where a party is unrepresented, the agreement shall recite that the parties are thereby waiving the right to have their case appealed to and reviewed by the board of review.

(b) The stipulation shall be received by the referee within 20 days after mailing or personal service of the referee's decision or order.

(c) Seeking, obtaining, or filing a stipulation does not extend any time period. However, when all parties have signed the stipulation, it shall be deemed an appeal to the board of review until such time as the appeal to the court is perfected.

(2) The parties to an appeal before a referee may stipulate the facts in issue.

(3) Stipulations shall not be in any sense in derogation of the act and shall not involve an interpretation of the act.

History: 1954 ACS 101, p. 154, Eff. Nov. 14, 1979.

PART 3. APPEALS TO BOARD OF REVIEW

R 421.1301 Appeal; form.

Rule 301. (1) An appeal to the board of review shall be in writing and shall be signed by the party appealing or his agent.

(2) Forms for appeals to the board of review and for rehearing by the board of review shall be available at all commission offices.

History: 1954 ACS 101, p. 155, Eff. Nov. 14, 1979.

R 421.1302 Appeal; deadline; statements on referee's decision or order; procedure where appeal is late.

Rule 302. (1) An appeal to the board of review shall be received by the board of review, the principal office or any branch office of the commission, or by any agent office of the commission outside the state of Michigan, within 20 days after the date of mailing of the referee's (a) decision or (b) order denying rehearing or reopening.

(2) The referee's decision or order shall state the deadline and places for receipt of the appeal. It shall also state in boldface type: "TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME."

(3) A party who wishes to appeal a referee decision to the board of review, but whose appeal is not received by the board of review within the 20-day appeal period, may request a reopening and review of the referee decision. If the referee decides to reopen and reissue the decision, for good cause shown, the reissued decision may then be appealed to the board of review within the 20-day appeal period.

History: 1954 ACS 101, p. 155, Eff. Nov. 14, 1979.

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R 421.1303 Board; decision based on record; notice.

Rule 303. (1) The board of review often decides cases on the record made by the referee, without (a) oral argument before it, (b) additional evidence, or (c) consideration of written argument, unless all parties are represented or agree to written argument.

(2) The record made by the referee is the transcript of the referee hearing, the exhibits marked and received at the referee hearing, and written argument submitted to the referee if the other parties present at the hearing have been served a copy of the argument and have been given an adequate opportunity to respond to it.

(3) Notice of the parties' rights to request oral argument, to submit additional evidence, and to file written argument shall accompany the mailing of the referee hearing transcript to each party.

History: 1954 ACS 101, p. 155, Eff. Nov. 14, 1979.

R 421.1304 Oral argument; application; reasons.

Rule 304. (1) Oral argument to the board of review shall be by permission only.

(2) If a party wishes to apply for permission to make an oral argument to the board of review, he shall make a request in writing setting forth his reasons therefor.

(3) Reasons for requesting oral argument include, but are not limited to, the following:

(a) The appeal involves an issue on which the law is unsettled or unclear.

(b) The appeal involves an issue of major precedential value.

(c) The record made by the referee is so lengthy that oral argument will be of special assistance to the board in reviewing the record.

(d) Unusual complexities affecting the referee's decision were present at any stage of the proceedings.

(e) The referee's decision departed from established legal precedent.

(4) To be timely, the application shall be received by the board of review no later than 20 days after the mailing date of the referee hearing transcript, unless a reason constituting good cause is given.

(5) To be granted, the application shall be approved by 2 members of the board of review panel assigned to review the appeal.

(6) A denial of a request for oral argument shall be mailed to the parties at least 20 days prior to the issuance of the board's decision or order.

History: 1954 ACS 101, p. 155, Eff. Nov. 14, 1979.

R 421.1305 Presentation of additional evidence; application.

Rule 305. (1) Presentation of additional evidence to the board of review shall be by permission of the board of review only.

(2) If a party wishes to apply to the board of review for permission to present additional evidence, he shall make an application in writing setting forth his reasons therefor.

(3) To be timely, the application shall be received by the board of review no later than 20 days after the mailing date of the referee hearing transcript, unless a reason constituting good cause is given.

(4) To be granted, the application shall be approved by 2 members of the board of review panel assigned to review the appeal.

(5) A denial of a request to present additional evidence shall be mailed to the parties at least 20 days prior to the issuance of the board's decision or order.

History: 1954 ACS 101, p. 156, Eff. Nov. 14, 1979.

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R 421.1306 Additional evidence order.

Rule 306. (1) When the board of review orders additional evidence, it may:

(a) Conduct a hearing pursuant to the act for the purpose of taking and receiving such evidence as it deems necessary.

(b) Remand the matter to a referee for the purpose of taking and receiving such evidence and for the purpose of submitting the evidence so received to the board of review for decision.

(c) Set aside the referee's decision and remand the matter to the referee for the purpose of receiving such additional evidence and for the purpose of issuing a new decision based upon the entire record.

(2) Absent an evidentiary hearing, a copy of documentary evidence directed by the board of review to be introduced shall be mailed by the board to each party to the proceeding, and a reasonable opportunity shall be afforded on request of any party to refute such evidence.

History: 1954 ACS 101, p. 156, Eff. Nov. 14, 1979.

R 421.1307 Written argument; reply; deadlines; consideration; agreement; application for oral argument or additional evidence not deemed written argument.

Rule 307. (1) A party's written argument, if any, together with a statement of service of a copy on each other party, shall be received by the board of review no later than 20 days after the mailing date of (a) the referee hearing transcript or (b) a denial of a request for oral argument or additional evidence. However, if a hearing is directed, written argument may be presented at any time at or before the hearing.

(2) A reply, if any, to another party's timely written argument, together with a statement of service of a copy on each other party, shall be received by the board of review no later than 20 days after the mailing date of the other party's written argument.

(3) Extensions of time for the filing of written argument may be permitted by the board if warranted by the circumstances.

(4) The board of review may consider a party's written argument only if (a) all parties are represented by an attorney or other agent of record, or (b) all parties agree that the board may consider written argument, or (c) the board orders oral argument before it, or (d) the board orders evidence produced before it.

(5) As to subrule (4)(b) above, the agreement shall be signed by each party and received by the board of review no later than 20 days after the mailing date of the referee hearing transcript or denial of hearing by the board.

(6) A party's application to the board of review for either oral argument or additional evidence shall not be deemed a written argument within the meaning of this rule.

History: 1954 ACS 101, p. 156, Eff. Nov. 14, 1979.

R 421.1308 Record of proceedings; transmittal to board following notification of appeal; copies of referee hearing transcripts.

Rule 308. The record of proceedings before a referee, including the referee hearing transcript together with supporting exhibits, shall be promptly transmitted to the board of review following notification of an appeal to the board. Copies of referee hearing transcripts shall be mailed to the parties or to their attorneys or agents of record without cost to them.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

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R 421.1309 Removal or transfer of proceeding pending before referee.

Rule 309. (1) A party to a proceeding pending before a referee may apply to the board of review for (a) removal to the board of review of the proceeding or (b) the transfer to another referee of the proceeding.

(2) The board of review shall notify the referee that such application is pending.

(3) Upon notification, the referee shall suspend at once any further proceedings before him with respect to the application.

(4) The board of review on the application, or on its own motion, may remove the proceeding to itself or transfer it to another referee.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

R 421.1310 Subpoenas.

Rule 310. If the board of review orders additional evidence to be taken before it, a party may ask the board for subpoenas to compel witnesses to testify before the board of review or to compel persons to produce books, records, and papers.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

R 421.1311 Proceedings before board panels.

Rule 311. (1) A matter to be heard by the board of review shall be assigned to a panel of the board for disposition.

(2) Two members on a panel constitute a quorum.

(3) A decision reached by 2 members of the panel shall be the final decision of the board of review, except where the entire board participates as provided in R 408.1312.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

R 421.1312 Board; composition; communications; full review.

Rule 312. (1) The board of review shall be composed of representatives from 3 different representational sectors. Two members shall be representative of employee interests in the state. Two members shall be representative of employer interests in the state. One member shall be a representative of the general public and shall serve as chairperson.

(2) The members of the board may communicate with employers, employees, and their agents and with representatives of the public interest about issues of unemployment insurance and matters affecting the administration of the act. However, board of review members shall not discuss the merits of a case pending before them with a party to it or his duly authorized attorney or agent.

(3) The entire board of review shall conduct a full review of any (a) appeal not yet decided and mailed if full board review is requested by 2 board members from different representational sectors or (b) panel decision if full board review is requested by 2 board members from different representational sectors within 5 working days after its mailing date.

(4) A person may request a board of review member to request a full review.

(5) A decision of the full board of review which is equally divided shall constitute an affirmance of the decision initially appealed to the board of review.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

R 421.1313 Board; decision or order; copies; notice of rights of appeal.

Rule 313. (1) The board of review shall issue written decisions or orders which are signed and dated. The board of review may omit the giving of reasons in cases where a referee's decision is affirmed without alteration or modification.

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(2) Decisions of the board of review shall contain a notice of rights of appeal, pursuant to R 408.1316 of this part.

History: 1954 ACS 101, p. 157, Eff. Nov. 14, 1979.

R 421.1314 Rehearing of board's decision.

Rule 314. (1) A request for a rehearing of the board of review's prior decision shall be received by the board of review or by an office of the commission within 20 days after the date of mailing of the decision.

(2) A rehearing may also be granted on the board's own motion.

(3) Granting a rehearing is within the discretion of the board of review.

History: 1954 ACS 101, p. 158, Eff. Nov. 14, 1979.

R 421.1315 Reopening and review of board's decision.

Rule 315. (1) A request for a reopening and review of the board of review's prior decision shall be received by the board of review or by an office of the commission within 1 year, but more than 20 days, after the date of mailing of the decision.

(2) There shall be a showing of good cause for reopening.

(3) A reopening and review may also be granted on the board of review's own motion if the review is initiated by the board, with notice to the interested parties, within 1 year after the date of mailing of the prior decision.

(4) Granting a reopening is within the discretion of the board of review.

History: 1954 ACS 101, p. 158, Eff. Nov. 14, 1979.

R 421.1316 Notice of rights of appeal.

Rule 316. (1) Each board of review decision or final order shall notify the parties of all of the following:

(a) A party has the right to make a timely appeal of a final order or decision of the board of review to a circuit court.

(b) A party may make a timely request to the board of review to rehear a prior decision.

(c) A party may make a timely request to the board of review, for good cause only, to reopen and review a prior decision.

(2) Each board of review decision or final order shall state the deadline and places of receipt of the above alternatives. It shall also state in boldface type: "TO PROTECT YOUR RIGHTS, YOU MUST BE ON TIME."

History: 1954 ACS 101, p. 158, Eff. Nov. 14, 1979.

R 421.1317 Stipulations.

Rule 317. (1) The parties to an appeal before the board of review may stipulate the facts in issue.

(2) Stipulations shall not be in any sense in derogation of the act and shall not involve an interpretation of the act.

History: 1954 ACS 101, p. 158, Eff. Nov. 14, 1979.

LABOR MEDIATION BOARD

R 423.1—R 423.18 Rescinded.

History: 1944 ACS 13, pp. 6-8; 1954 AC, pp. 4901-4903; 1954 ACS 14, pp. 16-19, Eff. May 14, 1958; rescinded 1954 ACS 54, p. 56, Eff. May 15, 1968.

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R 423.21—R 423.63 Rescinded.

History: 1954 ACS 14, pp. 16-19, Eff. May 14, 1958; rescinded 1954 ACS 54, p. 56, Eff. May 15, 1968.

R 423.201—R 423.205 Rescinded.

History: 1954 ACS 5, pp. 62-64, Eff. Feb. 15, 1956; rescinded 1954 ACS 54, p. 56, Eff. May 15, 1968.

FAIR EMPLOYMENT PRACTICES COMMISSION

PRACTICE AND PROCEDURE

(By authority of Act No. 251 of the Public Acts of 1955, being §423.301 et seq. of the Michigan Compiled Laws)

R 423.301 Definitions.

Rule 1. As used in these rules:

(a) "Person" includes 1 or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers or other organized groups of persons.

(b) "Employer" includes the state or any political or civil subdivision thereof, any person employing 8 or more persons within the state and any person acting in the interest of any employer, directly or indirectly.

(c) "Employee" does not include any individual employed in the domestic service of any person.

(d) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

(e) "Employment agency" includes any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

(f) "Unfair employment practice" includes only those unfair employment practices specified in sections 3 and 4 and the failure to comply with the requirement of section 9 of the Michigan state fair employment practices act.

(g) "Discriminate" shall include segregate or separate.

(h) "Commission," unless a different meaning clearly appears from the context, means the state fair employment practices commission.

(i) "Commissioner" means 1 of the members of the state fair employment practices commission.

(j) "Chairman" means the duly elected chairman of the state fair employment practices commission, or, in the event of his absence, the acting chairman designated by the remaining members of the commission.

(k) "Director" means the executive director engaged by the commission.

(l) "Investigating commissioner" means the commissioner duly designated by the chairman or by the commission to make an investigation of a verified complaint filed with the commission.

(m) "Commission investigator" means an agent or employee of the commission designated or delegated by the chairman or the commission or the director, to make an investigation of a verified complaint filed with the commission.

(n) "Hearing commissioner" means a commissioner designated by the chairman or the commission to conduct a hearing.

(o) "Hearing examiner" means an agent or employee of the commission designated or delegated by the chairman or the commission, or the director, to conduct a hearing.

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(p) "Commission's attorney" means the state attorney general, or such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(q) "Party" or "parties" means the complainant and/or the respondent.

(r) "Act" means the Michigan state fair employment practices act.

History: 1954 ACS 11, p. 21, Eff. Aug. 14, 1957.

R 423.302 Complaint.

Rule 2. (1) Any individual claiming to be aggrieved by an alleged unfair employment practice, may, by himself, or his agent, make, sign, and file with the commission a complaint in writing, verified by the complainant. Assistance in drafting and filing complaints shall be available to complainants at all commission offices.

Any employer whose employees, or some of whom, refuse or threaten to refuse to cooperate with the provision of the act, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

(2) The complaint shall be in writing, the original being signed and verified before a notary public or other person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished without charge by the commission.

(3) A complaint shall contain the following:

(a) The full name and address of the person making the complaint (hereinafter referred to as the "complainant").

(b) The full name and address of the person, employer, employment agency, or labor organization against whom the complaint is made (hereafter referred to as the "respondent").

(c) The alleged unfair employment practice and a statement of the particulars thereof.

(d) The date or dates of the alleged unfair employment practice, and if the alleged unfair employment practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred.

(e) A statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action.

(4) A complaint shall be filed with the commission at any of its offices.

(5) The complaint must be filed within 90 days from the date of the occurrence of the alleged unfair employment practice. If the alleged unfair employment practice is of a continuing nature, the date of the occurrence of said unfair employment practice shall be deemed to be any date subsequent to the commencement of the unfair practice up to and including the date upon which the unfair practice shall have ceased.

(6) The complaint may be filed by personal delivery, ordinary mail, or registered or certified mail, addressed to any of the commission's offices.

(7) A copy of the complaint, as the same may have been amended, shall be served by the commission on the respondent together with the notice of hearing as provided in R 423.305. A copy of all amendments to the complaint effected subsequent to service of the notice of hearing shall be served by the commission on both the complainant and the respondent except such amendments to the complaint as are inscribed in the record during the course of a hearing.

(8) Complaint forms may be obtained at any of the offices of the commission.

(9) Any complaint may be amended by the commission or a member thereof, or its agents conducting the hearing at any time prior to the issuance of an order based thereon.

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(10) A complaint, or any part thereof, may be withdrawn only on written consent of the director upon such conditions as shall be deemed proper under all the circumstances.

(11) If the investigating commissioner shall find, either on the face of the complaint, or after investigation, that no probable cause exists to credit such complaint, or that such complaint should be dismissed for other reasons, he shall make report of such finding together with his reasons therefor to the commission. Upon report of such finding, and commission concurrence, the commission shall dismiss the complaint and notify the parties by registered or certified mail, return receipt requested, of such determination, the reasons therefor, and of the complainant's right to apply to the commission for a reconsideration of such dismissal for said reason within 15 days from date of mailing, in accordance with R 423.304.

History: 1954 ACS 11, p. 22, Eff. Aug. 14, 1957; 1954 ACS 34, p. 14, Eff. May 15, 1963.

R 423.303 Investigation, conference, conciliation, and persuasion.

Rule 3. (1) After filing of a complaint the chairman shall designate 1 of the commissioners, with the assistance of the commission's staff, to make a prompt investigation of the allegations of the complaint.

(2) If the investigating commissioner finds that probable cause exists for crediting the allegations of the complaint, he or another commissioner or another member of the commission's staff designated by the chairman, shall immediately endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion.

(3) The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors at conference, conciliation and persuasion.

(4) If the investigating commissioner or commission investigator shall succeed in his endeavors at conference, conciliation and persuasion, he shall mark the case accordingly and notify the parties by registered or certified mail, return receipt requested, of the terms of conciliation and of the complainant's right to apply to the commission for reconsideration of such terms of conciliation, within 15 days from date of mailing, in accordance with R 423.304.

History: 1954 ACS 11, p. 23, Eff. Aug. 14, 1957.

R 423.304 Reconsideration by the commission.

Rule 4. (1) Any party to a complaint may apply to the commission for a reconsideration of the dismissal of the complaint, or of the terms of conciliation, as the case may be. Such application must be in writing, state specifically the grounds upon which it is based, and be filed within 15 days from the date of mailing of the notice of disposition of which reconsideration is requested. It shall be filed in the office of the commission, personally or by mailing, where the complaint was previously filed.

(2) If such application for reconsideration is made for any reason other than a finding of lack of probable cause or a refusal to accept a complaint, the commission shall review the entire file, and may, in its discretion, hear the parties. The commission, in its discretion, shall grant or deny the application for reconsideration. If the commission grants the application for reconsideration, it shall remit the matter together with its recommendation to the investigating commissioner for further action.

(3) If such application for reconsideration is made from a finding of lack of probable cause or a refusal to accept a complaint, the commission shall grant a

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hearing thereon at such time and place and before such hearing commissioner or commissioners or hearing examiner or examiners as shall be determined by the commission. Notice of such hearing shall be given to all parties to the proceeding. The parties may appear in person or by counsel, may present witnesses and testimony, and examine and cross-examine witnesses. A record of such proceedings shall be made and reported to the commission by the hearing commissioner or commissioners or hearing examiner or examiners and the commission shall thereupon make determination on such hearing and notify the parties of said determination by registered or certified mail, return receipt requested. If the commission grants the application, it shall remit the matter together with its recommendation to the investigating commissioner for further action pursuant to the fair employment practices act and the rules of the commission.

History: 1954 ACS 11, p. 23, Eff. Aug. 14, 1957; 1954 ACS 34, p. 14, Eff. May 15, 1963.

R 423.305 Notice of hearing.

Rule 5. (1) After a finding of probable cause to credit the allegations of the complaint and in case of failure to eliminate the alleged unfair employment practice by conference, conciliation and persuasion, or in advance thereof, if in his judgment circumstances so warrant, the investigating commissioner or the chairman, upon report of the commission investigator, shall cause to be issued and served in the name of the commission a written notice of hearing, together with a copy of the verified complaint, as the same may have been amended.

(2) The notice of hearing shall state the time and place of hearing, inform the respondent that he may file a written verified answer to the complaint, and that a failure to answer shall be deemed an admission of the allegations of the complaint. The notice of hearing and verified complaint, as the same may have been amended, shall be served by registered or certified mail, return receipt requested, or by personal service on all parties, at least 10 days before the date of the hearing. If an attorney has previously appeared on behalf of a party, a copy of the notice of hearing and complaint, as the same may have been amended, shall be furnished to said attorney.

History: 1954 ACS 11, p. 24, Eff. Aug. 14, 1957.

R 423.306 Answer.

Rule 6. (1) The party against whom a verified complaint, as the same may have been amended, is filed and on whom a notice of hearing and copy of such complaint, as amended, has been served may file a written verified answer within 10 days from the date of service of such complaint.

(2) The answer must be filed in duplicate at the office of the commission where the complaint originated. The filing shall be by personal delivery, or by registered or certified mail, return receipt requested.

(3) Upon application, the chairman may for good cause shown extend the time within which the answer may be filed.

(4) The answer shall be in writing, the original being signed and verified by the respondent. The answer shall contain the post office address of the respondent, and if he is represented by an attorney, the name and post office address of said attorney.

The answer shall contain a general or specific denial of each and every allegation of the complaint controverted by the respondent, or a denial of any knowledge or information sufficient to form a belief, and a statement of any matter constituting a defense.

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Any allegation in the complaint which is not denied or admitted in the answer, unless the respondent shall state in the answer that he is without knowledge or information sufficient to form a belief, shall be deemed admitted.

(5) The respondent shall have the power reasonably and fairly to amend his answer. The respondent's power to amend his answer may be exercised at any time before the first hearing, as a matter of right, and thereafter, in the discretion of the hearing commissioner or commissioners, or hearing examiner or examiners, on application duly made therefor.

Duplicate copies of an amended answer must be filed with the commission.

(6) Upon application the hearing commissioner, or the chairman, upon recommendation or report of the hearing examiner, may for good cause shown open a default in answering.

(7) The commission shall, within 5 days after the date of filing an answer or amended answer, send a copy thereof by registered or certified mail, return receipt requested, to the complainant at his last known place of residence or to his attorney.

History: 1954 ACS 11, p. 24, Eff. Aug. 14, 1957.

R 423.307 Hearings.

Rule 7. (1) The complainant shall be present and a party to the proceeding. In the discretion of the hearing commissioner or commissioners, or the hearing examiner or examiners, any person may be allowed to intervene therein.

The respondent may appear at the hearing in person or by counsel, examine and cross-examine witnesses and the complainant, and, if he has filed an answer, may submit oral testimony and other evidence in support of said answer. In the discretion of the hearing commissioner or commissioners, or the hearing examiner or examiners, any other person may be allowed to intervene, in person or by counsel, for such purposes and to such extent as the hearing commissioner or commissioners, or the hearing examiner or examiners, shall determine.

(2) Hearings shall be conducted by 1 or more hearing commissioners, or 1 or more hearing examiners, or any combination of hearing commissioners and hearing examiners designated by the chairman. If more than 1 commissioner or examiner conduct a hearing, 1 of them shall be designated by the chairman as the presiding member.

(3) Hearings shall be held at a place designated by the chairman, having due regard to the convenience of the parties and witnesses.

(4) The case in support of the complaint shall be presented at the hearing by the commission's attorney or by some other member of the commission's staff, or, upon notice from complainant, by the complainant or his counsel. The commission shall follow such rules of evidence as are prescribed in §24.105 of the Michigan Compiled Laws.

Hearing commissioners or examiners shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, and to rule upon all motions and objections.

Hearing commissioners or examiners may call and examine witnesses, direct the production of papers or other matter present in the hearing room, and introduce documentary or other evidence.

All oral testimony shall be given under oath or affirmation, and a record of the proceeding shall be made and kept.

Where hearings are conducted by 3 or more commissioners, and/or examiners, all rulings and determinations shall be made by majority rule.

Evidence of the commission's endeavors at conciliation shall not be admissible at the hearing.

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(5) Written stipulations may be introduced in evidence, if signed by the person sought to be bound thereby, or by his attorney-at-law. Oral stipulations may be made on the record at open hearing.

(6) Hearing commissioners or examiners may continue a hearing from day to day, or adjourn it to a later date, or to a different place by announcement thereof at the hearing, or by appropriate notice to all parties.

(7) Motions made during a hearing and objections with respect to the conduct of a hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearings.

(8) Hearing commissioners or examiners shall permit the parties or their attorneys, the commission's attorney, or the member of the commission's staff presenting the case in support of the complaint and interveners, to argue orally before them and to file briefs within such time limits as the hearing commissioners or examiners may determine.

(9) Hearing commissioners or examiners may exclude from the hearing room or from further participation in the proceeding, any person who engages in improper conduct before them, except a party, his attorney-at-law, or a witness engaged in testifying.

(10) Hearings shall be public.

History: 1954 ACS 11, p. 24, Eff. Aug. 14, 1957.

R 423.308 Written transcript of the record.

Rule 8. The written transcript of the record upon the hearing before the commission shall consist of the notice of hearing, the verified complaint, as the same may have been amended, the verified answer, as the same may have been amended, the stenographic transcript of the testimony taken at the hearing, the exhibits and depositions in evidence, written applications, orders, stipulations and the final order.

History: 1954 ACS 11, p. 26, Eff. Aug. 14, 1957.

R 423.309 Subpoenas and subpoenas duces tecum.

Rule 9. (1) Upon the refusal of witnesses to appear and/or testify, after having been so directed by the commission, or on the refusal of persons to submit their books and records after the commission's request therefor, the commission and persons under investigation or against whom a complaint has been filed shall have the right to apply to the circuit court for the state of Michigan in any county in which the alleged unfair employment practice, which is the subject of the commission's inquiry, was committed, or wherein any potential or actual respondent subject to investigation, resides or transacts business, for a subpoena or subpoena duces tecum. The commission may apply for the issuance of such subpoena and subpoena duces tecum at the instance of a party to the inquiry or proceedings upon a showing of necessity therefor.

(2) Where a subpoena duces tecum is applied for and issued at the instance of a party to the inquiry or proceeding, other than the commission or a member thereof, the cost of service and witness and mileage fees shall be borne by the party at whose instance it has been requested and issued. Where a subpoena or subpoena duces tecum is applied for and issued at the instance of the commission, or a member thereof, the cost of such service and witness and mileage fees shall be borne by the commission. Such witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the state of Michigan.

History: 1954 ACS 11, p. 26, Eff. Aug. 14, 1957.

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R 423.310 Depositions.

Rule 10. The commission or any member thereof, on its own motion or on the application of one of the parties, shall whenever necessary, and on such conditions as it or he may determine, take or cause to be taken depositions of witnesses residing within or without the state.

History: 1954 ACS 11, p. 26, Eff. Aug. 14, 1957.

R 423.311 Orders.

Rule 11. (1) An order of the commission issued after hearing shall set forth its findings of fact and, in its discretion, an opinion containing the reasons for its decision.

(2) If upon all the evidence of the hearing the commission shall find that a respondent has engaged in any unfair employment practice, the commission shall state its findings of fact and shall issue an order requiring such respondent to cease and desist from such unfair employment practice, and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, as in the judgment of the commission may effectuate the purposes of the act, and including a requirement for report of the manner of compliance. If upon all the evidence the commission shall find that a respondent has not engaged in an unfair employment practice, the commission shall state its findings of fact and shall issue an order dismissing the complaint as to such respondent.

(3) Copies of orders shall be sent by registered or certified mail, return receipt requested, to the complainant, respondent, and all interveners, accompanied by a notice of the statutory right to judicial appeal. A copy of the order shall also be transmitted in all cases to the attorney general and such other public officers as the commission deems proper.

(4) All orders issued after a hearing shall be filed with the commission's director. Such orders shall be open to public inspection during regular office hours of the commission.

History: 1954 ACS 11, p. 26, Eff. Aug. 14, 1957.

R 423.312 Reopening of proceedings.

Rule 12. (1) After making a determination of the issue of probable cause to credit the allegations of the complaint, or after terms of conciliation have been effected, the commission on its own motion may, whenever justice so requires, reopen the proceeding upon notice to all parties and interveners, and take such action as it may deem necessary.

(2) After hearing and the issuance of a final order, the commission may, upon its own motion or upon application of any party or intervener, for good cause shown, or whenever justice so requires, or where an order or determination or decision was made upon default of a party affected thereby, reopen any closed proceeding upon notice to all parties and interveners.

History: 1954 ACS 11, p. 27, Eff. Aug. 14, 1957.

R 423.313 Appeal from an order of the commission.

Rule 13. (1) Any complainant, respondent or other person claiming to be aggrieved by a final order of the commission, including a refusal to proceed upon a complaint filed with the commission, may appeal to the circuit court of the state of Michigan within any county wherein the unfair employment practice was

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allegedly committed, or wherein any respondent required in an order to cease and desist from any unfair employment practice, or to take other affirmative action, resides or transacts business.

(2) Upon receipt by the commission of a copy of the petition of the party or person initiating the appeal, the commission shall cause to be filed in the circuit court in which such appeal has been taken, a transcript of the record of the proceedings before the commission.

(3) The commission's copy of the testimony shall be available during the regular office hours of the commission to all parties for examination, without cost, and for the purpose of appeal to the circuit court from the order of the commission. The commission's copy of the testimony shall, in the discretion of the commission or the commission's director, also be available to interveners and other persons, for such purposes and to such extent as the commission or the commission's director may determine.

(4) A proceeding for the appeal from, or judicial review of, any order of the commission must be instituted within 30 days after the service by registered or certified mail, return receipt requested, of such order.

History: 1954 ACS 11, p. 27, Eff. Aug. 14, 1957.

R 423.314 Modification or setting aside of orders.

Rule 14. Until a transcript of the record in a case shall be filed in a court, as hereinbefore provided, the commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside in whole or in part any findings or order made by it.

History: 1954 ACS 11, p. 27, Eff. Aug. 14, 1957.

R 423.315 Delegation of powers and duties.

Rule 15. Except where contrary to any law prohibiting same, the commission may delegate any of the powers and duties of the members of the commission to the members of the staff of the commission.

History: 1954 ACS 11, p. 27, Eff. Aug. 14, 1957.

R 423.316 Amendment of rules.

Rule 16. New rules may be adopted and any rule may be amended or rescinded by the commission at a regular or special meeting, provided that at least 4 members (a quorum) are present and notice of the proposed adoption or rescission has been given to all members of the commission at least 3 days before the meeting at which action is to be taken.

History: 1954 ACS 11, p. 27, Eff. Aug. 14, 1957.

R 423.317 Availability of rules.

Rule 17. (1) The rules of the commission shall be available to the public at all offices of the commission.

(2) These rules shall be liberally construed to accomplish the purposes of the act and the policies of the commission.

History: 1954 ACS 11, p. 28, Eff. Aug. 14, 1957.

EMPLOYMENT RELATIONS COMMISSION

GENERAL RULES

(By authority conferred on the employment relations commission by sections 7, 9a, 9c, and 27 of Act No. 176 of the Public Acts of 1939, and sections 12 and 14 of

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Act No. 336 of the Public Acts of 1947, being §§423.7, 423.9a, 423.9c, 423.27, 423.212, and 423.214 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 423.401 Definitions; A to C.

Rule 1. (1) "Administrative law judge" means a commission member, or an employee designated by the commission to perform hearing functions and duties under PERA and LMA in the commission's labor relations division.

(2) "Applicant" means a person or duly authorized agent thereof who files an application for fact finding under PERA and LMA.

(3) "Charge" means the document containing the information specified in R 423.452.

(4) "Charging party" means a person, or duly authorized agent thereof, who files a charge alleging an unfair labor practice under LMA or PERA.

(5) "Commission" means the employment relations commission as established in section 3 of LMA.

History: 1954 ACS 54, p. 47, Eff. May 15, 1968; 1954 ACS 86, p. 87, Eff. Mar. 4, 1976.

R 423.403 Definitions; E to L.

Rule 3. (1) "Election agent" means a commission member, or an employee designated by the commission to perform election functions and duties under LMA and PERA.

(2) "Fact finder" means a commission member, an employee or other individual, whether or not a member of the commission's staff, designated by the commission to perform fact finding functions and duties under section 25 of LMA.

(3) "LMA" means the Michigan labor mediation act, Act No. 176 of the Public Acts of 1939, as amended, being §§423.1 to 423.30 of the Michigan Compiled Laws.

History: 1954 ACS 54, p. 47, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

R 423.405 Definitions; M to P.

Rule 5. (1) "Mediator" means the commission, a commission member, or an employee, designated by the commission to perform the functions and duties of mediation under LMA and PERA in the commission's mediation division.

(2) "PERA" means the Michigan public employment relations act, Act No. 336 of the Public Acts of 1947, as amended, being §§423.201 to 423.216 of the Michigan Compiled Laws.

(3) "Petition" means the document containing the information specified in R 423.441.

(4) "Petitioner" means a person or duly authorized agent thereof who files a petition under LMA or PERA.

History: 1954 ACS 54, p. 47, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

R 423.407 Definitions; R.

Rule 7. "Respondent" means a person charged with having engaged in or engaging in unfair labor practices under LMA or PERA as set forth in a complaint issued by the commission.

History: 1954 ACS 54, p. 48, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

R 423.411 Divisions of commission.

Rule 11. (1) The commission shall exercise its mediation functions under LMA and PERA through its mediation division.

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(2) The commission shall exercise its labor relations functions under LMA and PERA through its labor relations division.

History: 1954 ACS 54, p 48, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

PART 2. MEDIATION OF LABOR DISPUTES

R 423.421 Mediation functions.

Rule 21. A mediator shall bring the parties together voluntarily under such favorable auspices as will tend to effectuate the settlement of the dispute; but he shall not have any power of compulsion in mediation. At the request of 1 of the parties, or when the commission believes that mediation may be of assistance in resolving a dispute between either a public or private employer and employees, the commission on its own motion may, or at the direction of the governor shall, take steps that it deems expedient to effect a voluntary, amicable, and expeditious adjustment and settlement of the differences and issues between the employer and employees.

History: 1954 ACS 54, p. 48, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

R 423.422 Confidential information.

Rule 22. Information disclosed by a party to a mediator in the performance of mediation functions shall not be divulged voluntarily or by compulsion. All files, records, reports, documents or other papers received or prepared by a mediator while serving as such mediator shall be classified as confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by him, on behalf of any party to any cause pending in any type of proceeding.

History: 1954 ACS 54, p. 48, Eff. May 15, 1968.

R 423.423 Mediation conferences.

Rule 23. (1) A mediator may hold separate or joint conferences with parties or their representatives, and the conferences shall be private unless otherwise mutually agreed by the parties and the mediator.

(2) A mediation conference may be conducted at such date, time and place as agreed to by a mediator and the parties or their representatives, except that the mediator may designate the date, time and place of a conference.

History: 1954 ACS 54, p. 48, Eff. May 15, 1968.

PART 3. FACT FINDING

R 423.431 Applications and initiation by commission of fact finding.

Rule 31. (1) Pursuant to section 25 of LMA, an application for fact finding may be filed by a public employer, a collective bargaining representative of public employees, or if no representative has been designated or selected, by a majority of any given group of public employees. The application shall be signed by an authorized agent of the applicant. An original and 4 copies shall be filed with the commission. The applicant, at the same time, shall cause a copy of the application to be served on the other party or its representative and proof of service shall be filed with the commission.

(2) The application may be withdrawn by the applicant with the consent of the commission.

(3) The commission, on its own motion, may institute fact finding if it is apparent to the commission that matters in disagreement between the parties

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might be more readily settled if the facts involved in the disagreement were determined and publicly known. When the commission institutes fact finding, it shall so advise the parties.

History: 1954 ACS 54, p. 48, Eff. May 15, 1968; 1954 ACS 86, p. 88, Eff. Mar. 4, 1976.

R 423.432 Contents of applications.

Rule 32. The application shall contain the following:

(a) The name and address of the collective bargaining agent; or, if there is no collective bargaining agent, the name and address of the principal representative of the majority of the members of a given group on whose behalf the application is being filed.

(b) The name, address and principal representative of the public employer.

(c) A description of the certified or recognized collective bargaining unit or if there is no such unit, a description of the given group.

(d) The approximate number of employees in the unit or given group.

(e) A statement that the applicant has attempted to engage in good faith collective bargaining and mediation, and that the parties have not succeeded in resolving the matters in dispute.

(f) A statement that the applicant has exhausted the contractual grievance procedure, if applicable.

(g) A statement of any unresolved issue in dispute and the facts relating thereto.

(h) A statement of reasons why publicizing the facts and recommendations would assist in resolving the issues in dispute.

(i) The application shall be signed by the applicant or an authorized agent thereof.

History: 1954 ACS 54, pp. 48, 49, Eff. May 15, 1968.

R 423.433 Answers.

Rule 33. (1) A party upon whom an application has been served shall file an answer to the application within 10 days from its service, unless notified by the commission that the circumstances require a specified shorter period of time to file an answer. Upon proper cause shown, the commission may extend the time for filing an answer, or in exceptional circumstances may waive the requirement for an answer.

(2) The answer shall specifically admit, deny or explain each of the allegations in the application, shall contain a statement of the position of the answering party, and shall be signed by the answering party or authorized agent thereof.

(3) The answer and 4 copies shall be filed with the commission. The party filing an answer concurrently shall cause a copy of the answer to be served on the applicant or its agent, and proof of service shall be filed with the commission.

History: 1954 ACS 54, p. 49, Eff. May 15, 1968; 1954 ACS 86, p. 89, Eff. Mar. 4, 1976.

R 423.434 Hearings.

Rule 34. (1) If it appears to the commission that a hearing is warranted, the commission shall appoint a fact finder and serve upon each of the parties a notice of the person appointed.

(2) Following receipt of the notice of his appointment, the fact finder shall issue and serve upon each of the parties, a notice of hearing. The fact finder may amend or withdraw a notice of hearing at any time before the close of the hearing.

(3) The hearing shall be public, but for good cause shown, may be limited to the immediate parties by the fact finder, and he shall inquire into pertinent

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matters necessary to enable him to issue his recommendations concerning the dispute. The fact finder may follow the procedures of sections 10 and 11 of LMA.

(4) The fact finder has the authority and powers specified in part 6 of these rules.

History: 1954 ACS 54, p. 49, Eff. May 15, 1968; 1954 ACS 86, p. 89, Eff. Mar. 4, 1976.

R 423.435 Fact finders' reports.

Rule 35. (1) After the close of the hearing, the fact finder shall prepare a fact finding report which shall contain:

(a) A statement of findings of fact and conclusions upon all material issues presented at the hearing.

(b) Recommendations with respect to the issues in dispute.

(c) Reasons and basis for the findings, conclusions and recommendations. However, the parties may waive the requirements of this subdivision and the fact finder may then issue a report containing only items set forth in subdivisions (a) and (b).

(2) The fact finder shall file a copy of his report with the commission and at the same time serve a copy on each of the parties.

History: 1954 ACS 54, p. 49, Eff. May 15, 1968; 1954 ACS 86, p. 89, Eff. Mar. 4, 1976.

PART 4. ELECTIONS

R 423.441 Petitions for elections.

Rule 41. (1) A petition for election to determine a collective bargaining representative or a petition for decertification shall, except for good cause shown, be prepared on a form furnished by the commission. An original and 4 copies of the petition shall be filed with the commission.

(2) A petition for an election to determine a collective bargaining representative or for decertification shall include, insofar as known, at least the following:

(a) The name of the employer.

(b) The address of the establishment involved.

(c) A description of the bargaining unit claimed to be appropriate.

(d) The name and address of persons or labor organizations who claim to represent employees in the alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in the unit.

(e) The number of employees in the alleged appropriate unit.

(f) The name, affiliation, if any, and address of the petitioner.

(g) Any other relevant facts.

(h) Signature of petitioner or its duly authorized agent if filed by an employer.

(i) A statement that 1 or more individuals or labor organizations have presented a claim to be recognized as the bargaining representative.

History: 1954 ACS 54, p. 49, Eff. May 15, 1968; 1954 ACS 86, p. 89, Eff. Mar. 4, 1976.

R 423.442 Investigation of petitions; consent election agreements.

Rule 42. The commission or its election agent shall investigate the petition. If it appears that there is reasonable cause to believe that a question of representation exists, the petitioner and the other parties may, with the approval of the commission or its election agent, enter into a consent election agreement on a form furnished by the commission. The agreement shall include a description of the appropriate bargaining unit, the payroll period to be used in determining the employees within the appropriate unit who shall be eligible to vote, and such other matter as the commission considers appropriate. The time and place of the

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election shall be determined by the commission or its election agent after consultation with the parties. R 423.445 to R 423.449 shall be applicable to elections conducted under this rule.

History: 1954 ACS 54, p. 50, Eff. May 15, 1968; 1954 ACS 86, p. 90, Eff. Mar. 4, 1976.

R 423.443 Showing of interest; intervenors.

Rule 43. (1) A petition for an election to determine a collective bargaining representative, except when filed by an employer, or decertification petition shall be supported by a showing of interest existing at the time of the filing of the petition of 30% of the employees in the unit claimed to be appropriate.

(2) An employee, group of employees, individual or labor organization which makes a showing of interest of at least 10% of the employees within the unit claimed to be appropriate may intervene in the proceedings and attend and participate in all conferences and any hearing that may be held. The signature of an intervenor is not required on a consent election agreement unless the intervenor demonstrates to the commission that 30% or more of the employees in the unit claimed to be appropriate wish to be represented by the intervenor, in which event, the intervenor's signature on the consent election agreement is required. The determination with respect to the statutory 30% or an intervenor's 10% showing of interest is an administrative action and shall be made exclusively by the commission or its agent. An intervenor who has at least 10% showing of interest but less than 30%, may file a motion with the commission and serve a copy on each of the other parties within 48 hours after a consent election agreement is signed alleging reasons for disallowance of the consent election agreement and requesting a hearing. The commission or its agent shall determine whether the petition establishes good cause for holding a hearing. If the commission or its agent decides that a hearing should be held on the petition, the consent election agreement shall be suspended pending disposition of the case by the commission.

History: 1954 ACS 54, p. 50, Eff. May 15, 1968; 1954 ACS 86, p. 90, Eff. Mar. 4, 1976.

R 423.444 Hearings on petitions for elections.

Rule 44. (1) If a consent election agreement is not executed by the required parties, the petition for election shall be referred to an administrative law judge, who shall hold a hearing on the matters in dispute after due notice. A notice of hearing shall be served upon all interested parties including any intervenor. The notice shall set the time, date, and place of the hearing, and, unless by agreement of the parties or in case of special circumstances, the time shall be not less than 5 days after service of the notice.

(2) In appropriate cases, the commissioner or its agent may consolidate representation and unfair labor practice proceedings for hearing and decision.

(3) After the hearing closes, the commission shall determine the matters in dispute and direct an election, dismiss the petition, or make other disposition of the matter as the commission deems appropriate.

History: 1954 ACS 54, p. 50, Eff. May 15, 1968; 1954 ACS 86, p. 90, Eff. Mar. 4, 1976.

R 423.445 Elections; general procedures.

Rule 45. (1) An election shall be conducted under the supervision and direction of an election agent and shall be by secret ballot. Time shall conform to the official time in the area of the state involved.

(2) At least 7 days prior to the date of an election, excluding Saturdays, Sundays, and legal holidays, the employer shall submit to the commission and other interested parties a list of the names and addresses of all eligible voters in

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alphabetical order. This requirement may be modified by mutual agreement of the parties, or by order of the commission, or its agent.

(3) A sample ballot and notice of election, setting forth the date, time and places and purpose of the election shall be posted in a prominent place or places, as the commission or its election agent shall determine, in the employer's establishment, at least 5 days prior to the date of the election, unless modified by mutual agreement of the parties or by order of the commission or its agent.

(4) The commission may conduct an election in whole or in part by mail ballot if it is not practicable or reasonable to hold an election at which employees may vote in person.

History: 1954 ACS 54, p. 51, Eff. May 15, 1968; 1954 ACS 86, p. 90, Eff. Mar. 4, 1976.

R 423.446 Observers and challenges.

Rule 46. (1) The parties to the election may each designate a representative, but not a supervisor or full-time labor organization representative unless by mutual agreement of the parties, to observe that ballots are properly cast and votes properly counted. Observers are subject to such reasonable limitations as the election agent may prescribe.

(2) An authorized observer, the commission, or the election agent, prior to the time the voter cast his ballot, may challenge for good cause the eligibility of any person to participate in the election. A person challenged as an ineligible voter shall be permitted to vote in secret, and the election agent shall set aside the ballot, with appropriate markings. If it is determined by the commission or its election agent that the challenged ballot, or ballots, is decisive of the result, the commission shall determine the merits of any challenged ballot and decide whether or not the person is an eligible voter.

History: 1954 ACS 54, p. 51, Eff. May 15, 1968; 1954 ACS 86, p. 91, Eff. Mar. 14, 1976.

R 423.447 Ballot boxes and ballots.

Rule 47. (1) Ballot boxes shall be examined before the opening of the polls, in the presence of the observers, and shall be sealed at the opening of the polls.

(2) When a voter states under oath, duly administered by the election agent, that because of physical disability or inability to read or write he cannot mark his ballot, the election agent shall privately assist him in marking the ballot.

(3) A voter shall make a cross (x) or check mark (✓) in the circle, or block, designating his choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he may return it to the election agent, who shall deliver to him another ballot, preserving the spoiled ballot for the time of counting.

(4) A voter shall fold his ballot so that no part of its face is exposed, and on leaving the polling booth, he shall personally deposit the ballot in the ballot box. If the election is continued for more than 1 period, the ballot box shall remain sealed until the subsequent opening of the polls, and shall so remain in possession of the election agent until time for the counting of the ballots.

(5) An absentee ballot shall be mailed to an individual eligible to vote only upon his written notice to the commission of his inability to be present at the election because of either sickness or physical disability. The voted ballot shall be mailed or delivered by the absentee voter to the election agent in the official envelopes provided for this purpose. The envelope containing the ballot shall be opened at the time of the counting of ballots and placed in the ballot box. The

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ballot shall be in possession of the election agent prior to closing of the election at the place of balloting in order to be counted.

History: 1954 ACS 54, p. 51, Eff. May 15, 1968; 1954 ACS 86, p. 91, Eff. Mar. 4, 1976.

R 423.448 Counting of ballot; election results.

Rule 48. The election agent shall count the ballots as soon after the polls have closed as practicable. The election agent shall announce the results of the election as soon as the complete results have been tabulated. The election agent shall furnish to the parties a tabulation of results signed by the observers and the election agent. The commission shall furnish the parties with a certificate of results.

History: 1954 ACS 54, p. 52, Eff. May 15, 1968; 1954 ACS 86, p. 91, Eff. Mar. 4, 1976.

R 423.449 Objections to elections; rerun and runoff elections.

Rule 49. (1) Within 5 days after the election results have been tabulated and furnished to the parties, excluding Saturdays, Sundays, and legal holidays, an interested party may file objections to the conduct of the election or to conduct improperly affecting the results of the election. Objections shall be in writing and shall contain a statement of facts upon which the objections are based and the reasons for the objections. A signed original and 4 copies of the objections shall be filed with the commission, and the party filing objections shall at the same time serve a copy upon each of the other parties with proof of service to the commission.

(2) The rules in part 6 relating to conduct of hearings apply to a hearing on challenged ballots or objections to an election. After the close of the hearing, the commission shall issue its decision with regard to the challenges, or objections, or both.

(3) If the commission orders that any challenged ballots be opened and counted, an amended tabulation of election results and an appropriate certificate of results of the election shall be issued.

(4) If the commission sustains objections to an election, it may direct a new election, to be held at such time and under such circumstances and conditions as it deems appropriate. For a runoff or rerun election, the commission may maintain the same eligibility date or establish a new eligibility date for voters.

(5) A runoff election shall be conducted without further order of the commission, when an election, in which the ballot provided for not less than 3 choices, i.e., at least 2 representatives and "neither," results in no choice receiving a majority of the valid votes cast and no objections are filed as provided in this rule.

(6) Employees who were eligible to vote in the election and who are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(7) The ballot in the runoff election shall provide for a selection between the 2 choices receiving the largest and second largest number of valid votes cast.

(8) Upon the conclusion of the runoff election, this rule shall govern, insofar as applicable.

History: 1954 ACS 54, p. 52, Eff. May 15, 1968; 1954 ACS 86, p. 91, Eff. Mar. 4, 1976.

R 423.450 Strike elections.

Rule 50. A strike election conducted by the commission pursuant to sections 9 and 9a of LMA shall be governed by these rules insofar as applicable. Sections 9 and 9a shall be complied with, as a condition to a strike election. Within 48 hours after the close of a strike election, excluding Saturdays, Sundays, and legal

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holidays, a party may file objections to the conduct of the election or to conduct improperly affecting the results of the election. Objections shall be in writing and shall contain a statement of facts and the reasons therefor upon which the objections are based. A signed original and 4 copies of the objections shall be filed with the commission, and the party filing objections shall at the same time serve a copy upon each of the other parties, with proof of service to the commission.

History: 1954 ACS 54, p. 52, Eff. May 15, 1968; 1954 ACS 86, p. 92, Eff. Mar. 4, 1976.

PART 5. UNFAIR LABOR PRACTICE CHARGES

R 423.451 Filing.

Rule 51. A charge that a person has engaged in or is engaging in an unfair labor practice, may be filed with the commission. The charge shall, except for good cause shown, be prepared on a form furnished by the commission. An original and 4 copies of the charge shall be filed with the commission.

History: 1954 ACS 54, p. 52, Eff. May 15, 1968; 1954 ACS 86, p. 92, Eff. Mar. 4, 1976.

R 423.452 Contents.

Rule 52. A charge shall include, insofar as known, the following information:

(a) The name, address and affiliation, if any, of each charging party and the title of any representative filing the charge.

(b) The name and address of each charged party.

(c) A clear and complete statement of facts supporting the alleged unfair labor practice, including dates, times and places of occurrence of each particular act alleged, names of charged parties who allegedly engaged therein and the sections and subsections of LMA or PERA alleged to have been violated.

(d) The signature of each charging party.

History: 1954 ACS 54, p. 52, Eff. May 15, 1968.

R 423.453 Service.

Rule 53. (1) Upon filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the charged party, against whom the charge is made.

(2) After a charge is filed, the commission or an administrative law judge designated by the commission may serve upon each named respondent a complaint and notice of hearing and a copy of the charge on which the complaint is based. The notice of hearing shall fix the place of hearing at a time not less than 10 days from service thereof.

History: 1954 ACS 54, p. 53, Eff. May 15, 1968; 1954 ACS 86, p. 92, Eff. Mar. 4, 1976.

R 423.454 Amendments and withdrawals.

Rule 54. (1) The commission or administrative law judge designated by the commission may permit a charging party to amend the charge before, during, or after the conclusion of the hearing upon such terms as may be deemed just and consistent with due process.

(2) The charge may be withdrawn by the charging party before the issuance of a final order based thereon, upon approval by the administrative law judge, subject to review by the commission.

History: 1954 ACS 54, p. 53, Eff. May 15, 1968; 1954 ACS 86, p. 92, Eff. Mar. 4, 1976.

R 423.455 Answers.

Rule 55. (1) Each respondent may file with the commission a signed original and 3 copies of an answer to the complaint and attached charge within 10 days

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after receipt thereof, and at the same time shall serve a copy of the answer on each charging party. Upon good cause shown, the commission or administrative law judge designated by the commission may grant an extension of time in which to file the answer.

(2) If the complaint and attached charge is alleged by a respondent to be so vague or ambiguous that it cannot reasonably be required to frame an answer, the respondent, within 7 days after service of the complaint and attached charge may file a motion with the administrative law judge for a bill of particulars and at the same time shall serve a copy thereof on the charging party. The administrative law judge shall rule on the motion. The request may be granted on good cause shown.

(3) The answer shall include a specific admission, denial, or explanation of each allegation of the complaint and attached charge, or if the respondent is without knowledge thereof, it shall so state and the statement shall operate as a denial. An admission or denial may be to all or any part of an allegation, but shall fairly meet the substance of the allegation. The answer shall include a specific, detailed statement of each affirmative defense.

History: 1954 ACS 54, p. 53, Eff. May 15, 1968; 1954 ACS 86, p. 93, Eff. Mar. 4, 1976.

R 423.456 Amendments to answers.

Rule 56. The administrative law judge may permit a respondent to amend the answer before or during the hearing, or at any time prior to issuance of the administrative law judge's recommended order, within a period of time fixed by the administrative law judge.

History: 1954 ACS 54, p. 53, Eff. May 15, 1968; 1954 ACS 86, p. 93, Eff. Mar. 4, 1976.

PART 6. HEARINGS

R 423.461 General provisions.

Rule 61. (1) A hearing for the purpose of taking evidence upon a petition or complaint and attached charge shall be conducted by the commission or administrative law judge designated by the commission. The hearing shall be public unless otherwise ordered by the commission or administrative law judge for good cause shown.

(2) A party may appear at a hearing in person, by counsel, or by other representative; may call, examine, and cross-examine witnesses; and may introduce into the record documentary or other evidence.

(3) Stipulations of fact may be introduced in evidence at a hearing with respect to any issue in the discretion of the commission, administrative law judge, or fact finder.

(4) An objection to conduct of a hearing, including an objection to introduction of evidence, may be oral or written, and be accompanied by a short statement of the grounds for the objection, and shall be included in the record.

(5) Witnesses subpoenaed before the commission, administrative law judge, or fact finder shall be paid the same fees and mileage that are paid witnesses in the circuit courts. This payment shall be made by the party at whose request the witness appears and shall be tendered prior to the time the witness testifies.

History: 1954 ACS 54, p. 53, Eff. May 15, 1968; 1954 ACS 86, p. 93, Eff. Mar. 4, 1976.

R 423.462 Duties and powers of administrative law judge or fact finder.

Rule 62. (1) An administrative law judge or fact finder shall inquire fully into the facts involved in the proceeding before him.

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(2) An administrative law judge or fact finder has power to:

(a) Hold pre-trial conferences for settlement or clarification of the issues.

(b) Dispose of procedural requests, motions, or similar matters.

(c) Continue or adjourn a hearing to a later date.

(d) Take or cause depositions to be taken when the ends of justice would be served thereby.

(e) Grant applications for subpoenas, subpoena witnesses, administer oaths and affirmations, examine witnesses, receive relevant testimony and evidence, rule upon offers of proof, and introduce into the record documentary or other relevant evidence.

(f) Regulate the course of a hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct.

(g) Order a hearing reopened prior to issuance of an administrative law judge's recommended order or fact finder's report.

(h) Take official notice of generally recognized facts. Parties shall be notified either before or during the hearing of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed.

(i) Take any other action necessary and authorized by rules of the commission.

History: 1954 ACS 54, p. 54, Eff. May 15, 1968; 1954 ACS 86, p. 93, Eff. Mar. 4, 1976.

R 423.463 Oral arguments and briefs.

Rule 63. A party is entitled upon request to a reasonable period at the close of the hearing for oral argument, which shall be made part of the record. A party is entitled, upon request made before the close of the hearing, to file a brief with the administrative law judge, who may fix a reasonable time for the filing. The commission or administrative law judge may direct the filing of briefs when the filing is, in the opinion of the commission or administrative law judge, warranted by the nature of the proceedings, or the particular issues involved.

History: 1954 ACS 54, p. 54, Eff. May 15, 1968; 1954 ACS 86, p. 94, Eff. Mar. 4, 1976.

R 423.464 Substitution of administrative law judges.

Rule 64. If an administrative law judge designated to conduct a hearing becomes unavailable after the hearing has been opened or concluded, the commission may transfer the case to another administrative law judge for purpose of further hearing or issuance of the decision and recommended order, or both, on the record as made.

History: 1954 ACS 54, p. 54, Eff. May 15, 1968; 1954 ACS 86, p. 94, Eff. Mar. 4, 1976.

R 423.465 Unfair labor practice case recommended orders.

Rule 65. In an unfair labor practice case, the administrative law judge shall prepare a proposed report setting forth findings of fact, conclusions of law and the reasons for his determination on all material issues, and a recommended order. The administrative law judge may recommend dismissal or sustain the complaint and attached charge, in whole or in part, and recommend that respondent cease and desist from the unlawful acts found and take action to remedy their effects including reinstatement of employees with or without back pay, as appropriate.

History: 1954 ACS 54, p. 54, Eff. May 15, 1968; 1954 ACS 86, p. 94, Eff. Mar. 4, 1976.

R 423.466 Exceptions to administrative law judge's decisions and recommended orders.

Rule 66. (1) Within 20 days after service of the proposed report and recommended order, a party may file with the commission an original and 4 copies of a

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statement in writing, setting forth exceptions thereto or to any other part of the record or proceedings, including rulings upon motions or objections, and a brief in support thereof may be filed with the commission; at the same time copies of these documents shall be served on each party to the proceedings.

(2) The exceptions shall:

(a) Set forth specifically the question of procedure, fact, law, or policy to which exceptions are taken.

(b) Identify that part of the administrative law judge's proposed report and recommended order to which objection is made.

(c) Designate by precise citation of page the portions of the record relied on.

(d) State the grounds for the exceptions and include the citation of authorities, if any, unless set forth in a supporting brief.

(3) An exception to a ruling, finding, conclusion, or recommendation which is not specifically urged is waived. An exception which fails to comply with this rule may be disregarded.

History: 1954 ACS 54, p. 54, Eff. May 15, 1968; 1954 ACS 86, p. 94, Eff. Mar. 4, 1976.

R 423.467 Briefs, cross exceptions, and extension of time for filing.

Rule 67. (1) A brief in support of exceptions shall contain only matter included within the scope of the exceptions, and shall contain in the sequence indicated the following:

(a) A concise statement of the case containing all that is material to consideration of the questions presented.

(b) A specification of the questions involved and to be argued.

(c) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied on.

(2) Within 10 days after service of exceptions, a party may file 1 original and 4 copies of cross exceptions and briefs in support thereof or 1 original and 4 copies of a brief or legal memorandum in support of the proposed report and recommended order of the cross exceptions. Copies of these documents shall be served on each party to the proceedings.

(3) A request for extension of time in which to file exceptions or briefs or both shall be in writing and filed with the commission before expiration of the required time for filing, except for good cause shown, and, at the same time, copies thereof shall be served on each of the other parties.

History: 1954 ACS 54, p. 55, Eff. May 15, 1968; 1954 ACS 86, p. 94, Eff. Mar. 4, 1976.

R 423.468 New material and further hearings.

Rule 68. (1) Matters not included in the exceptions may not thereafter be urged before the commission.

(2) The commission may reopen a record in any case and receive further evidence, may close the case upon compliance with the administrative law judge's recommended order, or may make other disposition of the case.

(3) After entry of a commission order directing payment of back pay or entry of a final court judgment enforcing such a commission order, if it appears to the commission that a controversy exists between the parties concerning compliance with the order, which cannot be resolved without a formal proceeding, the commission or its designated administrative law judge may schedule a hearing on such issues which shall be conducted in accordance with these rules insofar as applicable.

History: 1954 ACS 54, p. 55, Eff. May 15, 1968; 1954 ACS 86, p. 95, Eff. Mar. 4, 1976.

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R 423.469 Oral arguments before commission.

Rule 69. If a party desires to argue orally before the commission, a written request therefor, shall accompany the exceptions filed pursuant to R 423.466, the cross exceptions filed pursuant to R 423.467, or the brief in support of the proposed report and recommended order pursuant to R 423.467, and at the same time such request shall be served on all other parties. The commission, on its own motion, may also direct oral argument. The commission shall notify the parties of the time and place of oral argument. The commission may limit the time for oral argument by each party.

History: 1954 ACS 54, p. 55, Eff. May 15, 1968; 1954 ACS 86, p. 95, Eff. Mar. 4, 1976.

R 423.470 Commission action.

Rule 70. Upon the filing of exceptions or cross exceptions pursuant to R 423.467 and R 423.468, the commission may adopt, modify, or reverse the administrative law judge's recommended order.

History: 1954 ACS 54, p. 55, Eff. May 15, 1968; 1954 ACS 86, p. 95, Eff. Mar. 4, 1976.

PART 7. SERVICE OF DOCUMENTS

R 423.471 Service of documents.

Rule 71. (1) Service of any document authorized or required by LMA, PERA or these rules, except service required by section 9 of LMA, may be effected personally, by registered mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. When service is made by registered mail or by telegraph, the return post office receipt or telegraphic confirmation of delivery shall be proof of service. When service is made in any other manner authorized by these rules, verified proof of service shall be made. Service required by section 9 of LMA shall be made as prescribed therein.

(2) The date of service on any party other than the commission, administrative law judge, or other agent shall be the day when the matter served is deposited in the United States mail or is otherwise effected as provided in this rule. In computing the time from that date, the provisions of this rule apply.

(3) The person or party serving the papers or process on other parties in conformance with this rule shall submit a written statement of service thereof to the commission stating the names of the parties served and the date and manner of service. Proof of service as defined in this rule shall be required by the commission only if subsequent to the receipt of the statement of service a question is raised with respect to proper service. Failure to make proof of service will not affect the validity of the service.

History: 1954 ACS 54, p. 55, Eff. May 15, 1968; 1954 ACS 86, p. 95, Eff. Mar. 4, 1976.

R 423.472 Computation of time.

Rule 72. (1) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday nor legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other

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paper upon him, and the notice or paper is served on him by mail or by telegraph, 3 days shall be added to the prescribed period. However, 3 days shall not be added if any extension of the time has been granted.

(2) When LMA, PERA, or any of these rules requires the filing of a motion, brief, exception, or other document in any proceeding, the document shall be received by the commission, administrative law judge, or other agent designated to receive the document before the close of business of the last day of the time limit, if any, for the filing or extension of time that has been granted.

History: 1954 ACS 54, p. 56, Eff. May 15, 1968; 1954 ACS 86, p. 96, Eff. Mar. 4, 1976.

PART 9. RESCISSIONS

R 423.499 Rescinded.

History: 1954 ACS 54, p. 56, Eff. May 15, 1968; rescinded 1954 ACS 86, p. 96, Eff. Mar. 4, 1976.

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DEPARTMENT OF NATURAL RESOURCES

GEOLOGICAL SURVEY DIVISION

MINE RECLAMATION

(By authority conferred on the chief of the geological survey division of the department of natural resources by section 3 of Act No. 92 of the Public Acts of 1970, being §425.183 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 425.1 Purpose; other laws neither superseded nor contravened.

Rule 1. These rules implement the act and do not supersede or contravene any provisions of law regarding the inspection or regulation of mining, water and air pollution, soil erosion and sedimentation, or water impoundments.

History: 1954 ACS 89, p. 132, Eff. Nov. 17, 1976.

R 425.2 Definitions.

Rule 2. (1) "Abandoned" or "abandonment" means termination of mining operations, or cessation of use of the mining area or any portion thereof, with intent not to resume.

(2) "Act" means Act No. 92 of the Public Acts of 1970, as amended, being §425.181 et seq. of the Michigan Compiled Laws. Terms defined in the act have the same meaning when used in these rules.

(3) "Environment plan" means an operator's written proposal for reclamation of the mining area or portion thereof.

(4) "Lean ore" means a mineral which is not recoverable under existing economic conditions or technology.

(5) "Reclamation" means that reconditioning or rehabilitation of the mining area or portions thereof for useful purposes and the protection of the natural resources, including the control of erosion and the prevention of land or rock slides and air and water pollution.

(6) "Reclamation plan" means an environment plan that is approved by the supervisor.

(7) "Surface overburden" means earth materials, including sand, gravel, and clay, lying above bedrock.

History: 1954 ACS 89, p. 133, Eff. Nov. 17, 1976.

R 425.3 Exploration.

Rule 3. Removal of overburden and extraction of limited amounts of materials is not open-pit mining when done only for the purpose of exploration and to the extent necessary to determine the location, quantity, or quality of a mineral deposit. If the disturbed land does not become a part of a mining operation within 2 years, the operator shall grade and revegetate within practical limitations and in a manner acceptable to the supervisor.

History: 1954 ACS 89, p. 133, Eff. Nov. 17, 1976.

R 425.4 Notice of removal of materials.

Rule 4. (1) An operator proposing to remove materials in connection with the production or extraction of minerals by open-pit mining methods shall submit written notice to the supervisor as follows:

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(a) At least 30 days prior to the commencement of mining within a new mining area.

(b) Within 30 days of a change of ownership in an ongoing operation.

(2) The notice shall include the following:

(a) Name and address of operator.

(b) Mineral to be mined.

(c) Location of mining property by fraction of section and township and range.

(d) For new operations, the date mining will commence.

(e) Name, address, and telephone number of person with official authority to represent operator in reclamation matters.

History: 1954 ACS 89, p. 133, Eff. Nov. 17, 1976.

R 425.5 Annual plan map.

Rule 5. (1) An accurate plan map on a topographic base, with an appropriate scale as approved by the supervisor, shall be submitted in duplicate to the supervisor annually on or before March 15.

(2) The map shall show the following as of December 31 of the previous year, or as near to December 31 of the previous year as operations permit, color-coded and with legend, so as to distinguish:

(a) Location and boundary of the mining area.

(b) Mine plant or plants.

(c) Open pit or pits.

(d) Surface overburden stockpiles.

(e) Waste rock stockpiles.

(f) Lean ore stockpiles.

(g) Streams, lakes, and reservoirs.

(h) Tailings basins.

(i) Roads.

(j) Sequential numbers or letters or other method, as approved by the supervisor, permanently assigned to portions of the mining area which have been abandoned prior to abandonment of the total mining operation.

(k) Changes in the mining area during the preceding year, indicated by vertical (north-south) crosshatching or other method as approved by the supervisor.

(l) Anticipated changes in the mining area during the current year, indicated by horizontal (east-west) crosshatching or other method as approved by the supervisor.

(m) Elevations of stockpiles and tailings basins.

(n) Drainage on and away from the mining area, showing directional flow of water in drainage ways, natural watercourses, and streams, intermittent and flowing, including discharge from the mining operation.

(o) Name of the geologist, engineer, or surveyor responsible for the preparation of the map.

(p) Date of preparation.

(3) The map shall be accompanied by a report on any reclamation work accomplished, or experimental reclamation work performed, during the preceding year.

History: 1954 ACS 89, p. 133, Eff. Nov. 17, 1976.

R 425.6 Notice of abandonment; evidence of continuing use.

Rule 6. (1) An operator shall submit written notice to the supervisor within 6 months of the abandonment of the mining area or any portion thereof.

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(2) When activities on or use of the mining area, or any portion thereof, have ceased for more than 1 year, or when, by examination of the premises or other means, the supervisor determines that the mining area or any portion thereof has in fact been abandoned by an operator, the supervisor shall give the operator written notice of his intention to declare the mining area or portion thereof abandoned. Determinations by the supervisor shall be made on sound mining practices.

(3) Within 30 days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the mining area or portion thereof is continuing. If the supervisor finds the evidence satisfactory, he shall not make the declaration.

History: 1954 ACS 89, p. 134, Eff. Nov. 17, 1976.

R 425.7 Report of reclamation activities; statement; accompanying data.

Rule 7. Within 30 days after abandonment of the mining area or any portion thereof, and annually thereafter on or before March 15 until the reclamation is completed and approved by the supervisor, an operator shall submit to the supervisor a detailed report of reclamation activities, completed during the preceding year, and a statement of the amount and nature of reclamation to be performed during the current year. The report shall be accompanied by maps and any other data which clearly demonstrate the progress and success of reclamation activities.

History: 1954 ACS 89, p. 134, Eff. Nov. 17, 1976.

R 425.8 Environment plan.

Rule 8. (1) Upon request of the supervisor, an operator shall submit his long-range environment plan for the mining area.

(2) An operator, on his own initiative, may submit an environment plan covering the mining area or any portion thereof to the supervisor at any time prior to abandonment.

(3) An environment plan shall include the following:

(a) A detailed description of the mining area.

(b) The reclamation problems involved.

(c) The operator's plan of action to prevent erosion and pollution, to attain revegetation, and to achieve the ultimate reclamation of the mining area in accordance with the purposes and requirements of the act and the rules adopted thereunder.

(d) An estimate time schedule for completion of the plan, and the proposed purpose for which the land is to be used upon completion.

(e) Estimated cost of reclamation.

(f) Other pertinent information that the supervisor may deem necessary.

(4) If circumstances warrant, or if development of an environment plan is dependent upon unknown factors which cannot or will not be determined except during the progress of the operation, a partial plan may be submitted and supplemented as new plans are developed.

(5) If the surface landowner and the operator are 2 separate persons, the surface landowner shall be given an opportunity to comment on the operator's environment plan before the operator submits the plan to the supervisor.

History: 1954 ACS 89, p. 134, Eff. Nov. 17, 1976.

R 425.9 Evaluation of environment plan.

Rule 9. (1) Upon receipt of an environment plan, the supervisor shall evaluate it in terms of the reclamation required by the act. The supervisor may consult with

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and obtain assistance of other divisions of the department in the evaluation process. The supervisor may reject a plan or any part thereof, and shall give reasons in writing, together with recommendations for modification of a plan to meet his objections, if the reclamation specified by a plan does not conform to the requirements of the act and these rules, or if, in the opinion of the supervisor, it is not feasible or is otherwise undesirable because of the following:

(a) Erosion is likely to occur in the sloping, terracing, or other treatment of stockpiles and tailings basins, which may result in injury or damage to fish and wildlife or the pollution of public waters, or which may cause injury to the property or person of others.

(b) Vegetation or other practical treatment of tailings basins and stockpiles, upon becoming permanently inactive, is not satisfactory.

(c) The surface overburden banks of open pits in rock, and the entire bank of open pits in unconsolidated materials, upon their abandonment will not be stabilized.

(d) The cleanup of plantsite and mining areas, and the removal of debris therefrom on termination of the mining operation, will not be satisfactory.

(2) If the supervisor rejects an environment plan, an operator may resubmit the plan as revised so as to meet the supervisor's objections.

(3) If an environment plan is satisfactory, the supervisor shall approve it and promptly notify the operator by written statement that compliance with the plan by the operator fulfills the requirements of the act with respect to the mining area or any portion thereof involved. The approval of an environment plan for a long-lived mining operation may be conditioned on periodic review in light of new research and changed reclamation technology. An approved environment plan shall be referred to as the reclamation plan.

(4) A reclamation plan may be modified at any time by mutual consent of the supervisor and operator to adjust to changed conditions or technology, or to correct an oversight.

(5) The supervisor may modify the reclamation plan when:

(a) Modification of the plan is necessary so that it will conform with existing laws.

(b) The supervisor determines that the previously approved plan is clearly impossible or clearly impractical to implement and maintain.

(c) The supervisor determines that the previously approved plan is obviously not accomplishing the intent of the act.

(6) When an operator disposes of his interest in a mining area prior to approval of reclamation by sale, lease, assignment, termination of lease, or otherwise, the supervisor may release the operator from the duties imposed upon him by the act and rules as to the operation, but only if the successor operator or owner assumes the obligations of the former operator with reference to the reclamation of the mining area.

History: 1954 ACS 89, p. 135, Eff. Nov. 17, 1976.

R 425.10 Conducting reclamation activities concurrently with mining operation.

Rule 10. Reclamation activities, particularly those relating to control of erosion and air and water pollution, to the extent feasible, shall be conducted by the operator concurrently with the mining operation, and in any event shall be initiated at the earliest possible time after abandonment of any portion of the mining area.

History: 1954 ACS 89, p. 135, Eff. Nov. 17, 1976.

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R 425.11 Reclamation upon termination or abandonment.

Rule 11. (1) An operator shall remove all worthless debris and rubbish from the plantsite and mining area within 1 year of the date of termination of operations or abandonment of the property.

(2) A mining area shall be reclaimed by an operator pursuant to the act, these rules, and the reclamation plan within 2 years after abandonment or within the time set forth in the operator's reclamation plan approved by the supervisor.

(3) Upon written request of an operator, the supervisor may grant an extension of the reclamation period if necessary to accomplish acceptable reclamation.

History: 1954 ACS 89, p. 135, Eff. Nov. 17, 1976.

R 425.12 Notice and approval of completed reclamation.

Rule 12. (1) An operator shall submit written notice to the supervisor upon completion of reclamation work on the mining area or portions thereof.

(2) The supervisor shall proceed promptly to make his determination as to the approval of the reclamation work and shall notify the operator in writing of either the approval of the work or all reasons for disapproval. The supervisor may consult with and obtain the assistance of other divisions of the department in making his determinations.

(3) Approval of vegetative cover shall not be granted until the planting has survived at least 2 growing seasons with reasonable assurances of being self-sustaining.

History: 1954 ACS 89, p. 135, Eff. Nov. 17, 1976.

R 425.15 Surety or security bond.

Rule 15. (1) The supervisor, if he has reasonable doubts as to an operator's financial ability to comply with the rules as to actions to be taken after completion of mining operations, or any phase thereof, may require an operator to file a surety bond in an amount equal to the expected cost of reclamation for each acre, or fraction thereof, of the area subjected to mining.

(2) In determining the amount of the surety bond or security bond the supervisor shall take into consideration the character and nature of the lands to be reclaimed, the future suitable use of the land involved, and the cost of the reclamation to be required.

(3) A security bond in the amount equal to the required surety bond may be deposited in lieu of a surety bond. A security bond shall consist of cash or negotiable securities and shall be deposited with the department of treasury. The securities shall be registered in the name of the state treasurer, who shall charge a fee sufficient to reimburse him for not less than actual and necessary expenses incurred in connection with the deposits.

(4) The supervisor shall have reasonable doubts as to an operator's financial ability to comply with the rules as to actions to be taken after completion of mining operation or any phase thereof when, upon the request of the supervisor, the operator cannot demonstrate that he has the financial ability to perform the reclamation as required by the act and rules.

History: 1954 ACS 89, p. 136, Eff. Nov. 17, 1976.

R 425.16 Liability on surety or security bond.

Rule 16. (1) Liability on a surety bond or security bond is conditioned upon compliance with the act and these rules, and continues until the mining area reclamation is completed and approved by the supervisor.

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(2) The supervisor shall advise the surety and the principal when liability is terminated on a bond filed for the portion or the whole of the mining area reclaimed. A security bond deposited with the state treasurer shall be released only upon written direction of the supervisor.

(3) The supervisor shall look to the surety or the security bond for correction of unsatisfactory conditions not otherwise corrected, and all expenses shall be paid through the surety or security bond in case of default by the principal.

History: 1954 ACS 89, p. 136, Eff. Nov. 17, 1976.

PART 2. RECLAMATION OF OPEN PITS

R 425.21 Stockpiling of surface overburden.

Rule 21. Unless otherwise authorized by the supervisor, surface overburden removed in the development of an open pit shall be stockpiled separately from other materials.

History: 1954 ACS 89, p. 136, Eff. Nov. 17, 1976.

R 425.22 Surface overburden banks.

Rule 22. Surface overburden banks shall be sloped at an angle which will minimize erosion, promote vegetation, and be consistent with a proposed use of the area. The bank, or that portion above the projected level of a body of water formed in the open pit, shall be stabilized by the planting of a vegetative cover appropriate to a future use of the land.

History: 1954 ACS 89, p. 136, Eff. Nov. 17, 1976.

R 425.23 Rock banks.

Rule 23. (1) Pit banks in rock shall not have a prescribed angle of slope, but precautions shall be taken to provide adequate safety.

(2) Where, upon termination of mining operations, a body of water of sufficient area and depth results which is used for residential, recreation, or wildlife purposes, if natural conditions do not exist, portions of the solid rock bank shall be stepped or other measures taken to permit a person to escape from the water.

History: 1954 ACS 89, p. 136, Eff. Nov. 17, 1976.

R 425.24 Sloping and grading within open pit.

Rule 24. Unless it is anticipated that an open pit will be flooded after abandonment, any waste rock or residual materials within the pit shall be sloped and graded so as to promote regeneration of vegetation.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

R 425.25 Backfilling of pit; approval of sanitary landfill.

Rule 25. Backfilling of a pit is not required, but any backfilling shall be with nontoxic, nonflammable, noncombustible solids, unless approved for a sanitary landfill. Plans for use as a sanitary landfill shall be accompanied by written approval of the appropriate state agency.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

PART 3. RECLAMATION OF STOCKPILES

R 425.31 Top surface of stockpile.

Rule 31. The top surface of a stockpile shall be reduced to a topography which provides proper drainage and favorable conditions for revegetation, minimizes erosion, and is consistent with a future sequential use of the mining area.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

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R 425.32 Surface overburden stockpiles.

Rule 32. (1) Surface overburden stockpiles shall be sloped at an angle which minimizes erosion, promotes vegetation, and is consistent with a future use of the mining area.

(2) Where substantial natural vegetation is not expected within 5 years, or where erosion is occurring, or where the supervisor finds erosion likely to occur, which results or may result in injury or damage to fish and wildlife, the pollution of air or water, or which is causing or might cause injury to the property or person of others, surface overburden stockpiles shall be stabilized by planting with a vegetative cover, or by other treatment, to prevent erosion or pollution or injury.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

R 425.33 Rock or lean ore stockpiles.

Rule 33. (1) Rock or lean ore stockpiles shall be sloped at an angle to minimize the possibility of land or rock slides and to be consistent with a future use of the mining area.

(2) Unless otherwise authorized by the supervisor, waste rock stockpiles shall be covered with surface overburden sufficient to provide for vegetation, particularly on the slopes or surfaces visible from public roads.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

R 425.34 Stockpiles erosion, or sliding.

Rule 34. Where a stockpile is eroding or sliding and resulting in injury or damage, or the operator has reason to believe that erosion or sliding may result in injury or damage to fish and wildlife, the pollution of public waters, injury to persons or damage to adjacent property not intended for use in mining, or where the supervisor finds that injury or damage is likely to occur, the operator shall take immediate steps, such as grading, sloping, removal, or other stabilization, to correct the condition.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

R 425.35 Acid-forming, toxic, flammable, or combustible material.

Rule 35. All acid-forming, toxic, flammable, or combustible material from the mining process shall be stockpiled so as to minimize erosion by air and water and to prevent pollution of the air and surface and ground water. Preventive measures required by the supervisor may include covering the piles with clean fill or mixing with them a material that is not acid-forming, toxic, flammable, or combustible and graded so that surface water drains away from disposal area.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

PART 4. RECLAMATION OF TAILINGS BASINS AND AUXILIARY LANDS

R 425.41 Tailings basin dikes.

Rule 41. (1) Before a person constructs a dike or dam for a tailings basin, including an impoundment of water for clarification or reuse, that person shall determine whether Act No. 184 of the Public Acts of 1963, as amended, being §281.131 et seq. of the Michigan Compiled Laws, or Act No. 346 of the Public Acts of 1972, being §281.951 et seq. of the Michigan Compiled Laws, is applicable.

(2) If not constructed of concrete, asphalt, or a similar material, a dike or dam of a tailings basin, including an impoundment of water for clarification or reuse, shall be constructed so that the outer face is capable of being stabilized by vegetation or other treatment to the satisfaction of the supervisor.

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(3) Where erosion of a dike of a tailings basin, including an impoundment of water for clarification or reuse, is occurring, or is likely to occur, and where that erosion results or may result in loss of the confined tailings, injury or damage to fish or wildlife, the pollution of air or water, or which might cause injury to the property or person of others, the dike shall be repaired. Earthen dikes shall be stabilized by planting with a vegetative cover or by other treatment to the satisfaction of the supervisor.

History: 1954 ACS 89, p. 137, Eff. Nov. 17, 1976.

R 425.42 Tailings basin drainage system.

Rule 42. A suitable system shall be constructed to regulate or control drainage of water, including surface run-off, from within the diked area of a tailings basin to prevent breaching of the dikes, both during and after termination of the mining operation. The system may consist of, but is not limited to, decant towers, erosion-resistant spillways, or solid rock ledge overflow.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.43 Stacked tailings.

Rule 43. Stacked tailings within a tailings basin shall be reduced to a slope which will permit effective vegetation or other treatment for the control of erosion.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.44 Stabilization of tailings basin.

Rule 44. (1) Where substantial natural vegetation is not expected within 5 years after abandonment, and where research reveals that vegetation can be accomplished within practical limitations, that portion of a tailings basin not covered by water shall be planted with a vegetative cover appropriate to a future use of the land and to prevent air and water erosion and pollution. Vegetation which has potential for providing a rapid, permanent, adequate, economical cover shall be given priority.

(2) Where vegetation reasonably cannot be accomplished within practical limitations, the tailings basin shall be stabilized by other treatment to prevent air and water erosion and pollution.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.45 Dike protection.

Rule 45. If a substantial area and depth of water are to remain within a diked area of a tailings basin after abandonment, that portion of the inner face of the dike which might be subject to erosion by wave action shall be protected by riprap or other erosion-resistant solid cover.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.46 Borrow pits.

Rule 46. (1) The banks of borrow pits in the mining area used for dike or other construction, and located outside the tailings basin, shall be sloped at an angle which will minimize erosion and promote vegetation.

(2) Where substantial natural vegetation is not expected within 5 years, or where erosion is occurring, or the supervisor finds it likely to occur, which results or may result in injury or damage to fish and wildlife or the pollution of air or water, the pit shall be planted with a vegetative cover appropriate to a future use of the land and to prevent erosion.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

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R 425.47 Abandoned roads.

Rule 47. Abandoned roads in the mining area, upon termination of the mining operation, shall be graded or otherwise prepared to minimize erosion and to promote vegetation. If necessary, abandoned roads shall be stabilized by the planting of an appropriate vegetative cover.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.48 Investigation and inspection of mining areas.

Rule 48. Investigation and inspection of mining areas by the supervisor or his authorized representative may include, but not be limited to:

(a) Inspection of all mining areas.

(b) Taking photographs.

(c) Taking and removal of soil and plant samples.

History: 1954 ACS 89, p. 138, Eff. Nov. 17, 1976.

R 425.49 Hearings and judicial review.

Rule 49. (1) An interested person who feels aggrieved by an action or inaction of the supervisor may request a contested hearing on the matter involved. Also, the supervisor on his own motion may commence a hearing for the purpose of receiving information before issuing an order. The hearing shall be conducted by the supervisor in accordance with provisions for contested cases in Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) A determination, action, or inaction by the supervisor following the hearing shall be subject to judicial review as provided in Act No. 306 of the Public Acts of 1969, as amended.

History: 1954 ACS 89, p. 139, Eff. Nov. 17, 1976.

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DEPARTMENT OF AGRICULTURE

RACING COMMISSIONER

GENERAL RULES

(By authority conferred on the racing commissioner by section 6 of Act No. 27 of the Public Acts of 1959 and section 184 of Act No. 380 of the Public Acts of 1965, being §§431.36 and 16.284 of the Michigan Compiled Laws)

PART 1. THOROUGHBRED RACING

R 431.1 (a) Definitions.

(1) The definitions in subrules (2) to (27) apply to this part.

(2) "Age" is reckoned as beginning the first day of January of the year in which a horse is foaled.

(3) "Arrears" includes all sums due for entrance money, subscriptions, fees, fines and any default incident to these rules or the rules of the racing authority of any other state or country.

(4) "Authorized agent" means an agent licensed as such by the racing commissioner and whose authority to act for and on behalf of another person is evidenced by an application filed with the commissioner.

(5) "Breeder" means an owner of a dam at the time of foaling.

(6) "Course" or "grounds" means the entire premises under control of the race meeting licensee for the conduct of racing.

(7) "Declaration" or "scratch" means the withdrawal of a horse from a race.

(8) "Disciplinary action" means revocation of a license, suspension, ruling off, fine or reprimand or any combination thereof. "Ruling off" means to bar from the course.

(9) "Equipment," when applied to a horse means whips, blinkers, tongue straps, muzzles, hoods, nose bands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(10) "Horse" includes a horse, mare, gelding, colt or filly. A horse is "bred" at the place of his birth.

(11) "Jockey" means a race rider, whether a licensed jockey or a licensed apprentice.

(12) "Maiden" means a horse which has not, at the time of starting, won a race on the flat in any country.

(13) "Month" means a calendar month.

(14) "Nominator" means the person in whose name a horse is nominated for a sweepstakes, futurity or produce race.

(15) "Owner" includes an owner, part owner and lessee of a horse or horses and may be comprised of 1 or more persons, individually in a partnership, as a corporation or in any other authorized form of collective ownership or control.

(16) "Post" means a station on the racing course from which a race is started.

(17) "Post position" means a position assigned by lot to a horse for the start of a race.

(18) "Post time" means the time set for arrival at the starting point of the horses in a race. The post time shall be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed and clearly readable from the grandstand.

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(19) "Race" means a contest of speed among thoroughbreds for a purse, stake or reward. Races include those described in the following paragraphs:

(a) "Claiming race" means a race in which a horse may be claimed in accordance with the rules.

(b) "Handicap" means a race in which weights are assigned to the horses by the handicapper for the purpose of equalizing their chances of winning.

(c) "Match race" means a race between 2 horses, the property of 2 different owners on terms agreed to by them.

(d) "Optional claiming race" means a race restricted to horses entered to be claimed for a stated price or less and those entered not to be claimed by the option designated in the conditions of the race. In cases of horses which are entered to be claimed the race shall be considered a claiming race, and for horses entered under the option the race shall be considered an allowance or purse race.

(e) "Overnight race" means a race for which the entries close 72 hours, exclusive of Sundays, or less before the time set for the first race of the day on which such race is to be run.

(f) "Produce race or futurity" means a race to be contested by the produce of horses which are named or identified before the closing time of nominations.

(g) "Purse race" means a race for money or other prize to which the owners of the horses engaged do not contribute.

(h) "Race on the flat" means a race run over a course on which no jumps or other obstacles are placed.

(i) "Stake race" or "sweepstakes" means a race in which owners or nominators, or both, of horses entered or engaged for the race contribute to a purse for which money or other prize may be added.

(j) "Starter race" means an overnight event under allowance or handicap conditions restricted to horses which have previously started for the designated claiming price or less, as stated in the conditions of the starter race.

(20) "Racing association" or "race meeting licensee" means a person, association or corporation licensed by the state of Michigan to conduct horse racing for any stake, purse or reward.

(21) "Racing day" means a period of 24 hours beginning at midnight and included within the time of a race meeting, excluding Sundays and Good Friday.

(22) "Recognized meeting" means a (a) race meeting held under sanction of law and reported in the daily racing form, or (b) meeting held in a foreign country, with the sanction of any turf authority, whose jurisdiction over racing is recognized by the racing commissioner.

(23) "Starter" means a horse in front of whom the stall doors of the starting gate open at the time the official starter dispatches the field.

(24) "Thoroughbred race" means a race in which each horse participating is a thoroughbred (i.e., meeting the requirements of and being registered with the jockey club) and is ridden by a jockey.

(25) "Time of a race meeting" means the whole consecutive period for which a license is granted by the racing commissioner.

(26) "Weight for age" means standard weight according to the rules.

(27) "Entry" means a horse entered in a race, or 2 or more horses which are entered in a race and are coupled because of common ties. Common ties are all horses owned wholly or partly by the same owner or the spouse of an owner, or trained by the same trainer.

History: 1944 ACS 35, p. 24; 1954 AC, p. 5001; 1954 ACS 15, p. 78, Eff. Aug. 14, 1958; 1954 ACS 22, p. 79, Eff. May 13, 1960; 1954 ACS 38, p. 56, Eff. May 15, 1964; 1954 ACS 56, p. 30, Eff. Nov. 14, 1968; 1954 ACS 84, p. 70, Eff. June 18, 1975.

Editor's note: At the request of the Department of Agriculture, editorial changes in the form and style of the General Rules of the Racing Commissioner to correspond to current drafting practices have not been made pending revision of these rules by the Department.

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R 431.2 (b) Racing officials.

(34) Officials of a race meeting are as follows: 3 stewards; 3 placing judges; 2 or more patrol judges; clerk of scales; paddock judge; official starter; racing secretary, who may also be a handicapper; timer; official veterinarian and horse identifier.

(35) (a) One steward shall be named by the racing commissioner and will serve as his personal representative in the stand. The salary of the steward representing the racing commissioner shall be paid by the racing association served. All other officials herein designated shall be appointed by the association holding the meeting. All of the officials, including the stewards, are subject to the approval of the racing commissioner. The racing commissioner reserves the right to demand a change of personnel for what he deems good and sufficient reasons. The successor to officials so replaced shall be subject to the approval of the racing commissioner.

(b) In case of emergency, the stewards during a meeting may approve a substitute to fill any of the offices.

(c) An applicant for the position of steward shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge or clerk of scales at a recognized meet for a period of not less than 60 racing days per year during not less than 3 of the 5 preceding calendar years. If no applicant possesses these qualifications, wherever possible, a person appointed or approved as steward should have had prior experience in another branch of racing, such as owner, trainer, jockey, breeder or veterinarian.

(36) (a) An official or employee who has a direct connection with the running of a race may not wager money or any other thing of value on the result of a race, nor shall he solicit a stake or present from anyone racing at the meeting.

(b) A person other than the stewards and placing judges shall not be allowed in their respective stands during the running of a race, except with permission of the stewards.

(c) A person other than the stewards shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(d) A person other than those employed in the developing or projection of visual recordings of a race shall not be in the projection room while the stewards are viewing pictures to decide a foul claim or inquiry.

(e) A racing official shall not be the owner or part owner of a horse racing at a track where he is serving.

History: 1944 ACS 35, p. 25; 1954 AC, p. 5002; 1954 ACS 22, p. 80, Eff. May 13, 1960; 1954 ACS 38, p. 56, Eff. May 15, 1964; 1954 ACS 56, p. 31, Eff. Nov. 14, 1968; 1954 ACS 76, p. 78, Eff. July 18, 1973.

R 431.3 (c) Stewards.

(37) The laws of Michigan and the rules of racing supersede the conditions of a race or the regulations of a race meeting, and in matters pertaining to racing the orders of the stewards supersede the orders of the officials of the race meeting licensee.

(38) The stewards have general supervision over all other officials of a race meeting, owners, trainers, jockeys, grooms and other occupational licensees.

(39) In the performance of their duties, the stewards shall have unrestricted access to all areas used and under the jurisdiction of other racing officials and to all areas used by occupational licensees or for racing purposes.

(40) A complaint against a racing official may be made to the stewards or to the racing commissioner. Complaints made directly to the stewards shall be reported to the racing commissioner in writing together with any action which has been taken by them.

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(41) Before a race has been declared official, the stewards have the authority to declare a race void and order wagers made on any horse refunded upon reaching a determination that an occurrence before or during a race calls for such action by them in the public interest.

(42) A race meeting licensee shall make a complete visual recording of each race as it is run. Such recordings shall be by motion picture cameras or other means approved by the racing commissioner. A race meeting licensee shall also provide the necessary equipment to promptly show the recordings to the stewards to assist them in making rulings on inquiries, claims of fouls or other questions pertaining to the race before the race is declared official. Such recordings shall in all cases be considered only as aids to the stewards and the stewards may render decisions without viewing the recordings.

(43) A visual recording of a race shall be preserved by the race meeting licensee in a secure manner for 1 year after the close of the meeting or for a period to be set by the stewards. Specific recordings shall be delivered to the stewards at any time during the meeting and to the racing commissioner or his authorized representative at any time upon request.

(44) For the purpose of educating and protecting jockeys, the race meeting licensee shall show such visual recordings of races as the stewards deem necessary to jockeys on the racing day following the races in question.

(45) The stewards shall keep a record of all complaints, infractions of rules, penalties and dispositions thereof and shall furnish the racing commissioner with a copy immediately after each occurrence.

(46) Entries and declarations shall be under the supervision of the stewards. They may refuse entries and when, in their opinion, safety or the best interests of racing require, they may limit entries. A declaration shall not be made without permission of the stewards.

(47) The stewards may interpret the rules of racing and make decisions on all questions arising with reference to entries and the conduct of racing.

(48) The stewards, for cause, may disqualify a horse in any race and may determine the extent of disqualification.

(49) The stewards may demand proof that a horse is not disqualified in any particular or owned in whole or in part by a disqualified person. In default of proof satisfactory to them the stewards may declare the horse disqualified.

(50a) If a question which would come under the jurisdiction of the stewards is not decided before the close of a meeting, it shall be referred to the racing commissioner for decision after proper notice has been given.

(50b) If a question arises which may or may not be covered by these rules, it shall be determined by the stewards in conformity with justice and the best interests of racing.

History: 1944 ACS 35, p. 26; 1954 AC, p. 5002; 1954 ACS 15, p. 78, Eff. Aug. 14, 1958; 1954 ACS 22, p. 80, Eff. May 13, 1960; 1954 ACS 38, p. 57, Eff. May 15, 1964; 1954 ACS 47, p. 24, Eff. Aug. 14, 1966; 1954 ACS 56, p. 32, Eff. Nov. 14, 1968; 1954 ACS 76, p. 79, Eff. July 18, 1973.

R 431.4 (d) Racing secretary.

(51) The racing secretary shall discharge all duties expressed or implied, required by the rules of racing and he shall report to the stewards all violations of the rules or regulations of the meeting.

(52) Printed for each racing day shall be a program compiled by the racing secretary, which shall contain the names of the horses that are to run in each of the races for that day, and other information usually set forth in such programs.

(53) In the event the number of entries to any purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the

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"starters" for the race shall be determined by lot in the presence of those making the entries and the post positions shall be in the order in which they are drawn; the same methods shall be employed in determining the starters and post positions in split races.

(54) (a) The racing secretary shall keep a list of horses eliminated from races and they shall have preference in any race of similar distance and conditions for which they may be entered thereafter. When a horse appears in the entries and is also entered the following day such entries shall be given no consideration on the preferred list.

(b) The racing secretary shall designate the price spread and the distances and shall publish daily an up-to-date list of horses having preference and the price spread and distances of the races to which the preference pertains.

(55) Horses winning races at recognized, authentic county, district or state fairs in Michigan shall not be penalized for such winnings in races run hereafter under the jurisdiction of the Michigan racing commission. The maiden allowance, however, shall be lost by the winning of a race at any fair.

(56) If the entries to any overnight race exceed the safe number of starters for the distance as determined by the stewards and the race be not divided, as many as 6 of those which were not drawn shall be placed on the overnight as "also eligibles."

Should any of the entries be withdrawn at scratch time, as many required of the "also eligibles" shall be drawn into the race by lot.

The owner or trainer of all "also eligibles" shall, if he does not intend to start, so notify the racing secretary not later than scratch time the day of the race.

(57) Declarations in overnight races must be made to the racing secretary the day of the race at the appointed time.

(58) In overnight races horses that are physically disabled shall be excused first. Should more than 10 interests remain in the first 2 races or more than 8 interests remain in the remainder of the races, owners or trainers may declare out to those numbers by the specified scratch time of the day of the race, such right to be determined by lot when necessary.

(59) Any horse that has been excused from starting on account of physical disability or sickness shall not be entered until declared fit by the official veterinarian.

History: 1944 ACS 35, p. 27; 1954 AC, p. 5003; 1954 ACS 3, p. 10, Eff. Aug. 15, 1955; 1954 ACS 43, p. 17, Eff. Aug. 14, 1965; 1954 ACS 56, p. 32, Eff. Nov. 14, 1968.

R 431.5 (e) Handicapper.

(60) The handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to a penalty and no alterations shall be made after publication except in case of omission, through error, of the name and weight of a horse duly entered, in which cases by permission of the stewards the omission may be rectified by the handicapper.

History: 1944 ACS 35, p. 27; 1954 AC, p. 5004.

R 431.6 (f) Paddock, placing, and patrol judges.

(61) The paddock judge shall keep a record of all equipment a horse carried in his previous race and a change is permitted only with consent of the stewards. A designated veterinary surgeon shall be in the paddock for each race. A horse shall be saddled in the paddock and shall be in the paddock at least 20 minutes before post time.

(62) The placing judges shall occupy the judges' stand as the horses pass the finish line and place the horses. In placing the horses the judges shall consider only

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the respective noses of the horses. Their decision shall be prompt and is final unless a disqualification occurs or their decision is over-ruled by the stewards. The stewards may correct any mistakes. The camera is merely an aid to the judges.

(62a) The patrol judges, for each race, shall take their stations at the places designated by the stewards. They shall be subject to the orders of the stewards and report to them all of their pertinent observations in each race, and shall file written reports if so requested by the stewards.

History: 1944 ACS 35, p. 28; 1954 AC, p. 5004; 1954 ACS 56, p. 33, Eff. Nov. 14, 1968.

R 431.7 (g) Clerk of scales and jockey weight.

(62b) (a) The clerk of scales shall weigh all jockeys out and in. He shall accurately record and publish any scratch, overweight or change of jockey, weight or racing colors, as compared with those stated on the official program and shall promptly supply all proper racing officials and the mutuel department with all pertinent changes.

(b) The clerk of scales shall report to the racing secretary or his representative after each race the weights carried by each horse, with the name of each horse's jockey and the overweight, if any. He shall also report the post time and running time in each race and other information which may from time to time be required.

(c) The clerk of scales shall promptly report to the stewards an infraction of the rules with respect to weight, weighing or riding equipment.

(62c) (a) A jockey's weight shall include his clothing, boots, goggles, saddle and its attachments, saddle cloth or other equipment required by the stewards. None of the following items shall be included in the jockey's weight: whip, head number, number cloth, bridle, bit, reins or safety helmet.

(b) Five pounds is the limit of overweight any horse is allowed to carry. If the weight of a rider exceeds the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at the time designated by the stewards and the clerk of scales shall have the overweight posted and announced immediately. Failure on the part of the jockey to comply with this rule shall be reported to the stewards.

(62d) The clerk of scales shall maintain a record of the winning races of an apprentice jockey and at the close of the meeting or on departure of the jockey the record sheet shall be attached to the rider's copy of his contract and released to him. The clerk of scales shall inform the stewards of the expiration date of the apprentice jockey's apprentice allowance.

History: 1944 ACS 35, p. 28; 1954 AC, p. 5004; 1954 ACS 56, p. 33, Eff. Nov. 14, 1968.

R 431.8 (h) Pre-race examinations.

(63) Each horse listed in the overnight entries shall be examined physically and identified by the official veterinarian and such assistants as the racing commissioner may require, to determine its eligibility and fitness to race, the time of such examination to be within the discretion of the official veterinarian on the day of the race. The trainer shall have an attendant present when the official veterinarian comes to his stable to make a pre-race examination.

(63a) No veterinarian employed by the commissioner or by an association shall be permitted, during the period of his employment, to treat or prescribe for any thoroughbred, for compensation or otherwise, except in the case of an emergency, in which case a full and complete report shall be made to the stewards. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he is so employed by the commissioner or an association.

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(63b) A veterinarian licensed to practice on the grounds of a race meeting licensee shall maintain personal veterinary records which accurately record all medications and which include: name of the horse treated, date of the treatment, and name of the trainer. Such records shall be made available to proper racing officials on request. The veterinarian shall report to the state veterinarian or the stewards any internal medication given by him to a horse known by him to be entered in a race, or by his direction to any horse known by him to be entered in a race. The trainer shall also make such report to the state veterinarian or the stewards. If a forbidden drug is administered internally before scratch time to a horse which is entered to race, such fact shall be reported to the proper officials before scratch time. If administration is made after scratch time, it shall be reported to the stewards or their authorized representatives immediately.

History: 1944 ACS 35, p. 28; 1954 AC, p. 5004; 1954 ACS 23, p. 28, Eff. Aug. 12, 1960; 1954 ACS 58, p. 33, Eff. Nov. 14, 1968; 1954 ACS 66, p. 36, Eff. Feb. 2, 1971.

R 431.9 (i) Starting the race.

(64) All horses shall parade, and carry their weight from the paddock to the starting post. Any horse failing to do so may be disqualified by the stewards.

(64a) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they will be started without unnecessary delay.

(65) The horses are in the hands of the starter after they leave the paddock until the start, subject to such action as the stewards may take in excusing horses, and are entitled to no further care from their attendants, except in case of accident the starter may permit jockeys to dismount and horses to be cared for during the delay, otherwise no jockey shall dismount. Unruly horses shall be placed on the schooling list.

(66) The starter is required to load horses in the starting gate in order of post position. Any exception to this must receive the approval of the stewards.

(a) A horse is a "starter" for a race when the stall doors of the starting gate open in front of the horse at the time the starter dispatches the field.

(67) The starter may recommend fine or suspension of any jockey to the racing commissioner through the stewards of the meeting.

(68) Horses shall be schooled under the supervision of the starter or his assistant, who shall report to the racing secretary horses that are schooled sufficiently to start. Unruly horses shall be placed on the schooling list and shall not start until OKed by the starter. The schooling list must be respected in all cases.

(69) A horse before becoming a starter may be excused by the stewards because of physical disability, incorrigibility or because of having been improperly entered in the race.

(70) Should a horse be excused by the stewards before becoming a starter, or should the doors at the front of the stall gate not open when the starter dispatches the field, thus causing a horse to be left, or should any horse be disqualified for bringing in underweight, the money bet on any horse or horses thus eliminated shall be deducted from the pool and refunded to the purchasers of tickets on such horse or horses; provided, however, if one horse of an entry or one of the horses grouped in the field should leave the stall gate and bring in proper weight there will be no refund on the entry nor on the field.

History: 1944 ACS 35, p. 28; 1954 AC, p. 5005; 1954 ACS 22, p. 80, Eff. May 13, 1960.

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R 431.10 (j) Entries and starters.

(71) In case the name of a horse is changed, the new name together with the former name shall be published in the official entries until after the horse has started 3 times. The violation of any part of this rule may be sufficient cause for ruling off.

(72) (a) Every person who subscribes to a sweepstakes, enters a horse, or in any way participates in any race or racing under these rules, thereby obligates himself to accept these rules upon all questions relating thereto.

(b) A horse shall not be qualified to run for any purse or sweepstakes unless it has been and continues duly entered for the same; and, unless otherwise specified in the conditions of a race, or disqualified by violation of the racing rules, any horse eligible at the time of entry shall continue to be qualified except in an overnight event in which it shall also be eligible at the time of the start.

(73) An owner or trainer or their authorized representatives shall not enter or start a horse that:

(1) Is a habitual bleeder, or

(2) Has been trachea-tubed, or

(3) Has been nerved at or above the ankle.

(74) (a) A horse shall be eligible to start at the time of entry.

(b) A horse shall not be allowed to start unless duly registered and approved by the racing commissioner.

(c) A horse shall not be allowed to enter or start unless a jockey club registration certificate is on file in the office of the racing secretary, except that the stewards, for good cause, may waive this requirement if the horse is otherwise properly identified.

(d) A maiden 5 years old or older shall not be allowed to start.

(e) An entry shall not be received from husband or wife while either is disqualified. Husband and wife, unless legally separated, shall be considered a single entity. Any ruling which applies to one shall apply equally to the other.

(f) An entry shall not be received of any horse not stabled upon the grounds of the association where the race is run, unless its stabling elsewhere has been approved by the association.

(g) In entering a horse it shall be clearly identified by stating its age, name, color, whether it is a horse, mare or gelding, the names of its sire and dam, and if the sire or dam is unnamed, such further pedigree or description as will distinguish the horse intended to be entered from all other horses. If its dam is covered by more than 1 stallion, the names of all of them shall be given in order of service. A horse entered in a claiming race that is a monorchid, cryptorchid or ridgling, may be so described on the entry blank.

(h) An alteration shall not be made in an entry after the time fixed for closing, but an entry in any race may be corrected with the consent of the stewards.

(i) Joint subscriptions and entries may be made by 2 or more owners.

(j) If a horse is sold by private sale, or at public auction, the written acknowledgment of both parties is necessary to prove that it was transferred with its engagements. A copy of such acknowledgment shall be filed with the racing secretary.

(k) The trainer is responsible for the weight carried by his horse.

(75) No entry, subscription, or rights of entry under it, shall become void on the death of the nominator or subscriber.

(76) The entrance money, starting and subscription fees, in every race, shall go to the winner, unless otherwise specified in its conditions; but when from any cause a race is not run, stakes or entrance money, if paid, shall be refunded.

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(77) Every entry in a purse race must be in the name of a person having ownership in the horse, and must be made in writing by the owner or trainer, or by his authorized agent, and the full name of every person having an ownership in a horse or any interest in its winnings excepting the trainer's percent, must be registered with the secretary before it starts at any meeting. Any failure to comply with this rule shall be punished by disciplinary action or suspension, and if an objection because of such default is duly made and sustained against a horse that has run in a race, its winnings in that race shall be forfeited to the horse that finishes next behind it.

(78) A horse shall not be permitted to start when it has not been fully identified by the official identifier. Absolute responsibility for bringing the correct horse to the paddock rests with the trainer. Violation of any part of this rule shall be grounds for disciplinary action. The stewards may scratch a horse whose recent workouts have not been properly recorded with their office. The trainer is responsible for reporting such workouts.

(79) The racing officials shall have power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property, either wholly or in part, of any person who is disqualified, or to produce proof of the extent of his interest or property in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race.

(80) Entries for purse race, the conditions of which have been previously published, shall close at the time advertised in such publication, and no entry shall be received after that time, but in case races fail to fill additional time may be granted. Race meeting licensees will program all allowances, stakes or handicaps with 6 or more entrants in separate interests and all other races which attract 8 or more entrants in separate interests, with the exception of claiming races for Michigan-breds, which will be programmed with 7 or more interests.

(81) (a) Not more than 2 horses of the same ownership or interest shall be entered in any purse race or overnight event and both may start, or 1 or both may be declared at the option of the owner, but in conformity with the rules governing declarations.

(b) When making a double entry in the same ownership, the owner or trainer shall express a preference; and in no case may 2 horses start in the same ownership to the exclusion of a single entry.

(82) (a) All horses having common ties shall be coupled and run as an entry.

(b) Where 2 horses are coupled as an entry in an overnight race, either may be declared out up to 1 hour before post time for the first race.

(83) If a race be divided, drawing shall be made for new post position.

(84) An entry shall not be made unless the trainer and jockey are licensed by the racing commissioner. A trainer, who is absent from his stable or the grounds where his horses are racing for more than 2 consecutive racing days, and whose horses are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the horses being entered or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the racing commissioner accepting complete responsibility for the horses being entered or running.

(85) If the conditions of any race require an entrance fee, it must accompany the entry.

(86) Every horse entered for a purse must be a starter unless it be declared out.

(87) Any owner who has failed to pay the jockey fee, or arrears against him or any horse owned by him, may be suspended until same is paid.

(88) In the absence of notice to the contrary, entries or declarations for

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sweepstakes closing during or on the eve of a race meeting, close at the office of the racing secretary.

(89) (a) An entry and a declaration for a sweepstakes shall not be received after a designated closing hour. If an hour is not designated an entry or declaration may be mailed, telegraphed or telephoned not later than midnight of the day of closing at the track where the race is to be run, if the entry or declaration is received in time for compliance with every other condition of the race.

(b) An entry or declaration in a sweepstakes shall be made in writing by the owner of the horse of the engagement, or by an authorized agent, or an entry may be made by telegram or telephone. A telegraphic or telephonic entry, however, shall be confirmed at the earliest possible opportunity, and before the time for declaring to start, or the horse shall not be allowed to start. The person making an entry in a sweepstakes shall give his name in full and his post office address.

(c) If an irregularity of an entry or declaration in a sweepstakes is asserted to have been made, and a record of the entry or declaration is not on file in the racing secretary's office, satisfactory proof that it was mailed, telegraphed or telephoned shall be presented within a reasonable time or it shall not be received.

(90) A horse shall not be entered in more than 1 race on the same day.

(91) In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires. If a mare entered in a produce race drops her foal before January 1st, has a dead foal, more than 1 foal, or is barren, the entry of such mare is void and the entrance money, if any, shall be returned.

(92) A person who subscribed to a sweepstakes before the time fixed for naming, can transfer the right of entry under 1 or more of his subscriptions to any person or persons.

(93) A horse shall become a starter in a sweepstakes unless it has been withdrawn by notice to the clerk of the scales not less than 45 minutes before the time appointed for the race.

(95) (a) Any person not having money to his credit with the secretary, before his horse can start, shall pay to the association all entrance money, stakes and arrears then due by him on the horse he intends to start.

(b) An association may allow a horse to start in a race without its entrance money or stake, or its jockey fee for a losing mount for that race. If an association allows this it shall be liable for the same, but may have an order of recovery for the money.

History: 1944 ACS 35, p. 28; 1944 ACS 37, p. 20; 1954 AC, p. 5005; 1954 ACS 10, p. 227, Eff. June 14, 1957; 1954 ACS 15, p. 78, Eff. Aug. 14, 1958; 1954 ACS 22, p. 80, Eff. May 13, 1960; 1954 ACS 43, p. 17, Eff. Aug. 14, 1965; 1954 ACS 51, p. 43, Eff. Aug. 15, 1967; 1954 ACS 56, p. 34, Eff. Nov. 14, 1968; 1954 ACS 66, p. 36, Eff. Feb. 2, 1971; 1954 ACS 76, p. 79, Eff. July 18, 1973; 1954 ACS 84, p. 70, Eff. June 18, 1975.

R 431.11 (k) Declarations.

(96) (a) The declaration of a horse out of an engagement is irrevocable.

(b) A declaration in a sweepstakes shall be made in writing.

(c) A declaration in a purse race shall be made by the owner, trainer or authorized agent to the racing secretary or his assistant at such time as he may appoint.

History: 1944 ACS 35, p. 30; 1954 AC, p. 5007; 1954 ACS 56, p. 35, Eff. Nov. 14, 1968.

R 431.12 (l) Eligibility, allowances, and penalties.

(97) (a) In determining eligibility, allowances and penalties, only reports, records and statistics as published in the daily racing form and monthly chart books or corresponding publications of any foreign country, or sworn statements as provided for in paragraph (b) shall be considered unless otherwise provided by

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the published conditions of the race. Interpretation of the conditions of a race shall be made by the racing secretary with approval of the stewards.

(b) A horse which, during the past calendar year, or a horse in a maiden race which, at any time, has started in a race which is not reported in the daily racing form monthly chart book shall not be entered at a Michigan track until the owner has furnished to the racing secretary, at least 48 hours prior to the entry, performance records showing where and when the horse raced, the distance, the weight carried, amount earned, and the horse's finishing position and time. The performance records shall be signed and sworn to by the owner of the horse.

(98) Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.

(99) Penalties are obligatory. Allowances are optional as to all or any part thereof, and in overnight events must be claimed at the time of entry.

(101) Allowances to the produce of untried horses shall be claimed before the expiration of the time for naming, and shall not be lost by winning after that time.

(102) (a) No horse shall receive allowances of weight nor be relieved from extra weight for having been beaten in 1 or more races, but this rule shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or race of a specified value.

(b) In all overnight races for 2-year-olds, for 3-year-olds or for 4-year-olds and upward, the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps or for races written for 3-year-olds and upwards.

(103) (a) Michigan bred horses shall be allowed 5 pounds in all overnight races. To qualify as a Michigan bred, a horse shall be registered with the jockey club as foaled in Michigan and, commencing in 1967, shall be the produce of a mare which was in the state of Michigan on December 1st of the year in which said mare was bred and remained in the state until foaling and for not less than a total of 7 months of the foaling year.

(b) Races for bona fide Michigan residents will be run under the following conditions:

(1) An owner shall be a bona fide resident of the state of Michigan for a period of at least 2 years prior to the date of entrance into Michigan-owned races. If the horse is owned by more than 1 interest, all interests may qualify as Michigan residents in accordance with the above.

(2) A horse purchased by a bona fide resident of Michigan less than 30 days prior to the entrance in a Michigan-owned race, unless purchased from another bona fide Michigan resident, shall be declared ineligible. However, a horse claimed by a Michigan resident at any time prior to entering such race shall be eligible. Horses leased from nonresidents of Michigan are not eligible to race in Michigan-owned races.

(3) The racing secretary shall determine the owners eligible for a Michigan-owned race.

History: 1944 ACS 35, p. 30; 1944 ACS 37, p. 20; 1954 AC, p. 5007; 1954 ACS 22, p. 80, Eff. May 13, 1960; 1954 ACS 43, p. 17, Eff. Aug. 14, 1965; 1954 ACS 51, p. 43, Eff. Aug. 15, 1967; 1954 ACS 56, p. 35, Eff. Nov. 14, 1968.

R 431.13 (m) Winnings.

(104) (a) Winnings include all prizes for finishing first up to the time appointed for the start and shall apply to all races but not the value of any prize not of money or not paid in money. Winnings during the year shall be reckoned from January 1st, preceding.

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(b) "Winner of a certain sum" means winner of a single race of that value. A horse shall not be penalized for having been beaten in a race.

(c) The winnings of a horse in a stake race shall be computed on the value of the gross earnings on and after January 1, 1961.

(d) In estimating the value of a series of races in which an extra sum of money is won by winning 2 or more of the series, the extra amount shall be estimated in the last race by which it was finally won.

(e) In case of a dead heat, each horse shall be construed to be a winner only of the amount received by the owner.

(f) Foreign winnings shall be calculated on the basis of the normal rate of exchange on the day of winning.

(g) If a race is not run or is void, stakes, forfeits and entrance money shall be returned.

(h) A race may be declared void if no qualified horse covers the course according to rule.

(106) No purse money, prize money or award of any kind shall be distributed until 48 hours after the purse money or award is won, or until results of the saliva and urine tests are returned from the commission-authorized laboratory. It shall be incumbent upon the racing commission to notify the licensee in writing if further delay is necessary.

History: 1944 ACS 35, p. 31; 1954 AC, p. 5008; 1954 ACS 10, p. 227, Eff. June 14, 1957; 1954 ACS 23, p. 26, Eff. Aug. 12, 1960; 1954 ACS 38, p. 57, Eff. May 15, 1964; 1954 ACS 56, p. 36, Eff. Nov. 14, 1968.

R 431.14 (n) Claiming races.

(107) The primary purpose of claiming races will be the classification of horses and not the building up of a racing stable.

(108) (a) In a claiming race a horse is subject to claim for his entered price by any owner, in good standing, who has started a horse at the meeting at which the claim is made. An owner may claim out of his initial race.

(b) A claim may be made by an authorized agent or trainer but an agent or trainer may claim only for the account of those for whom he is licensed as agent.

(c) A person shall not claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account.

(d) A person shall not claim more than 1 horse from any 1 race. No authorized agent although representing several owners, shall submit more than 1 claim for any 1 race. When a stable consists of horses owned by more than 1 person, trained by the same trainer, not more than 1 claim may be entered on behalf of such stable in any 1 race.

(e) The claiming price of each horse in a claiming race shall be printed in the official program and a claim for the horse shall be for the amount so designated.

(f) A claim shall be made in writing, on a form and in an envelope furnished by the association and approved by the racing commissioner. Both form and envelope shall be filled out completely, and shall be sufficiently accurate to identify the claim, otherwise the claim will be void.

(g) A claim shall be deposited in the claim box at least 15 minutes before post time of the race to which it pertains. The claim box shall be removed from the counter of the racing secretary's office 15 minutes before post time of the race as determined by the official track clock showing post time. If the clock stamp at the counter, which imprints the date, hour and minute, is used to indicate the date and time the claim envelope is deposited, the time so shown on the claim envelope shall be at least 16 minutes prior to post time of the race.

(h) Money or its equivalent shall not be put in the claim box. For a claim to be

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valid the person making the claim shall have a credit balance in his account with the association's horsemen's bookkeeper of not less than the amount of the claim.

(i) A claim is irrevocable.

(j) The stewards, or their designated representative, shall open the claim envelopes for each race as soon as, but not until, the horses for the race enter the track on the way from the paddock to post.

(k) Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(l) A claimed horse shall run in the interest and for the account of the owner from whom claimed.

(m) A claim not made in compliance with the rules is void. The stewards at any time may require any person filing a claim to make affidavit in writing that he is claiming in accordance with the rules. The stewards, subject to the approval of the racing commissioner, shall be the judges of the validity of a claim.

(n) If a claimed horse is excused by the stewards before the start of the race a claim for such horse is void.

(o) A horse that has been claimed shall be taken, after the race has been run, to the paddock for delivery to the claimant, who shall present written authorization for the claim from the racing secretary. A person shall not refuse to deliver to the person legally entitled thereto a claimed horse, and the horse is disqualified until delivery is made.

(p) If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards.

(q) For a period of 30 days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that the horse may start on the 31st calendar day following the claim, for any claiming price. This provision does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. This jurisdiction will honor a similar rule in any other state.

(q1) A horse, claimed in another state before racing in this state, while racing in this state shall pay any additional penalty imposed by these rules.

(r) A claimed horse is not eligible to race in any state other than Michigan for a period of 30 days from the date of claim, or until after the close of the meeting at which it was claimed, whichever period of time is the shorter.

(s) A claimed horse shall not be sold or transferred, wholly or partly to anyone within 30 days after the day it was claimed except in another claiming race.

(t) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom claimed.

(u) When a horse is claimed its engagements are included.

(v) A person who enters, or allows to be entered, in a claiming race, a horse against which a claim is held, either by mortgage, bill of sale or lien of any kind shall be subject to disciplinary action, unless, when or before entering the horse, the written consent of the holder of the mortgage, bill of sale or lien is filed with the racing secretary.

(w) A person shall not enter a horse in a claiming race without disclosing his true ownership. When a horse is claimed the successful claimant shall register the change with the racing secretary. An allegation of ownership of a horse entered in a claiming race by someone not having peaceful and undisputed possession of it will not be considered after closing time for claims on that race.

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(x) A person shall not offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt by intimidation to prevent anyone from running a horse in any claiming race. An owner or trainer shall not make an agreement with another owner or trainer for the protection of each other's horses in a claiming race.

(y) If a stable registered at a meeting is eliminated by sale or removal from the grounds, the right to claim is void. When a stable has been eliminated by claiming, the owner so affected may obtain a certificate from the stewards of the meeting and on presentation of that certificate, the owner shall be entitled to claim during the next 30 racing days at any recognized meeting in this state, until he has claimed a horse, or has acquired a horse by some other means. Stables eliminated by fire and other hazards may also be permitted by the stewards to claim under this rule.

(z) An official or other employee of an association shall not give any information as to the filing of claims until the race has been run.

History: 1944 ACS 35, p. 31; 1944 ACS 37, p. 21; 1944 ACS 38, p. 35; 1954 AC, p. 5008; 1954 ACS 3, p. 10, Eff. Aug. 15, 1955; 1954 ACS 6, p. 18, Eff. May 15, 1956; 1954 ACS 10, p. 227, Eff. June 14, 1957; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 22, p. 81, Eff. May 13, 1960; 1954 ACS 23, p. 26, Eff. Aug. 12, 1960; 1954 ACS 38, p. 57, Eff. May 15, 1964; 1954 ACS 47, p. 24, Eff. Aug. 14, 1966; 1954 ACS 56, pp. 36-38, Eff. Nov. 14, 1968; 1954 ACS 76, p. 79, Eff. July 18, 1973.

R 431.15 (o) Dead heats.

(109) When a race results in a dead heat the dead heat shall not be run off; owners shall divide first and second money.

(a) When 2 horses run a dead heat for first place, all prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing prizes whatever the number of horses running a dead heat. Each horse shall be deemed a winner and liable to penalty for the amount he shall receive. Likewise, when 2 horses run a dead heat for second place, they shall divide the second and third money.

(b) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran the dead heat shall be deemed to have run a dead heat for the first place.

(c) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

History: 1944 ACS 35, p. 32; 1954 AC, p. 5010.

R 431.16 (p) Weights.

(110) When the conditions of a race do not state to the contrary, the weights set up by the jockey club are adopted as weights by the racing commissioner and apply as follows:

Distance	Age	Jan. & Feb.	Mar. & Apr.	May	June	July	Aug.	Sept.	Oct.	Nov. & Dec.
One-Half	2	x	x	x	x	x	105	108	111	114
Mile	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 and up	130	130	130	130	130	130	130	130	130
Six	2	x	x	x	x	x	102	105	108	111
Furlongs	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 and up	130	130	130	130	130	130	130	130	130

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Distance	Age	Jan. & Feb.	Mar. & Apr.	May	June	July	Aug.	Sept.	Oct.	Nov. & Dec.
One-Mile	2	x	x	x	x	x	x	96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 and up	128	128	127	126	126	126	126	126	126
One-Mile & ¼	2	x	x	x	x	x	x	x	x	x
	3	101	107	111	113	116	118	120	121	122
	4	125	127	127	126	126	126	126	126	126
	5 and up	127	127	127	126	126	126	126	126	126
One-Mile & ½	2	x	x	x	x	x	x	x	x	x
	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 and up	126	126	126	126	126	126	126	126	126
Two-Miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5 and up	126	126	126	126	126	125	125	124	124

Weights for the shorter distances are carried in races of intermediate lengths.

For a race in which horses are all 2 years old, the weight is 122 pounds, and 3 years old or 4 years old, 126 pounds.

Fillies 2 years old are allowed 3 pounds, and mares 3 years old or over are allowed 5 pounds before and 3 pounds after September 1st, except in handicaps, and in races where the conditions expressly state to the contrary.

A horse shall not carry less than 101 pounds in any race, including apprentice allowance. A filly or a mare is entitled to sex allowance.

History: 1944 ACS 35, p. 33; 1944 ACS 37, p. 32; 1954 AC, p. 5010; 1954 ACS 56, p. 38. Eff. Nov. 14, 1968.

R 431.17 (q) Apprentice jockeys.

(111) (a) A male person between the ages of 16 and 25 years, who has never previously been licensed as a jockey in any country and who has of his own free will, and if under age, with the written consent of his parents or guardian, bound himself to an owner or trainer for a term of not less than 3 nor more than 5 years (subject to written extension if made for less than 5 years) by written contract approved by and filed with the racing commissioner, and after at least 1 year service with a racing stable, may claim in overnight races, except handicaps, the following allowances:

(1) An apprentice jockey shall start with 5 pounds allowance; shall continue this allowance for 1 year from the date of his fifth winner. If he has not ridden 40 winners in this 1 year, he shall continue his allowance for a period not to exceed 3 years from the date of his first winner until he has ridden 40 winners.

(2) After the completion of conditions set forth in paragraph (a), for 1 year he may claim 3 pounds when riding horses owned or trained by his original contract employer if his contract has not been permanently transferred or sold since he rode his first winner.

(3) The holder of the contract at the time the apprentice rides his first winner is considered the original contract employer.

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(b) A holder of an apprentice contract shall be subject to investigation as to character, ability, facilities and financial responsibility; and, at the time of making the contract, shall own in good faith a minimum of 3 horses in training, or, if a trainer, shall operate in good faith a stable of at least 3 horses.

(c) A contract for an apprentice shall provide for fair remuneration, adequate medical attention and suitable board and lodging for the apprentice; and approved provision shall be made for savings out of his earnings.

(d) Under exceptional circumstances, such as inability of an apprentice to ride because of services in the armed forces of the United States, personal injury in the conduct of his duty, restrictions on racing, or other valid reason which interferes with the allowance of 1 year from riding his first winner, or the 3 year period in riding 40 winners, the racing commissioner may extend the terms of the contract and the allowances provided by the rules of racing. The racing commissioner shall take jurisdiction on an application for extension in a case where personal injuries in the conduct of the apprentice's duty and restrictions on racing occurred at tracks licensed by the racing commissioner. All other applications for extensions shall be acted on by the commission of the state where the contract was originally executed and filed.

(e) An apprentice shall not be permitted to acquire his own contract.

(f) All apprentice contracts described in this rule shall be filed with the racing commissioner within 30 days after execution thereof or upon filing application for license with the racing commissioner. Failure of an owner or trainer to file any such contract or to obtain approval of the racing commissioner thereto, may subject such owner or trainer to revocation or suspension of his license or to such other disciplinary action by the racing commissioner as in his judgment seems proper.

(g) An original apprentice jockey contract shall remain in full force throughout its term. An amendment to the contract shall be a part of and be added to or attached to the copies in the possession of the parties. A copy of the amendment shall be sent to the racing commissioner where the original contract is filed.

(h) An applicant for an apprentice or jockey license who has never ridden in a race shall ride 2 races before being approved.

(i) An apprentice jockey may be granted an apprentice certificate issued by the stewards, in lieu of a traditional apprentice contract. The apprentice certificate grants an apprentice all allowances and conditions granted to an apprentice who is under contract.

History: 1944 ACS 35, p. 34; 1944 ACS 38, p. 35; 1954 AC, p. 5011; 1954 ACS 3, p. 10, Eff. Aug. 15, 1955; 1954 ACS 10, p. 227, Eff. June 14, 1957; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 22, p. 81, Eff. May 13, 1960; 1954 ACS 38, p. 57, Eff. May 15, 1964; 1954 ACS 56, p. 38, Eff. Nov. 14, 1968; 1954 ACS 76, p. 79, Eff. July 18, 1973; 1954 ACS 84, p. 70, Eff. June 18, 1975.

R 431.18 (r) Penalties.

(112) When a race is in dispute, both the horse that finished first and any horse for which the race is authoritatively claimed, shall be liable to all the penalties attached to the winning of that race until the matter is decided.

(113) When winners of claiming races are exempt from penalties, the exemption shall apply to the winners of optional claiming races only if such winner was entered to be claimed.

(114) The handicapper shall append to the weights for every handicap, the day and hour from which winners will be liable to a penalty, if any, and no alteration shall be made after publication except in case of omission through error of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

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(115) No penalties will be recognized against horses except as to maidens or to jockeys in respect to the apprentice allowance for winning races on minor tracks. In determining which tracks are minor tracks, the racing commissioner may consider tracks not reported in the daily racing form or corresponding foreign publications.

History: 1944 ACS 35, p. 34; 1954 AC, p. 5012; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 22, p. 82, Eff. May 13, 1960.

R 431.19 (s) Equipment.

(116) (a) Permission for change of equipment from that which the horse carried in its last previous race, may be obtained only from the stewards.

(b) Equipment changes shall be made not later than time of entry.

(c) The use of spurs is prohibited.

(d) Whips are limited to 28 inches in length, including popper. Whips shall have a minimum of 3 feathers and shall not have stingers.

(e) A jockey riding in a race shall wear a safety helmet of a type approved by the racing commissioner on recommendation of the stewards and no change shall be made in any such helmet without approval of the stewards. A jockey, apprentice jockey, or any other rider in the course of exercising or ponying a thoroughbred horse shall be required to wear an approved safety helmet.

(f) A whip, blinkers or number cloth shall not be allowed on the scales nor shall a bridle or safety helmet approved by the racing commissioner be weighed.

(g) A horse shall wear head numbers in a race when the track is officially rated sloppy or muddy.

(117) Every horse entering the paddock to race shall be inspected as to its shoeing if any. An unshod horse may race.

History: 1944 ACS 35, p. 34; 1954 AC, p. 5012; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 22, p. 82, Eff. May 13, 1960; 1954 ACS 38, p. 58, Eff. May 15, 1964; 1954 ACS 56, p. 39, Eff. Nov. 14, 1968.

R 431.20 (t) Objections and appeals.

(118) (a) An objection, except a claim of interference during a race, shall be made to the stewards in writing, and signed by the objector. A protest alleging fraud may be made at any time but a protest on grounds of ineligibility, incorrect weight, age or identification shall be made within 48 hours of the race. The stewards, however, may scratch an ineligible horse at any time.

(b) Permission of the stewards is necessary before an objection can be withdrawn.

(c) A person making an objection determined by the stewards or racing commissioner to be unreasonable or frivolous shall pay all the costs and expenses incurred in determining the objection, unless relieved from such expense by the racing commissioner.

(d) An objection to a horse engaged in a race may be made by an owner, trainer, or jockey of some other horse engaged in the same race, or by officials of the meeting.

(119) Proof of the qualifications of any horse against which a protest has been lodged, may be demanded by the stewards, and in default of such proof being given, they may declare the horse disqualified.

(120) Objections to a horse based on what occurred in a race must be made before the numbers of the horses placed in the race have been officially confirmed.

(121) Owners, trainers and jockeys who make unnecessary complaints may be subject to disciplinary action.

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(122) If an objection to a horse which has won or which has been placed in the money in a race is declared valid, that horse is disqualified and the other horses in the race are entitled to placing in the order in which they finished.

(123) If by reason of an objection to a horse, a race or place is erroneously awarded to another horse, the owner so wronged is entitled to the money of which he was deprived, and in case of default, the stewards shall disqualify the owner who retains the money.

(124) Pending a decision based on an objection, any price which the horse (against which the objection is lodged) may have won or may win in the race, or any money held by the association as the price of a horse claimed in a race (if involved in the determination of the case), shall be withheld until the objection is determined.

(125) In all cases of fraud, or willful deception, the time limitations shall not apply, provided the stewards are satisfied that the allegations are bona fide and are susceptible of verification; also, the stewards may, on their own initiative, call for proof that a horse neither is disqualified in any respect, nor nominated by, nor the property wholly or in part, of a disqualified person, and in default of such proof, they may declare the horse disqualified.

History: 1944 ACS 35, p. 34; 1944 ACS 37, p. 23; 1954 AC, p. 5012; 1954 ACS 10, p. 227, Eff. June 14, 1957; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 56, p. 39, Eff. Nov. 14, 1968

R 431.21 (u) Causes for disqualifications of jockeys and horses.

(126) A leading horse is entitled to any part of the track, but if any horse swerves or is ridden to either side so as to interfere with or impede another horse, it is a foul, and such horse may be disqualified, if in the opinion of the stewards it altered the finish of the race, whether the foul was willful or the result of careless riding. If the stewards determine the foul was intentional or due to careless riding, they shall recommend to the racing commissioner disciplinary action for the offending jockey.

(127) (a) The stewards, subject to the racing commissioner's approval, are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last. There shall be no right of appeal to the stewards' ruling of the disqualification or placing of the offending horse after the race is declared official.

(b) When a horse is disqualified under this rule, every horse in the same race belonging wholly or partly to the same owner or trained by the same trainer, in the discretion of the stewards may be disqualified.

(c) The time recorded for the first horse to cross the finish line shall be the official time of the race except as provided for in R 431.62(20).

(128) The stewards must take cognizance of foul riding, whether complaint is made or not, and no complaint shall be received from any person except the jockey, trainer or owner of the horses interfered with.

(129) No person shall assist the jockey in taking his equipment off his horse except by the permission of the stewards.

(130) No person shall throw any covering over any horse at the place of dismounting until its equipment shall have been removed.

(131) (a) A jockey shall weigh in at the same weight as that which he weighed out, and if short of it by 2 pounds or more his mount shall be disqualified and a refund ordered as provided by R 431.9(70).

(b) A horse which does not carry his jockey across the finish line is disqualified.

(c) A jockey who wilfully strikes another jockey or horse with his whip or grabs

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the clothing or equipment of another jockey or horse may be suspended or ruled off and his mount disqualified.

History: 1944 ACS 35, p. 35; 1944 ACS 37, p. 23; 1954 AC, p. 5013; 1954 ACS 15, p. 79, Eff. Aug. 14, 1958; 1954 ACS 56, p. 40, Eff. Nov. 14, 1968; 1954 ACS 66, p. 37, Eff. Feb. 2, 1971.

R 431.22 (v) Jockeys.

(132) A jockey shall not wager on any race except on the horse which he rides in which case the wager may be made only through the owner or trainer of such horse. Any jockey who shall be proven, to the satisfaction of the racing commissioner, to have any pecuniary interest in a race horse, or to have engaged in any forbidden wagering transaction, or to have received any remuneration, gratuities or incentive in connection with a horse race from persons other than the owner or trainer of a horse ridden by such jockey shall be subject to disciplinary action up to and including license revocation.

(133) Jockeys having engagements to ride must be in the scale room at the appointed time. After making weights, jockeys must not leave the jockey room until all engagements for the day have been filled. Immediately before mounting, jockeys must test their weights on the scales provided for that purpose and upon failure to make such tests, will be subject to disciplinary action or suspended.

(134) No jockey shall have any ownership interest in any race horse.

(135) A jockey must wear the colors of the owner of the horse he is riding, except by permission of the stewards.

(a) When a horse is warming up before a race its number must be exhibited upon the arm of its rider.

(b) Rescinded.

(136) (a) The fee to a jockey in all races shall be, in the absence of a special agreement, no less than the amounts as set forth:

Gross Purse of Race	Winning Amount	Second Fee	Third Fee	Losing Fee
$ 700	$34.00	$21.00	$19.00	$15.00
800 & 900	37.00	22.00	21.00	17.00
1,000 & 1,100	39.00	24.00	22.00	17.00
1,200 & 1,300	42.00	27.00	23.00	18.00
1,400 & 1,500	44.00	29.00	24.00	19.00
1,600 & 1,700	47.00	32.00	25.00	20.00
1,800 & 1,900	50.00	35.00	27.00	22.00
2,000 & Up	50.00	40.00	30.00	25.00

(b) Such compensation shall be deposited with the horseman's bookkeeper not later than 1:00 p.m. the day of the race unless the owner or trainer has sufficient money in his account.

(c) Whether or not the jockey has earned his fee in the event of a scratch after he has weighed out for the race will be determined by the stewards according to the circumstances in each case.

(137) No jockey shall be allowed a personal valet. The association shall make the necessary arrangements for attendants upon jockeys, and said attendants shall be paid for their services by the association from an assessment levied upon and collected from the jockeys and divided equally among all the valets. The valets shall work by the rotation system prepared by the custodian at the beginning of the meeting and no jockey shall have the same attendant for more than 2 consecutive days.

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(138) No person employed in the jockeys' room shall make a bet for himself or place for another a bet on any race under penalty of disciplinary action.

(139) It shall be the duty of the jockey room custodian to see that order, decorum and cleanliness are maintained in the jockey and scale rooms.

The custodian shall assist the clerk of scales as the clerk may desire.

The custodian shall make certain that no person, other than racing officials, qualified commission representatives and the necessary jockey room attendants, is admitted to the jockey room after the designated time on a race day without consent of the stewards for each time of entry.

The custodian shall oversee the care and storage of all racing colors.

The custodian shall oversee the jockey attendants.

The custodian shall report to the stewards any irregularities that occur in his province.

The custodian shall make certain that jockeys are neat in appearance when they leave the rooms to ride in a race or when they leave, under escort, to observe the running of a race.

There shall be no gambling or game of chance permitted in the jockeys' quarters.

(140) Unless fraud has been committed, all jockeys temporarily suspended shall be permitted on the day following such temporary suspension to fulfill all engagements for such day made prior to such suspension.

(141) A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be subject to disciplinary action by the racing commission on recommendation of the stewards in accordance with the gravity of the offense. Any disciplinary action imposed on a jockey must be satisfied by the disciplined jockey himself.

(142) Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

(a) Conflicting claims for the services of a jockey shall be decided by the stewards.

(b) No jockey shall ride against his contract employer in any race unless the horse which he rides is trained by the same trainer as that of his contract employer.

History: 1944 ACS 35, p. 35; 1944 ACS 37, p. 23; 1944 ACS 38, p. 35; 1954 AC, p. 5013; 1954 ACS 15, p. 80, Eff. Aug. 14, 1958; 1954 ACS 38, p. 58, Eff. May 15, 1964; 1954 ACS 47, p. 25, Eff. Aug. 14, 1966.

R 431.23 (w) Jockey agents.

(143) A jockey may make his own engagements, or they may be made by his licensed agent or contract employer.

A jockey agent may act for 1 journeyman jockey and 1 apprentice jockey or he may act for 2 journeymen, upon approval by the stewards.

Licenses are transferable on approval by the racing commissioner.

(a) A jockey agent shall not come on the track or enter the winners circle after a race nor be allowed in the paddock at any time.

(b) A jockey agent shall maintain separate and accurate records of all engagements contracted for riders he represents, and at all times have these records available for examination by the stewards.

(c) Inaccuracies or failure to maintain such records as are satisfactory to the stewards constitutes neglect, the penalty for which shall be such disciplinary

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action as may be determined by the racing commissioner on recommendation of the stewards.

(d) When a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing, setting forth the reasons for dismissal of the jockey agent. Failure of the jockey to comply shall be punishable by such disciplinary action as may be determined by the racing commissioner on recommendation of the stewards.

History: 1944 ACS 35, p. 36; 1954 AC, p. 5015; 1954 ACS 38, p. 58, Eff. May 15, 1964; 1954 ACS 66, p. 37, Eff. Feb. 2, 1971; 1954 ACS 76, p. 79, Eff. July 18, 1973.

R 431.24 (x) Partnerships.

(144) (a) A partnership shall be registered with the racing commissioner. Partnership papers shall include:

(1) The name and address of each person having an interest in any horse involved.

(2) The relative proportion of such interests.

(3) To whom the winnings are payable.

(4) In whose name each horse shall run.

(5) With whom the power of entry and declaration rests.

(6) The terms of any contingency, lease or other arrangement.

(b) Partnership papers shall be signed by all parties or their authorized agents. In case of an emergency, authority to sign declarations of partners may be given to the racing secretary by a telegram promptly confirmed in writing.

(c) If the racing secretary is unable to communicate with all proper parties in an attempt to obtain a declaration of partnership he may authorize a horse involved in a partnership to enter and to start in a stake race without a declaration of partnership.

(d) An alteration in a recorded partnership registration, to be effective, shall be reported in writing to the racing commissioner and signed by all parties.

(e) All the parties to a partnership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.

(f) The part owner of a horse may assign his share or any part of it with the written consent of the other partners and the consent shall be filed with the stewards.

(g) A partner may claim for the partnership, unless otherwise stated in the partnership agreement.

History: 1944 ACS 35, p. 37; 1954 AC, p. 5015; 1954 ACS 22, p. 82, Eff. May 13, 1960; 1954 ACS 56, p. 40, Eff. Nov. 14, 1968.

R 431.25 (y) Corporations.

(145) (a) A corporation having an interest in a horse shall file with the racing commissioner at the time of filing application for an owner's license a statement in duplicate setting forth the names and addresses of all officers, directors, and shareholders of the corporation, together with the amount of the respective holdings of each shareholder and a statement as to whether or not their stock is paid in full, and including the designation of an authorized agent or agents of the corporation. The statement shall be signed by the president of the corporation, attested by its secretary and the corporate seal attached.

(b) A license as an owner shall not be granted to a corporation or the lessees of a corporation unless such corporation has no more than 10 shareholders or members, each of whom shall be the registered and beneficial owner of stock membership in the corporation. A corporation having more than 10 such shareholders may not lease for racing purposes any horse owned or controlled by it. Each shareholder shall file an application for an owner's license.

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(c) A corporation which leases horses for racing purposes in this state and also all its shareholders or members shall make and file with the racing commissioner when requested by him, a report containing such information as the commissioner may specify. Upon refusal or failure to file such a report, the racing commissioner may refuse a license to a lessee of such corporation or may revoke any such license he may have granted. A transfer of stock of such corporation or change in the officers or directors shall be reported in writing to the racing commissioner within 48 hours of such change.

History: 1954 ACS 56, p. 40, Eff. Nov. 14, 1968.
Editor's note: Former R 431.25 was rescinded by 1954 ACS 22, p. 82. For text and history of rescinded rule, see 1955 AACS, p. 126.

R 431.25a (z) Partnership and corporation statements.

(145a) Statements of sales and contingencies, or arrangements, by partnerships or corporations, shall declare to whom winnings are payable, in whose name the horse shall run and with whom rests the power of entry or declaration or declaration of forfeit, and a copy of this information shall be transmitted to the racing commissioner.

History: 1954 ACS 56, p. 41, Eff. Nov. 14, 1968.

PART 2. HARNESS RACING

R 431.31 (a) Definitions.

(1) Added money early closing event.—An event closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

(2) The age of a horse shall be reckoned from January 1 of the year of foaling. The age of a foal born in November or December, 1970, and of any subsequent year shall be reckoned from January 1 of the succeeding year.

(3) Appeal.—A request for the commission to investigate, consider and review any decisions or rulings of judges or officials of a meeting. The appeal may deal with placings, penalties, interpretations of the rules or other questions dealing with the conduct of races.

(4) Claiming race.—One in which any horse starting therein may be claimed for a designated amount in conformance with the rules.

(5) Classified race.—A race regardless of the eligibility of horses, entries being selected by a committee or person on the basis of ability or performance.

(6) "Conditioned race" means an overnight event for which eligibility is determined according to specified qualifications. The qualifications may be based upon, among other things:

(a) Horses' money winnings in a specified number of previous races or during a specified previous time.

(b) A horse's finishing position in a specified number of previous races or during a specified period of time.

(c) Age.

(d) Sex.

(e) Number of starts during a specified period of time.

(f) Or any 1 or more combinations of the qualifications herein listed.

(g) Use of records or time bars as a condition is prohibited.

(h) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(7) Dash.—A race decided in a single trial. Dashes may be given in a series of 2 or 3 governed by 1 entry fee for the series, in which event a horse must start in all

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dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

(8) Declarations.—Declarations shall be taken not more than 4 days in advance for all races except those for which qualifying dashes are provided.

(9) Disqualification.—It shall be construed to mean that the person disqualified is debarred from acting as an official or from starting or driving a horse in a race, or in the case of a disqualified horse, it shall not be allowed to start.

(10) Early closing race.—A race for a definite amount to which entries close at least 6 weeks preceding the race. The entrance fee may be on the installment plan or otherwise, and all payments are forfeits.

(11) Elimination heats.—Heats of a race split according to R 431.40(113) and (114) to qualify the contestants for a final heat.

(12) Entry.—Two or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management. Such horses are coupled as an "entry." A wager on one shall be a wager on all of them. The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries may not be rejected.

(13) Expulsion.—Whenever the penalty of expulsion is prescribed in these rules, it shall be construed to mean unconditional exclusion and disqualification from any participation, either directly or indirectly, in the privileges and uses of the course and grounds of the track licensee.

(14) Extended pari-mutuel meetings.—An extended pari-mutuel meeting is a meeting or meetings, at which no agricultural fair is in progress with an annual total of more than 10 days duration with pari-mutuel wagering.

(15) Futurity.—A stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

(16) Guaranteed stake.—Same as a stake, with a guarantee by the party opening it that the sum shall not be less than the amount named.

(17) Handicap.—A race in which performance, sex, or distance allowance is made. Post positions for a handicap may be assigned by the racing secretary. Post positions in a handicap claiming race may be determined by claiming price.

(18) Heat.—A single trial in a race 2 in 3, or 3 heat plan.

(19) In harness.—When a race is made to go "in harness" it shall be construed to mean that the performance shall be to a sulky.

(20) Late closing race.—A race for a fixed amount to which entries close less than 6 weeks and more than 3 days before the race is to be contested.

(21) Length of race and number of heats.—Races or dashes shall be given at a stated distance in units not shorter than a sixteenth of a mile. The length of a race and the number of heats shall be stated in the conditions. If no distance or number of heats are specified all races for 4-year-olds and over shall be a single mile dash.

(22) Maiden.—A stallion, mare or gelding that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered other than a qualifying race.

(23) Match race.—A race which has been arranged and the conditions thereof agreed upon between the contestants.

(24) Matinee race.—A race with no entrance fee and where the premiums, if any, are other than money.

(25) Overnight event.—A race for which entries close not more than 3 days (omitting Sundays) or less before such race is to be contested. In the absence of conditions or notice to the contrary, all entries in overnight events must close not later than 12 noon the day preceding the race.

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(26) Protest.—An objection, properly sworn to, charging that a horse is ineligible to a race, alleging improper entry or declaration, or citing any act of an owner, driver, or official prohibited by the rules, and which, if true, should exclude the horse or driver from the race.

(27) Record.—The fastest time made by a horse in a heat or dash which he won or in a performance against time. A standard record is a record of 2.20 or faster for 2-year-olds and 2.15 or faster for all other ages. However, any race winning record in a purse race acquired at a mile distance in 2.20 or faster, shall be considered a standard record and credit shall be given to the sire and dam for an additional performer.

(28) Stake.—A race which shall be contested in a year subsequent to its closing in which the money given by the track conducting the same is added to the money contributed by the nominators all of which except deductions for the cost of promotion, breeders or nominators awards belongs to the winner or winners. In any event, all of the money contributed in nominating, sustaining and starting payments must be paid to the winner or winners.

(29) 2 in 3.—In a 2 in 3 race a horse must win 2 heats to be entitled to first money.

(30) 2-year-olds.—No 2-year-old shall be permitted to start in a dash or heat exceeding 1 mile in distance. Except where elimination heats are required, 2-year-olds may start only in races conditioned not to exceed 2 dashes or in 2 in 3 race which shall terminate in 3 heats. In 2-year-old races any colt may default the end of the second heat or dash and the remaining colt shall be declared the winner.

(31) Walk over.—When only horses in the same interest start, it constitutes a walk over. In a "stake race" a "walk over" is entitled to all the stake money and forfeits unless otherwise provided in the published conditions. To claim the purse the entry must start and go once over the course.

(32) Winner.—The horse whose nose reaches the wire first. If there is a dead heat for first, both horses shall be considered winners. Where 2 horses are tied in the summary, the winner of the longer dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same distance and the horses are tied in the summary, the winner of the faster dash or heat shall be entitled to the trophy.

(33) Wire.—The wire is a real or imaginary line from the center of the judge's stand to a point immediately across, and at right angles to, the track.

(34) Owner.—Includes owner, part owner and lessee of horse or horses.

History: 1954 ACS 27, p. 10, Eff. Aug. 14, 1961; 1954 ACS 43, p. 18, Eff. Aug. 14, 1965; 1954 ACS 78, p. 79, Eff. July 18, 1973.

Editor's note: Former R 431.31 to R 431.46 were rescinded by 1954 ACS 27, p. 10. For text and history of the rescinded rules, see 1954 AC, pp. 5016-5028.

R 431.32 (b) Violations.

(35) Any person licensed by the Michigan state racing commission or any person violating any of its rules or regulations shall be liable to the penalties herein provided, unless otherwise limited in and by the rules and regulations of the Michigan state racing commission.

(36) Any attempt to violate any of the rules and regulations of the Michigan state racing commission falling short of actual accomplishment shall constitute an offense and shall be punishable as if consummated.

(37) The penalties for violation of the rules of the commission shall be as follows:

(a) Denial, revocation or suspension of license.

(b) Monetary fines not exceeding $300.00 for each violation.

(38) The penalties provided above, where applicable, shall be exacted from all persons, whether licensed by the commission or not.

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(39) Penalties for violation of any rule of the commission may be imposed by the commissioner on recommendation by the state steward or the judges at each licensed harness racing meeting.

(40) Suspension or exclusion of either husband or wife shall apply in each instance to both husband and wife.

(41) Unpaid fines.—Where monetary fines have been imposed after a final determination and remain unpaid the violator shall be automatically suspended until the fine is paid in full.

(42) The racing commissioner shall be notified of any violation of these rules.

(43) In matters not covered by these rules the state steward, the judges and other officials may render decisions according to the rules of the U.S.T.A. (United States trotting association) when such U.S.T.A. rules are not in conflict with these rules or the laws of the state of Michigan.

History: 1954 ACS 27, p. 12, Eff. Aug. 14, 1961.

R 431.33 (c) Programs.

(44) Contents.—A printed race program shall be published and offered for sale at every licensed harness race meeting. At other than limited pari-mutuel meetings, the program shall provide the name, sex, color, age, sire, dam, owner, trainer, driver and driver's colors of every horse. It shall separately give the number of starts of the current year and previous year and state the number of times the horse was first, second or third in each year and show the money winnings of each year.

(45) The program shall give at least the following particulars of at least the 6 most recent races of each horse:

(a) The date and place of each race.

(b) The condition of the racing strip.

(c) The class of each race and the distance.

(d) The name and time of the winner and the names of the horses finishing second and third.

(e) The post positions and the position at the quarter, half, three-quarter and finish of the race.

(f) Beaten lengths.

(g) A notation of the occurrence and the position in the race of every "break."

(h) The dollar odds of the wagering of said horse, if any.

(i) The name of the driver in each race and a notation by the letter "a" for amateur if his license to drive is other than a full license.

(46) Each program shall carry the speed rating of every pari-mutuel race track, the time and money winnings classification tables, an explanation of the commission rules covering the start and breaking horses as well as the pari-mutuel and daily double rules.

(47) Workouts.—Performances charted as races at training establishments shall be considered workouts and, if reported in the official program at licensed race tracks, shall be reported as "workouts."

(48) Uncharted races.—Where the most recent performance lines are from uncharted meetings they may be combined under the direction of the judges to conserve room in the program for performance lines from charted meetings.

(49) Responsibility for program.—Every licensed harness race track shall designate a program director who shall be responsible for the compilation and publication of the racing program.

(50) Misinformation.—Any person giving, or attempting to give, misleading or

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inaccurate information of a horse's performance for inclusion in a printed racing program, shall be subject to the penalties provided by these rules.

(51) Horse actual time.—Every licensed harness race track shall utilize a timing device incorporated into the photo finish camera from which the actual time of every contestant in every race may be computed. Such actual time shall be included in the performance lines published by the program director.

(52) Breaks.—The program director shall cause a record to be made of every "break" in a race and the position in the race where same occurred. When a horse is "parked out" on a turn same shall also be recorded and included in the published performance lines.

History: 1954 ACS 27, p. 12. Eff. Aug. 14, 1961.

R 431.34 (d) Paddock.

(53) Requirements.—Every licensed harness racing association or corporation shall maintain a paddock or receiving barn from which all horses shall be raced. The paddock, or receiving barn shall be entirely enclosed with a man-tight fence, and the gate or gates through said fence shall be so manned and controlled that the general public shall be excluded therefrom. A horse ambulance, stone boat and blankets for the humane removal of horses injured on the race track shall be available for paddock use.

(54) Equipment.—During racing hours each licensed racing association shall have such suitable extra equipment in the paddock as may be required for the proper conduct of racing without unnecessary delay.

(55) Blacksmiths.—During racing hours the racing association shall provide the services of a blacksmith, within or adjacent to the paddock. Said blacksmith shall be equipped with all the tools, materials and equipment necessary to replace and refix lost or dislodged shoes.

(56) Drivers stand.—Each racing association shall provide a stand located conveniently to the gate through which horses enter the race track from the paddock or receiving barn, for the use of drivers scheduled to race.

(57) Paddock.—The paddock at all times shall be under the supervision of the paddock judge whose duties are set forth in R 431.35(65).

(58) Equipment check.—Every licensed harness race track shall cause a record to be kept showing the equipment, shoes and harness customarily worn by each horse competing at the track. The equipment, shoes and harness worn by every horse in every night's program shall be checked in the paddock before each race against such record, and all changes from the previous start shall be noted thereon, and the presiding judge notified.

(59) Admission to paddock.—All horses to be raced on a particular day or night, and their drivers, shall be in the paddock or receiving barn at the time prescribed by the judges. Such time, in no event, except with the expressed permission of the steward or presiding judge, shall be later than 1 hour prior to post time of the race in which the horse is entered to start. Horses entered in the races constituting the daily double shall be in the paddock at least 1 hour and 15 minutes before the post time of the first race of the daily double. Except for warm-up trips, no horse shall leave the paddock or receiving barn until called to the post. No person shall be admitted to the paddock or receiving barn except the owners, trainers, drivers and grooms of the horses actually competing in the races of the particular day or night, and such other persons as are specifically authorized by the commission. No driver, trainer or groom, once admitted to the paddock or receiving barn, shall leave the same until the horse or horses on account of the competing of which he was admitted to the paddock or receiving barn, shall have

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completed its or their race or races; except, however, that a trainer or driver may leave the paddock or receiving barn, for the purpose of warming up a horse or horses which are to race that particular day or night. Except as hereinbefore provided with respect to drivers and trainers, and with the further exceptions of an owner who has another horse racing in a later race, no person having left the paddock or receiving barn shall be permitted to reenter until all the races of the day's or night's program shall have been completed. Where a horse is racing under a stable name, no more than 2 owners thereof exclusive of the drivers of the stable shall be entitled to admission to the paddock or receiving barn on any 1 racing day. The association shall provide the paddock judge with a list of its personnel eligible for admission to the paddock.

(60) Post parade from paddock.—Fifteen minutes before the post time for a heat or dash, the paddock judge shall cause all horses entered in such heat or dash to be formed in a parade line. Such horses shall be attended by their drivers unless specifically excused by the paddock judge. All horses in a heat or race shall parade from the paddock upon the track and before the grandstand not later than 5 minutes before post time. A horse failing to parade without being excused by the judges may be scratched from the race or its driver or trainer may be penalized. Drivers shall not engage in conversation during the post parade.

History: 1954 ACS 27, p. 13, Eff. Aug. 14, 1961.

R 431.35 (e) Race officials.

(61) Qualification of officials.—In order to qualify as a racing official by these rules, or as a racing secretary, clerk of course or timer, the applicant must satisfy the commission that he:

(a) Is of good character and reputation.

(b) Is of proper temperament.

(c) Has had adequate experience.

(d) Possesses a knowledge of the duties involved and the commission's rules of racing.

(e) Possesses the mental and physical capacity to perform the duties involved.

(62) (a) The state stewards shall be the representatives of the racing commissioner at all race meetings. The state stewards shall supervise all officials, licensees and employees or appointees of the commissioner engaged at the race meetings. The state stewards shall supervise the conduct of the racing and of the pari-mutuel department. The state steward may act in place of an official, or as an additional official or may appoint a substitute official at a race meeting. They may conduct inquiries and recommend to the commissioner the issuance of subpoenas to compel the attendance of witnesses, and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence. They may administer oaths and examine witnesses and shall submit a report of all proceedings thereon.

(b) An applicant for the position of steward shall have been employed as a steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge or paddock judge at a recognized meet for a period of not less than 60 racing days per year during at least 3 of the 5 preceding calendar years. If no applicant possesses these qualifications, where possible, a person appointed or approved as steward should have had prior experience in another branch of racing, such as an owner, trainer, driver, breeder or veterinarian. Stewards and judges shall be recognized by the United States trotting association.

(63) (a) The names of the track designated judges and other racing officials shall be submitted to the racing commissioner at least 30 days before the start of

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the race meeting pursuant to R 431.67(321) and shall thereafter be approved or disapproved by the commissioner.

(b) At Detroit area meetings the 3 stewards or judges shall be employed on a full time basis and shall have joint responsibility and authority in respect to rule infractions and discipline, except that for the purpose of making reports to the United States trotting association, 1 of the 3 shall hold the designation of presiding judge.

(c) If a question which would come under jurisdiction of the stewards is not decided before the close of a meeting, it shall be referred to the racing commissioner for decision after proper notice has been given.

(d) If a question arises which may or may not be covered by these rules or those of the United States trotting association, it shall be determined by the stewards in conformity with justice and the best interests of racing.

(64) Powers of judges.—The judges shall have supervision over all harness racing occupational licensees and over such subordinate officials as patrol judges, starter, paddock judge, clerk of course, and timers and specifically shall have authority to:

(a) To determine all questions of fact relating to the race.

(b) Recommend fines and penalties as prescribed by the state of Michigan commission rules and regulations.

(c) Decide any difference between parties to the race or any contingent matter which shall arise which is not otherwise provided for in the rules.

(d) Declare pools and bets "Off" in case of fraud, or to declare any horse a nonstarter and to direct the refund of all wagers made thereon, from which no appeal will be allowed. All pools and bets shall follow the decision of the judges. Such decisions in respect to pools and bets shall be made at the conclusion of the race upon the observations of the judges and upon such other facts as an immediate investigation will develop. A reversal or change of decision after the official placing at the conclusion of a heat or dash shall not affect the distribution of the betting pools made upon such official placing.

(e) Control the horses, drivers, grooms and every person or machine engaged in any portion of the racing program.

(f) Investigate every apparent or possible interference or rule violation and examine all parties connected with a race under oath as to any such violation of rules or complaint.

(g) Make such decision in the public interest required by extraordinary circumstances not covered by these rules.

(h) Maintain the judges' book, the steward's list and the accident reports.

(i) See that all notices of penalty, rulings and decisions relative to racing are prepared, delivered and posted.

(j) Conduct investigations and hearings as prescribed by these rules.

(k) Conduct drivers meetings as prescribed by these rules.

(l) Supervise entries and declarations to start and the application of preferences to race.

(m) Supervise announcements over the public address system pertaining to the race program.

(n) Control the admittance of persons to judges' stand subject to the direction of the commission.

(o) Direct the coupling of horses accepted for entry where it is necessary to protect the public interest.

(p) Closely observe the performance of all horses and drivers competing at the race meeting.

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(q) Determine the result of every race contested before them and place the horses competing therein in the order of their finish.

(r) Investigate any act of cruelty to a horse on the grounds of the race track whether seen by them or reported to them and recommend penalties therefor.

(s) Investigate any accidents on the track to determine the cause thereof and promptly make a full report to the commission and record same in the judges' book.

(t) Exclude from any race, a horse which is improperly equipped, dangerous, unmanageable, unfit to race, or liable to cause accident or injury to another horse or driver in the race.

(u) Where a violation of any rule is committed, to conduct an inquiry promptly and to take such action as may be appropriate and render their report to the commission. Such inquiry must be conducted by at least 2 judges.

(v) Be in the judges' stand at least 15 minutes before the first race and remain there for 10 minutes after the last race of the daily program, and at all times when horses are upon the track during the racing program.

(w) Observe the preliminary warming up of horses and the scoring, noting the behavior of the horses and the drivers, the equipment of the horses and any lameness which might appear as well as the changes of the betting odds shown on the totalisator boards and any other incidents relating to the racing.

(x) Advise the paddock judge of the schedule of post times for the program as set by the mutuel manager and approved by the judges.

(y) Be responsible for locking the pari-mutuel machines immediately upon the horses reaching the official starting point of the race.

(z) Maintain communication with the patrol judges, by telephone from the time the starter picks up the field of horses until all horses pass the finish line. Cause a written record to be made of every "break," violation of rules or incident reported by the patrol judges. A mechanical recording may be made and preserved of all communications between the patrol judges and the main judging stand at all, other than limited, pari-mutuel meetings.

(a-1) Cause the appropriate signs to be posted on the result board to indicate objection or inquiry in event of rule violation or complaint and notify the public address announcer of the horses involved and the nature of the objection. When decision is made, to cause the objection or inquiry sign to be removed, the correct placing of the horses to be shown, and the "Official" sign to be shown.

(a-2) Display the "Photo" sign if there is less than one-half length between contending horses or if a contending horse is on a break at the finish. To examine the photo of the finish before rendering decision on the placing thereof and to cause copies of such photos to be posted and displayed to the public.

(a-3) Sign the judges' book after each race.

(a-4) At race meetings serviced by the film patrol, examine the films each morning of the races conducted the previous evening and in instances of a possible rule infraction show and explain such films to the drivers and horse owners who are involved and preserve such films for use in connection with disciplinary hearings.

(65) The paddock judge shall:

(a) Supervise the assembling of the fields of horses in the race on the track for post parades in accordance with the schedule given to him by the judges.

(b) Supervise the identification of horses in the race.

(c) Supervise the inspection of equipment and shoes; and the head and saddle numbers of each horse during warmups and before the parade.

(d) Supervise the paddock gate men.

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(e) Supervise the checking in and out of horses, grooms, owners and drivers, and check the identification of all horses coming in the paddock, including the tattoo number.

(f) Supervise the activities of the paddock blacksmith.

(g) Notify the presiding judge of any change of racing equipment or shoes before the race.

(h) Notify the judges of any incident that could in any way change, delay or affect the routine progress of the racing program.

(i) Keep out unauthorized people.

(j) Inspect and supervise the maintenance of emergency equipment kept in the paddock.

(k) Notify judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.

(l) Notify judges of all trainers and grooms who leave the paddock in an emergency.

(66) All equipment changes shall be cleared through the paddock judge who will call the judges for the necessary permission.

(67) The paddock judge will be responsible for seeing that all horses are lined up and drivers mounted on sulkies before coming on the race track. Horses will be paraded close up and straight in the positions that the horses drew. Any deviation from this rule must be granted by the judges before the horses leave the paddock. All drivers must keep their feet in the stirrups at all times. Grooms will not ride double on the sulky with the driver in front of the grandstand.

(68) Photo finish.—The judges shall determine the order of finish of every race contested at licensed harness race tracks.

Every licensed harness race track shall provide photo finish service of a type and quality approved by the commission as an aid to the judges in determining the order of finish.

Whenever the judges call for a photo finish picture to determine the order of finish they shall cause the word "Photo" to be flashed on the infield board and to remain there until the order of finish is determined.

Whenever a photo finish picture is used to determine the order of finish such picture, or true copies thereof, or projections thereof, shall be posted or projected for public inspection.

In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the judges shall decide the order of finish and such decision shall be final.

(69) Patrol judges.—The commission shall approve not less than 2 patrol judges to serve at every licensed harness race meeting. The patrol judges shall be under the direct supervision of the judges.

(70) Duties.—The patrol judges shall observe all activity on the race track at all times during the racing program. They shall immediately report to the presiding judge:

(a) Any action on the track which could improperly affect the result of a race.

(b) Every violation of the racing rules.

(c) Every violation of the rules of decorum.

(d) The lameness or unfitness of any horse.

(e) Any lack of proper racing equipment.

(71) Telephone contact with judges.—The patrol judges shall be in constant telephonic communication with the judges during the course of every race and shall immediately advise the judges of every rule violation, improper act or unusual happening which occurs at their stations.

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(72) Hearings or inquiries.—The patrol judges, when directed by the state steward or the presiding judge shall attend hearings or inquiries on violations and testify thereat under oath.

(73) Duties of the clerk of course.—The clerk of the course shall:

(a) Maintain all official race summaries, records, suspensions and fines; shall prepare and serve all notices relating thereto and provide daily copies thereof to the state steward, the licensed harness race track and to the judges.

(b) Check the eligibility of all horses entered in races as well as the ownership and management thereof.

(c) Check all drivers' licenses and advise program director and judges of fines and suspensions listed thereon and whether such license is a limited one.

(d) Keep the judges' book and record legibly therein:

(1) All horses entered and their eligibility certificate numbers.

(2) Names of owners and drivers and their license numbers.

(3) A record of each heat, giving the position of horse at finish and money won.

(4) Note of drawn or ruled out horses, placing horses.

(5) Record time in minutes, seconds and fifths of seconds.

(e) Check eligibility certificate before the race, and after the race enter all information provided for thereon, including the horse's position in the race as it was chartered. In the event a horse has been placed on the steward's list, such fact and the reason therefor shall be recorded thereon.

(f) Record all protests, fines, penalties and appeals in the judges' book and see that the book is properly signed by the judges, timers, starter and clerk.

(g) Notify owners and drivers of any penalty assessed by the judges or starter and post a copy of such notice in the racing secretary's office.

(74) It shall be the duty of the racing secretary:

(a) To receive and to keep safe the eligibility certificates of all horses competing at the race track, stabled on grounds, owned or cared for by any licensed horseman and to return same to the owner of a horse or his representative upon their departure from the grounds.

(b) To be familiar with the age, class and competitive ability of all horses racing at the track.

(c) Where the rules require, to classify and reclassify horses in accordance therewith.

(d) To list horses in the classes for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.

(e) To write conditions and schedule the daily racing programs to be presented at the race track and to post them not less than 18 hours before declarations close, and to prepare condition books containing at least a 6 days' racing program which shall be available to horsemen at least 24 hours before the closing declaration on any race program contained therein.

(f) To provide for the listing of horses in such daily program, to examine all entry blanks and declarations; to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions.

(g) To examine nominations and declarations in early closing events, late closing, and stake events; to verify the eligibility of all declarations and nominations, and to compile lists thereof for publication.

(75) State veterinarian.—The commission shall designate a duly licensed veterinarian at each licensed harness race track who shall be known as the state veterinarian.

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The state veterinarian, unless otherwise directed by the commission, shall devote his full time to the performance of the duties of his office and shall not render his professional services to any horsemen on the grounds of the track to which he is assigned during the course of the meeting.

The state veterinarian shall examine such horses as the judges may request him to examine and shall report the findings of such examination to the judges.

The state veterinarian shall reexamine and approve for release from the steward's list all horses that have been placed thereon for being lame, sick or injured, before they may be declared in to race again.

The state veterinarian at each track shall thereafter observe the training and warming up of the horses stabled at a licensed race meeting and shall examine any horse which shall appear ill or infirm, and report thereon to the judges.

The state veterinarian shall observe the horses in the paddock and warming up for the racing program and shall investigate into and examine such horses as appear to him, or are reported to him, to be ill or infirm. He shall report his findings to the judges.

The state veterinarian shall supervise the taking of saliva, urine or such other samples from the horses as may be directed by the judges and shall be responsible for the proper storing and delivery thereof to the state laboratory and the maintenance of required records.

The state veterinarian shall examine horses to be scratched from any race and shall certify that such horse is unfit to compete before it may be scratched.

No horse, having been scratched from a race may enter a later race without the certificate of the state veterinarian that such horse has become fit to race.

(76) Starter.—The starter shall be in the starting gate 15 minutes before the first race. He shall have control over the horses and authority to recommend fines and/or suspension of drivers for any violation of the rules from the formation of the parade until the word "go" is given. He shall notify the judges of penalties imposed by him. He shall report violations of the rules by an association or its officers, giving detailed information. He shall sign each sheet of the judges' book verifying the correctness of the record. His services shall be paid for by the association employing him. An assistant starter may be employed when an association deems it necessary.

(77) Wagering or interest by officials.—No person employed or appointed by the racing commission nor any track designated racing official subject to racing commission approval shall place wagers upon the outcome of any harness horse race conducted at a track at which he works or officiates, or have or maintain any interest, direct or indirect, in a horse participating at any licensed meeting where he works or officiates.

(78) Wagering or interest by certain track employees.—No employee of a licensed harness race track whose duties include the classification of horses shall place wagers upon the outcome of any harness horse race conducted at the track where he is employed, nor shall he directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly, in the purchase or sale of any horse racing at such meeting.

History: 1954 ACS 27, p. 14, Eff. Aug. 14, 1961; 1954 ACS 43, p. 18, Eff. Aug. 14, 1965; 1954 ACS 76, p. 80, Eff. July 18, 1973.

R 431.36 (f) Classification and eligibility.

(79) Eligibility.—For the purpose of eligibility, a racing season or racing year shall be construed as the period from December 1 to December 1, instead of the calendar year. For example, winnings during 1962 shall be construed as money won, from December 1, 1961 to December 1, 1962. All races based on winnings

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will be programmed "Nonwinners of $_____." Additional conditions may be added.

(79a) Time bars prohibited.—No time records or bars shall be used as an element of eligibility.

(80) Date when eligibility is determined.—Horses must be eligible when entries close but winnings on closing date of eligibility shall not be considered. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

(80a) Conflicting conditions.—In the event there are conflicting published conditions and neither is withdrawn by the member, the more favorable to the nominator shall govern.

(80b) Standards for overnight events.—The racing secretary should prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting.

(80c) Posting of overnight conditions.—Conditions for overnight events must be posted at least 18 hours before entries close at meetings other than extended pari-mutuel meetings.

(81) In considering eligibility of a horse to race and the proper identification of the horse the racing secretary and the judges may be guided by the eligibility certificates issued by the United States trotting association. No horse will be permitted to race at a licensed Michigan pari-mutuel meeting which is 15 years of age or older. No horse may be entered in a race until the owner or trainer has supplied the racing secretary with sufficient accurate information concerning the horse's past performance, breeding, earnings and physical description to satisfy the official program requirements outlined in section (c).

(81a) There shall be an automatic fine of $10.00 on the owner of a horse declared in without possessing a current United States trotting association or validated Canadian trotting association eligibility certification at the gait the horse is declared to race.

(82) Types of races to be offered.—In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

(1) Stakes and futurities.

(2) Early closing and late closing events.

(3) Conditioned races.

(4) Claiming races.

(5) Preferred races limited to the fastest horses at the meeting. These may be free-for-all races, invitational races, invitational handicap races, or preferred conditioned races. Horses to be used in such races shall be posted in the racing secretary's office and listed with the presiding judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list.

Not more than 10 such races may be conducted during a 6-day period of racing. At tracks which race less than 5 days per week, not more than 10 such races may be conducted during a 6-day period.

Purses offered for such races shall be at least 25% higher than the highest purse offered for a conditioned race programmed the same racing week. No 2-year-old or 3-year-old will be eligible to be placed on the preferred list until it has won 3 races at that track during the year or has won a lifetime of $15,000.00.

(82a) Limitations on conditions.—Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycle. Where the word "preferred" is used in a condition, it shall not supersede date preference.

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(82b) Dashes and heats.—Any dash or heat shall be considered a separate race for the purpose of conditioned racing.

(82c) Named races.—Named races are not permitted except for preferred races for the fastest horses at a meeting as set forth in subrule (82)(5) above, and invitational 2- or 3-year-old races with a purse at least 25% higher than the highest purse offered for a conditioned race programmed the same racing week.

(82d) Selection or drawing of horses.—For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that a racing secretary must establish a preference system for races as provided in R 431.41(121). However, where necessary to fill a card, not more than 1 race per day may be divided into not more than 2 divisions after preference has been applied and the divisions may be selected by the racing secretary.

(83) Posting requirements.—Names of all horses shall be posted by gait with the following information:

(1) Lifetime winnings.
(2) Season's winnings.
(3) Winnings at the meeting.
(4) Wins during the season.
(5) Age, gait and sex.
(6) Previous year's earnings.
(7) Date of last win.

(84) Rejection of declaration.—The racing secretary may reject the declaration on any horse whose eligibility certificate was not in his possession on the date the condition book is published.

(84a) The racing secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled.

(85) Substitute and divided races.—Substitute races may be provided for each day's program and shall be so designated. Such substitute may be used as part of the next program. Entries in races not filling shall be posted. A substitute race or a race divided into 2 divisions shall be used only if regularly scheduled races fail to fill.

(86) Opportunities to race.—A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. Claiming races may be carded to the proportion of each week's racing program as the number of claiming authorizations on file with the racing secretary bears to the total number of horses on the grounds which are qualified and available for racing.

(86a) Qualifying races.—A horse winning a qualifying race shall not be deprived by reason of such performance of his right to start in an event limited to maidens.

(87) Entry box.—The entry box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least 1 horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the judges, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

History: 1954 ACS 27, p. 18, Eff. Aug. 14, 1961; 1954 ACS 43, p. 19, Eff. Aug. 14, 1965; 1954 ACS 76, p. 80, Eff. July 18, 1973.

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R 431.37 (g) Identification of horses.

(88) Identification.—No horse will be permitted to race at a licensed harness meeting unless the horse has been properly identified and the responsibility for identification of each horse that starts will rest with the paddock judge and his assistants. When such characteristics are available and known identification will be established by lip tattoo numbers, photographs of "night eyes," color, markings, size, gait or any combination of the aforementioned factors, and if submitted, an eligibility certificate issued by the United States trotting association may be considered as an aid to proper identification.

(89) Misrepresentation.—Any misrepresentation of a material fact concerning the record of a horse entered at a licensed harness racing track shall be deemed a violation of these rules and subject the person or persons responsible therefor to all the penalties of this act.

(90) Examination of horse or records.—Any racing official, track official, owner or driver of a horse may call for information concerning the identity or eligibility of any horse competing at a licensed harness race track, and may demand an opportunity to examine such horse with a view to establish identity or eligibility. No owner or party controlling such horse may refuse to afford such information, or to allow such examination. No person shall demand identification of a horse without cause or to embarrass a race.

History: 1954 ACS 27, p. 20, Eff. Aug. 14, 1961.

R 431.38 (h) Claiming races.

(91) (a) Who may claim.—An owner who has declared a horse programmed to start. An authorized agent may claim for a qualified owner. A claim may be made by an authorized agent or trainer, but an agent or trainer may claim only for the account of those for whom he is licensed as an agent.

(b) Prohibitions.

(1) No person shall claim his own horse nor a horse trained by him.

(2) No person shall claim more than one horse in a race.

(3) No qualified owner or his agent shall claim a horse for another person.

(4) No owner shall cause his horse to be claimed directly or indirectly for his own account.

(92) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race.

(92a) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the clerk of the course of the association conducting such claiming race.

(92b) Any entry in a claiming race cannot declare for a subsequent race until after the claiming race has been contested.

(92c) A person or persons who shall enter a horse in a claiming race must have the certificate of registration on file in the office of the racing secretary at the time of declaration.

(93) The owner shall have an amount equivalent to the specified claiming price plus the requisite fees for transfer of registration to this credit with the track giving the race.

(94) Owner's consent.—No declarations may be accepted unless written permission of the owner is filed with the racing secretary at the time of declaration.

(95) Program.—The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(96) Claim box.—All claims shall be in writing, sealed and deposited at least 15

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minutes before the race in a locked box provided for this purpose by the clerk of the course.

(96a) Opening of claim box.—No official shall open said box or give any information on claims filed until after the race. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the judges.

(96b) Multiple claims on same horse.—Should more than 1 claim be filed for the same horse, the owner shall be determined by lot by the judges.

(96c) A horse claimed shall be delivered immediately by the original owner or his trainer to the successful claimant upon authorization by the presiding judge. The horse's halter shall accompany the horse. The horse's shoes or toe weights shall not be removed.

(96d) Refusal to deliver claimed horse.—Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(97) A horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse is vested in the successful claimant from the time the word "go" is given in the first heat or dash, and the successful claimant becomes the owner of the horse, whether it is alive or dead, sound or unsound, or injured during the race or after it. The successful claimant of a horse programmed to start may acquire ownership of a claimed horse, even though the claimed horse was scratched and did not start in the claiming race from which it was scratched. A horse drawn in to a claiming race is eligible to be claimed. A claimant has until post time to exercise his option with the stewards or judges.

(98) Affidavit by claimant.—The judges may require any person making a claim for a horse to make affidavit that he is claiming said horse for his own account or as authorized agent and not for any other person. Any person making such affidavit wilfully and falsely shall be subject to punishment as hereinafter provided.

(98a) Penalty for 30 days.—If a horse is claimed it shall not start in another claiming race until 30 days have elapsed unless such horse is entered for a claiming price at least 20% greater than the price at which it was claimed. The day following the date of claiming shall be the first day. If a horse is claimed no right, title or interest therein shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming.

(99) Return of claimed horse to owner or stable.—No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the original owner for 30 days, nor shall such horse remain in the same stable or under the care or management of the first owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.

(100) Claiming price.—The track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant.

(100a) A horse owner is not prohibited from determining the price for which his horse shall be entered, except as provided in subrule (98a).

(101) Any person violating any of the provisions of this rule shall be fined, suspended, or expelled.

History: 1954 ACS 27, p. 21, Eff. Aug. 14, 1961; 1954 ACS 43, p. 21, Eff. Aug. 14, 1965; 1954 ACS 76, p. 81, Eff. July 18, 1973.

R 431.39 (i) Entries.

(102) All entries must:

(a) Be made in writing.

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(b) Be signed by the owner or his authorized agent. Entries signed by a representative of a track member for another person are void.

(c) Give name and address of both the bona fide owner and agent or registered stable name or lessee.

(d) Give name, color, sex, sire and dam of horse.

(e) Name the event or events in which the horse is to be entered.

(103) If any facts on the entry are falsified for the purpose of deception, the guilty party shall be subject to disciplinary action.

(104) If any person shall sell a horse to be free and clear and it appears thereafter that payments were due or to become due in races of any description and for which suspension has been or is subsequently ordered, such seller shall be held for the amount due with the penalty on the same and fined an amount equal to the amount of suspension. Unless the horse has been suspended prior to a sale, a subsequent suspension for unpaid entry fees will have no effect as against a bona fide purchaser for value without notice.

(105) All entries except in overnight events not actually received at the hour of closing shall be ineligible, except entries by letter bearing postmark not later than the following day (omitting Sunday) or entries notified by telegraph, the telegram to be actually received at the office of sending at or before the hour of closing, such telegram to state the color, sex, and name of the horse, the class to be entered; also to give the name and residence of the owner and the party making entry. Whenever an entry or payment in a stake, futurity, or early closing race becomes payable on a Sunday or a legal holiday that falls on Saturday, such payment is to be due on the following Monday and if made by mail the envelope must be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, such payment is due on Tuesday, and if made by mail must be postmarked on or before the following Wednesday.

(106) All entries and payments not governed by published conditions shall be void and any deviation from such published conditions shall be punishable by disciplinary action, and any nominator who is allowed privileges not in accordance with the published conditions of the races, or which, are in conflict with these rules, shall be debarred from winning any portion of the purse, and the said nominator and the racing secretary or other persons who allowed such privileges shall be subject to disciplinary action.

(107) A horse entered in an event to which it is ineligible may be transferred to any event to which he is eligible at the same gait.

(107a) A horse may not be entered for more than 1 race in any 1 day.

(108) All engagements shall be void upon the decease of either party or horse, prior to the starting of the race, so far as they shall effect the deceased party or horse, except when assumed by the estate or where the proprietorship is in more than one person, and any survive.

(109) Every entry shall constitute an agreement that the person making it, the owner, lessee, manager, agent, nominator, driver or other person having control of the horse, and the horse shall be subject to these rules and regulations, and will submit all disputes and questions arising out of such entry to the authority and the judgment of the commission whose decision shall be final.

(110) When entry fees exceed 85% of the advertised purse value, such excess entry fees shall be added to the purse. Where the race is split into divisions, each division shall have a purse value of not less than 75% of the advertised purse. However, entry fees in excess of the amount prescribed above may be used toward the amount that must be added. In all cases the association shall add at least 15% to the advertised purse.

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(111) A veterinarian licensed to practice on the premises of a race meet licensee shall maintain a record of all medications which he administers to any horse on the premises of a licensee. The record shall be on a form approved by the racing commissioner and shall include at least the name of the horse, the date of treatment and the name of the trainer. A copy of this record shall be furnished to the owner and trainer of the horse and to the commissioner. Before administering medication, a veterinarian shall determine whether a horse has been or will be entered in a race. If a horse has been or will be entered, the veterinarian shall immediately report to the state veterinarian and the stewards that a medication has been administered. If a medication is administered to a horse that has been or will be entered in a race within the next 4 days off the premises of a race meet licensee, the owner or trainer of that horse shall furnish this record to the office of the commissioner as soon as the horse is brought on the premises of a race meet licensee.

History: 1954 ACS 27, p. 22, Eff. Aug. 14, 1961; 1954 ACS 43, p. 22, Eff. Aug. 14, 1965; 1954 ACS 51, p. 43, Eff. Aug. 15, 1967; 1954 ACS 76, p. 81, Eff. July 18, 1973.

R 431.40 (j) Entries and starters required; split races.

(112) An association must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off as provided in R 431.42.

In early closing events, or late closing events, if 5 or more horses are declared in to start, the race must be contested, except when declared off as provided in R 431.42.

In early closing event, if less horses are declared in than required to start, and all declarers are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and any forfeits from each horse named.

(113) Elimination heats or 2 divisions.—

(a) In any race where the number of horses declared in to start exceeds 12 on a ½-mile track or 16 on a mile track, the race, at the option of the track conducting same stated before positions are drawn, may be raced in elimination heats. No more than 2 tiers of horses, allowing 8 feet per horse, will be allowed to start in any race.

(b) Where the race is early closing, late closing or an overnight event, the race may be divided by lot and at least 50% added to the advertised purse and raced in 2 divisions; each division racing for ½ of the total increased purse as above provided. If 3 or more divisions are necessary, the track shall add an amount sufficient to allow each division to race for at least 75% of the purse originally advertised.

(c) In any stake race or futurity, where the conditions state that the event shall be raced 1 dash on a race track of less than a mile at an extended pari-mutuel meeting, and where the number of horses declared in to start exceed 12, the race, at the option of the racing association conducting the same, stated before positions are drawn, may be divided by lot and raced in 2 elimination divisions with all money winners from both divisions competing in the final. Each division shall race 1 elimination heat for 20% of the total purse. The remainder of the purse shall be distributed to the money winners in the final.

(114) Elimination plans.—

(a) Whenever elimination heats are required, or specified in the published conditions such race shall be raced in the following manner unless conducted under another section of this rule. That is, the field shall be divided by lot and the

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first division shall race a qualifying dash for 30% of the purse, the second division shall race a qualifying dash for 30% of the purse and the horses so qualified shall race in the main event for 40% of the purse. The winner of the main event shall be the race winner.

In the event there are more horses declared to start than can be accommodated by the 2 elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40% of the purse. In event there are 3 or more qualifying dashes, not more than 3 horses will qualify for the final from each qualifying dash.

If 12 horses declare to start, only the first 4 horses in each elimination dash qualify to continue. If 13 horses declare to start the first 4 horses in the division with 6 horses and the first 5 horses in the division with 7 horses qualify. If 14 or more declare to start, only the first 5 horses in each elimination dash qualify to continue.

The judges shall draw the positions in which the horses are to start in the main event, i.e., they shall draw positions to determine which of the 2 dash winners shall have the pole, and which the second position; which of the 2 horses that have been second shall start in third position; and which in fourth, etc. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions.

(b) In any race where the number of horses declared in to start exceeds 12 on a ½-mile track or 16 on a ⅝ or mile track, unless other numbers are specified in the conditions, the race, at the option of the track conducting the same, stated before positions are drawn, may be divided by lot and raced in 2 divisions with all heat winners from both divisions competing in a final heat to determine the race winner. Each division shall race 2 heats for 20% of the purse each heat. The remaining 20% of the purse shall go to the winner of the final heat.

(c) Wherever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on the 3-heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30% of the purse, the second division shall race for 30%, and the horses qualifying in the first and second divisions shall race the third heat for 30% of the purse. If, after the third heat, no horse has won 2 heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10% of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in section 3 (a) of this rule.

(115) Overnight events.—Not more than 8 horses shall be allowed to start on a ½-mile track in overnight events and not more than 10 horses on larger tracks at extended pari-mutuel meetings.

(116) Where qualifying races are provided in the conditions of an early closing event, stake or futurity, such qualifying race must be held not more than 5 days prior to contesting the main event (excluding Sunday) and omitting the day of the race.

History: 1954 ACS 27, p. 23, Eff. Aug. 14, 1961.

R 431.41 (k) Declaration to start and drawing horses.

(117) (1) Unless otherwise specified in the conditions, the declaration time shall be 9 a.m. at an extended pari-mutuel meeting. The licensee shall provide a locked box with an aperture through which declarations shall be deposited. At the

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time specified the presiding judge shall unlock the box, sort the declarations and immediately draw the positions in the presence of the owners or their representatives who may appear, after preference date and eligibility have been ascertained. In races of a duration of more than 1 dash or heat at a pari-mutuel meeting, the judges may draw positions from the stand for succeeding dashes or heats. Declarations by mail or telegraph, actually received and deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. The drawings shall be final. When a track requires a horse to be declared at a stated time, failure to so declare constitutes a withdrawal from the event.

(2) After a declaration to start has been made a horse shall not be drawn except by permission of the judges. Disciplinary action may be imposed against the horse and the party who violates the rule for drawing a horse without permission. If the person making the declaration fails to honor it and there is no opportunity for a hearing by the judges, this penalty may be imposed by the state steward.

(3) In an early closing event the withdrawing of a horse that has drawn a position in the front tier shall not affect the position of the horses that have drawn in the second tier.

(118) At all extended pari-mutuel meetings, declarations cannot be accepted without at least 1 current charted line showing a performance meeting the qualifying standards of the track for the class of race. Current performance shall be defined as a start within 30 days of the declaration date by horses making their second or subsequent start during the year. A charted line of the last start of the preceding year may be considered current past performance for horses making their first start during the year up until June 15 of such year.

(119) Entries.—When the starters in a race include 2 or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" where pari-mutuel wagering is conducted and a wager on 1 horse in the "entry" shall be a wager on all horses in the "entry." If the race is split in 2 or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(120) Also eligibles.—Not more than 2 horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event 1 or more horses is excused by the judges the also eligible horse or horses shall race and take the post position of the horse scratched. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved into race by 9:00 a.m. on the day of the race shall be released.

(121) Preference.—Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which he was scratched.

When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly.

This rule relating to preference is not applicable for any meeting at which an agriculture fair is in progress.

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(122) Steward's list.—

(a) A horse that is unfit to race because he is dangerous, unmanageable, sick, lame, unable to show performance to qualify for races at the meeting, or otherwise unfit to race at the meeting may be placed on a "steward's list" by the judges and declarations on said horse shall be refused, but the owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the records of such horse, showing the date the horse was put on the steward's list, the reason therefor and the date of removal if the horse has been removed.

(b) The officials at a licensed pari-mutuel meeting will not be required to remove a horse from the steward's list as a result of the horse being allowed to race at a fair or other unlicensed race meeting, although they may take such a race into consideration in establishing the status of the horse.

(123) Driver.—Declarations shall state who will drive the horse and give the driver's colors. No driver shall be changed except by permission of the judges. When a nominator starts 2 or more horses, the judges shall approve or disapprove the second and third drivers.

(124) It shall be the duty of the judges to call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad track or weather conditions.

(125) In case of questionable track conditions due to weather, the judges shall call a meeting consisting of an agent of the track association, the duly elected representative of the horsemen and 1 of themselves.

(126) Upon unanimous decision by this committee of 3, that track conditions are safe for racing, no unpermitted withdrawals may be made.

(127) (a) Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting 10% of the purse to be raced for. In the event sufficient withdrawals are received to cause the field to be less than 6, then the track shall have the right of postponement of an early closing event or stake and cancellation of an overnight event.

(b) Said money posted shall be retained by the horsemen's bookkeeper of the meeting and paid in to the state general fund, or refunded to the individual upon a decision of the judges hearing the case as to whether the withdrawal was for good cause.

The above procedure applies only to the withdrawal of horses that have been properly declared in and does not relate to postponement which is covered elsewhere.

History: 1954 ACS 27, p. 24, Eff. Aug. 14, 1961; 1954 ACS 43, p. 22, Eff. Aug. 14, 1965; 1954 ACS 76, p. 81, Eff. July 18, 1973.

R 431.42 (l) Postponement.

(128) In case of unfavorable weather, or other unavoidable cause, the track with the consent of the judges shall postpone races in the following manner:

(a) Early closing races, stakes and futurities. All shall be postponed to a definite hour the next fair day and good track.

(b) Any late closing race, early closing and stake or futurity, except as provided in (d) and (e) below, that cannot be raced during the scheduled meeting shall be declared off and the entrance money and forfeits shall be divided equally among the nominators who have horses declared in the eligible to start.

(c) Any late closing race or early closing race that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and

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the full purse divided according to the summary. In overnight events only that portion of the purse as has been contested will be paid.

(d) Any stake or futurity that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to the summary.

(e) Unless otherwise provided in the conditions, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the track and from all those having eligibles in the event.

(f) Overnight events may be postponed and carried over not to exceed 2 racing days.

History: 1954 ACS 27, p. 25, Eff. Aug. 14, 1961.

R 431.43 (m) Starting.

(129) With a starting gate:

(a) The starter shall have control of the horses from the formation of the parade until he gives the word "go."

(b) After 1 or 2 preliminary warming up scores, the starter shall notify the drivers to fasten their helmet chin straps and come to the starting gate. During or before the parade the drivers shall be informed as to the number of scores permitted.

(c) The horses shall be brought to the starting gate as near ¼ of a mile before the start as the track will permit.

(d) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

(1) For the first ⅛ mile, not less than 11 miles per hour.

(2) For the next 1/16 of a mile not less than 18 miles per hour.

(3) From that point to the starting point, the speeds will be gradually increased to maximum speed.

(e) On mile tracks horses will be brought to the starting gate at the head of the stretch and the relative speed mentioned in subdivision (d) above will be maintained.

(f) The starting point will be a point marked on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.

(g) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

(h) In case of a recall, a light plainly visible to the driver shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses.

(i) There shall be no recall after the word "go" has been given and any horse, regardless of his position, or an accident, shall be deemed a starter from the time he entered into the starter's control unless dismissed by the starter.

(j) The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a bad actor or a breaking horse.

(k) The starter may sound a recall only for the following reasons:

(1) A horse scores ahead of the gate.

(2) There is interference.

(3) A horse has broken equipment.

(4) A horse falls before the word "go" is given.

(5) Where a horse is approximately 2 lengths or more off the gate or is off stride when the gate reaches the recall pole the field shall be turned.

(6) If the same horse causes a second recall in the same race, he shall be ordered scratched and all monies wagered on the horse shall be refunded.

(l) Disciplinary action may be recommended by the starter for:

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(1) Delaying the start.
(2) Failure to obey the starter's instruction.
(3) Rushing ahead of the inside or outside wing of the gate.
(4) Coming to the starting gate out of position.
(5) Crossing over before reaching the starting point.
(6) Interference with another driver during the start.
(7) Failure to come up into position.

A hearing must be granted before any penalty is imposed.

(m) No persons shall be allowed to ride in the starting gate except the starter and his driver or operator.

(n) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(130) Horses shall be permitted to take 2 scores before going to the post and upon completion of the second score, the horses shall be gathered, by the starter, and then immediately moved into their positions behind the gate. Horses may be held on the backstretch not to exceed 2 minutes awaiting post time, except when delayed by an emergency.

(131) In the event there are 2 tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

(132) If it becomes necessary to start horses without a gate, the starter shall have control of the horses from the formation of the parade until he gives the word "go." He shall be located at the wire or other point of start of the race at which point as nearly as possible the word "go" shall be given. No driver shall cause unnecessary delay after the horses are called. After 2 preliminary warming up scores, the starter shall notify the drivers to form in parade.

(133) The driver of any horse refusing or failing to follow the instructions of the starter as to the parade or scoring ahead of the pole horse may be set down for the heat in which the offense occurs, or for such other period as the starter shall determine, and may be fined. Whenever a driver is taken down the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of his position or gait and there shall not be a recall on account of a bad actor. If the word is not given, all the horses in the race shall immediately turn at a signal, and jog back to their parade positions for a fresh start. There shall be no recall after the starting word has been given.

(134) The horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course. Drivers must be mounted at the finish of the race or the horse must be placed as not finishing.

(135) If in the opinion of the judges or the starter a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver it may be sent to the barn, but the entry and declaration fees on the horse shall be refunded. When this action is taken the starter will notify the judges who will in turn notify the public.

(136) Bad acting horses.—At meetings where there is no wagering, the starter may place a bad acting horse on the outside at his discretion. At pari-mutuel meetings such action may be taken only where there is time for the starter to

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notify the judges who will in turn notify the public prior to the sale of tickets on such horse. If tickets have been sold, the bad acting horse must be scratched under the provision of subrule (135).

(137) The arms of all starting gates shall be provided with a screen or a shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

History: 1954 ACS 27, p. 26, Eff. Aug. 14, 1961; 1954 ACS 43, p. 23, Eff. Aug. 14, 1965; 1954 ACS 78, p. 82, Eff. July 18, 1973.

R 431.44 (n) Drivers-trainers.

(138) Application for license.—Every person desiring to drive a harness horse at a race meeting licensed by the Michigan state racing commission shall be required to obtain a license from the commission. Applications may be filed at the commission office or with the state steward.

(139) Qualification for driver's license.—Every applicant for a license to drive a harness horse at a race meeting licensed by the state of Michigan racing commission in addition to any other requirements heretofore mentioned shall satisfy the commission:

(a) That he has had at least 1 year's training experience and has shown the ability to drive.

(b) That he is familiar with the rules of racing, is at least 16 years of age, is of good moral character and is in sound physical and mental condition.

No person shall be permitted to drive at a race meeting licensed by the Michigan state racing commission without a Michigan state license, but the state steward or the judges at any race meeting may refuse to permit any licensed driver to compete in a race if, in the judgment of such official or officials, he is unfit to drive.

(140) Safety helmets.—Every driver competing in a race or warming up a horse shall wear a safety helmet of a type approved by the racing commission, or a type of equivalent quality, on recommendation of the steward and no change shall be made in any such helmet without the approval of the steward. Chin straps must be fastened at all times.

(141) Physical examination—eye test.—If the steward has any reason to believe that an applicant for a driver's license has faulty vision or is otherwise physically unfit, he may require the applicant to submit himself to an eye examination or a complete physical examination. Failure to undergo such examination or to receive a satisfactory rating on such an examination will be grounds for denial of the license.

(142) Officials may not drive.—No officer, director or employee of a licensed Michigan harness racing track shall drive in a race at a track with which he is associated, except in nonbetting races.

(143) Driver's colors.—No driver or trainer shall be allowed to drive in any race or public performance, or otherwise appear on the race track during the racing program unless wearing his own or his owner's registered colors, and no driver may appear in colors registered in the name of another, without the special permission of the judges. No driver or trainer wearing colors may appear at any betting booth or window at a race track, or at any bar or restaurant dispensing alcoholic beverages.

(144) Driver's meeting.—Before the first heat or race at any meeting is contested the racing officials and the drivers shall meet at a time and place to be designated by the judges. Notice of the time and place of such meeting shall be published on the bulletin board in the office of the racing secretary at least 48

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hours prior to the meeting, and shall be announced over the public address system 1 hour prior to the meeting.

The officials will announce any special rules affecting the race meeting and shall construe such of the rules of racing as shall be requested. At the conclusion of such meeting all drivers shall be presumed to be familiar with the rules of racing.

No driver will be permitted to drive unless he shall have attended such meeting or have met with the officials thereafter by appointment and at their convenience.

(145) Examination of license.—No driver will be permitted to drive in a race at a licensed harness racing meeting until he has presented his Michigan state racing commission driver's license to the clerk of course for examination.

(146) Substitutions of drivers.—If the judges believe a driver is unreliable, unfit or incompetent to drive, or if he refuses to comply with the direction of the judges, or is reckless or unmannerly in his conduct, he may be removed and another driver substituted any time after the positions have been drawn in a race. Compensation of such substitute driver may be fixed in the discretion of the judges.

(147) Without limiting the generality thereof the license of any driver may be suspended, revoked or money fine imposed at any time for:

(a) Violation of any rule of the racing commissioner.

(b) Failure to obey the instructions of a racing official appointed or designated by the racing commissioner.

(c) Any act or conduct detrimental to the sport including, but not limited to:

(1) Failure to drive in a race when programmed unless excused by the judges.

(2) Loud, boisterous, offensive or profane language.

(3) Consumption of intoxicating beverages or unfit condition to drive.

(4) Assault upon any other person, fighting in silks or disturbing the peace.

(5) Smoking in silks while on the race track.

(6) Warming up a horse without silks at any time after the admission gates are open.

(7) Failure to participate in post parade, unless specifically excused by the judges.

(148) Drivers shall, when directed by the judges, submit to a breath analyzer test and if the results thereof show a reading of a more than .05% of alcohol in the blood, such person shall not be permitted to drive, and an investigation will be started to determine if there has been a violation of subrule (147)(c)(3).

History: 1954 ACS 27, p. 27, Eff. Aug. 14, 1961; 1954 ACS 76, p. 82, Eff. July 18, 1973.

R 431.45 (o) Racing and track rules.

(149) Although a leading horse is entitled to any part of the track except after selecting his position in the home stretch, neither the driver of the first horse or any other driver in the race shall do any of the following things, which shall be considered a violation of driving rules:

(a) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride.

(b) Jostle, strike, hook wheels, or interfere with another horse or driver.

(c) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner endangering other drivers.

(d) Swerve in and out or pull quickly.

(e) Crowd a horse or driver by "putting a wheel under him."

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(f) "Carry a horse out" or "sit down in front of him," take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, let a horse pass inside needlessly, or do any other act which constitutes what is popularly known as "helping."

(g) Commit any act which shall impede the progress of another horse or cause him to "break."

(h) Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause him to change course or take back.

(i) Drive in a careless or reckless manner.

(j) Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed.

(k) Fail to set and maintain a pace reasonable for that class of horse.

(150) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. At the conclusion of each heat or dash, every driver shall return in the sulky to the judges' stand to be dismissed by the judges. Any driver desiring to enter a claim of foul or other complaint of violation of the rules, must before dismounting indicate to the judges his desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint shall have been entered and considered.

(150a) Frivolous foul claim.—Any person or persons lodging an objection determined by the stewards or racing commissioner to be unreasonable or frivolous must pay all the costs and expenses incurred in determining the objection, unless relieved from such expense by the Michigan racing commissioner.

(151) If any of the above violations is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of any entry.

(152) In case of interference, collision or violation of any of the above restrictions, the offending horse may be placed behind all the unoffending horses in that heat or dash, and in the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings; and the driver may be fined, suspended or expelled.

(153) (a) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven, or has been driven, with design to prevent his winning a heat or dash which he was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone in concert with him to so affect the outcome of the race or races, may be subject to disciplinary action. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(b) In the event a drive is unsatisfactory due to lack of effort or carelessness, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive they may recommend a penalty under this subsection not to exceed 10 days' suspension, or a $100.00 fine.

(c) In the event a penalty is placed on a driver under either subdivision (a) or (b) above, the horse must be placed on the steward's list and may not be removed

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therefrom until it goes in a qualifying race and qualifies in a time comparable to the class of the horse.

(154) If in the opinion of the judges a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges, or is reckless in his conduct and endangers the safety of horses or other drivers in the race, he may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be subject to disciplinary action. The substitute driver shall be properly compensated.

(155) If for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

(156) Loud shouting or other improper conduct is forbidden in a race.

(157) Drivers will be allowed whips not to exceed 4 feet 8 inches, plus a snapper not longer than 8 inches.

(157a) The use of a goading device, chain, mechanical device or appliance other than the ordinary whip or crop upon a horse in a race is prohibited. Brutal or indiscriminate use of the whip or crop is prohibited. A fine of not more than $100.00 or suspension for a violation of this rule may be levied by the stewards or judges.

(157b) The owner and trainer shall equip a sulky used in a race with uncolored or colorless wheel discs on the inside and outside of the wheel of a type approved by the racing commissioner. The stewards or judges may order the use of mud guards at pari-mutuel tracks according to weather conditions.

(158) No horse shall wear hopples in a race unless he starts in the same in the first heat, and having so started, he shall continue to wear them to the finish of the race, and any person found guilty of removing or altering a horse's hopples during a race, or between races, for the purpose of fraud, shall be suspended or expelled. Any horse habitually wearing hopples shall not be permitted to start in a race without them except by the permission of the judges. Any horse habitually racing free legged shall not be permitted to wear hopples in a race except with the permission of the judges. No horse shall be permitted to wear a head pole protruding more than 10 inches beyond its nose.

(159) Breaking.—

(a) When any horse or horses break from their gait in trotting or pacing, their drivers shall at once, where clearance exists, take such horse to the outside and pull it to its gait.

(b) The following shall be considered violations of section 11 (a):

(1) Failure to properly attempt to pull the horse to its gait.

(2) Failure to take to the outside where clearance exists.

(3) Failure to lose ground by the break.

(c) If there has been no failure on the part of the driver in complying with 11 (b), (1), (2) and (3), the horse shall not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back 1 or more places if in their judgment any of the above violations have been committed.

(160) If in the opinion of the judges, a driver allows his horse to break for the purpose of fraudulently losing a heat, he shall be subject to disciplinary action.

(161) To assist in determining the matters contained in sections 11 and 12, it shall be the duty of 1 of the judges to call out every break made, and the clerk shall at once note the break and character of it in writing.

(162) The time between heats and for any distance up to and including a mile shall be not less than 25 minutes; for any distance between 1 and 2 miles, 30 minutes.

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(163) Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the track at once, unless permitted to remain by the judges.

(164) In the case of accidents, only so much time shall be allowed as the judges may deem necessary and proper.

(165) The driver of a horse must be responsible for that horse when the horse comes on the track, when the horse is in the paddock and until such time as the horse has completed racing and has left the track. It shall be the responsibility of a driver, when warming up another horse, to select a driver to parade his horse.

(166) Drivers in colors will be under the jurisdiction of the paddock judge and will not be permitted to talk to anyone except their owners, their stable employees, officials and other drivers in colors.

(167) Once entering the paddock area, trainers, drivers and grooms shall remain in such restricted area until they have completed their duties for the night's racing. The one exception to this ruling is that trainers and drivers may leave the area for the purpose of warming up horses not yet required to be in the paddock.

(168) Drivers in colors will not be permitted in the grandstand area.

History: 1954 ACS 27, p. 28, Eff. Aug. 14, 1961; 1954 ACS 43, p. 23, Eff. Aug. 14, 1965; 1954 ACS 76, p. 82, Eff. July 18, 1973.

R 431.46 (p) After the race.

(169) Horses involved in a win photo shall be turned in front of the grandstand until the results of the photo are posted.

(170) After the race, drivers must return, in the sulky, to the judges' stand and salute the judges, and shall dismount or leave the track only when permission to do so shall have been granted by the judges. The winner will enter the winner's circle and will be in the custody of the person responsible for taking him to the paddock for saliva test.

(171) All winners must report to the veterinarian after the race for a saliva and urine test. The veterinarian may, at the discretion of the judges, make test on any other horse or horses in the race.

(172) Any driver wishing to claim foul must do so immediately upon returning to the patrol judge's stand on the first turn. After lodging an objection at the patrol judge stand, the driver shall immediately go to the draw gate phone and converse with the judges concerning the objection.

(173) All horses starting a race must finish except in case of an accident. Offense subject to suspension and fine.

(174) Horses must not be moved in or out of the grounds, or moved from stall to stall without receiving approval of the stable superintendent.

History: 1954 ACS 27, p. 30, Eff. Aug. 14, 1961.

PART 3. MUTUELS

R 431.51 (a) General rules.

(274) There will be no exchange of tickets after purchaser has left sales window.

(275) No minors shall be allowed to wager.

(276) Wagers shall be paid when a race is declared official by the stewards. A race shall be deemed official when the official sign is purposely displayed or such announcement made. Any subsequent ruling of the stewards with regard to the award of purse money shall have no bearing on the mutuel payoff.

(277) Tickets altered or mutilated in any way will be void and worthless. Torn tickets, if properly identifiable will be honored at the mutuel department information window.

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(278) Responsibility for cashing winning tickets and passing upon the validity of torn tickets rests with the racing association until September 1 of the year following the race meeting at which such tickets were sold.

(279) No winning ticket shall pay less than $2.20 on a wager of $2.00 and the minimum value of winning tickets of a higher denomination shall be in direct proportion thereto. No licensee shall use any part of the state tax or the state's share of the breakage to make up any minus pool.

(280) Should there be any error in calculation where the public is underpaid the amount of the underpay shall be added to the same pool on the next race. If such an error should result in the public being overpaid, the amount of the overpay will be chargeable against the funds of the racing association.

(281) Payments will be made only on the first 3 horses passing the finish line, according to the official order of finish, except in the case of a dead heat for show in which case payments will be made on the first 4 horses.

(282) If a horse be excused from racing for any reason whatsoever after the betting thereon has begun, or becomes locked in the starting gate, the money bet on that horse shall be refunded; except that when the horse is part of an entry or the "field," there shall be no refund, provided that the entry or the "field," as the case may be, has at least 1 actual starter.

(283) (a) A thoroughbred race meeting licensee in a city area shall retain as his commission 15% of all moneys wagered and shall pay to the state treasurer from his commission 8% of all moneys wagered on pari-mutuel wagering, plus ½ of the breaks, as defined in subrule (290).

A thoroughbred race meeting licensee outside a city area shall retain as his commission 15% of all moneys wagered and shall pay to the state treasurer from his commission 6% of all moneys wagered on pari-mutuel wagering, plus ½ the breaks.

(b) Each harness race meeting licensee shall retain as his commission 15% of all moneys wagered and shall pay to the state treasurer from his commission 5% of all moneys wagered on pari-mutuel wagering, plus ½ the breaks.

DAILY DOUBLE

(284) The daily double is not a parlay and has no connection with or relation to the mutuel betting. All tickets on the daily double will be calculated in an entirely separate pool.

(285) All daily double tickets will be to WIN (straight) only.

(286) If no ticket is sold combining the winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner of the first half (or race) of the daily double and those having tickets including the winner in the second half (or race) of the daily double in the same manner in which a place pool is calculated and distributed.

(287) (a) Should any horse entered in either the first or second half of a daily double and not coupled with a starter be scratched, excused by the stewards, or prevented from racing before the race in the first half of a daily double is run, then all money wagered on any horse or horses so excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse so excused or prevented from racing.

(b) Should any horse or horses not coupled with a starter be scratched, excused by the stewards or prevented from racing because of the failure of the stall doors or starting gate to open in the last half of a daily double and after the first race in a daily double has been declared official, all tickets including such horse or horses shall become consolation tickets and shall be paid a price per dollar denomination determined as follows:

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The net daily double pool (the gross daily double pools less tax) shall be divided by the total purchase price of all tickets designating the winner of the first daily double race and the quotient obtained shall constitute the price to be paid. The total amount payable on consolation tickets shall be deducted from the net daily double pool.

(288) Subrules numbered (274) to (287) will be printed in type no smaller than 6 point in size in the daily program sold by each racing association. Subrules numbered (274) to (313)(f) will be posted for the benefit of the public in at least 2 places in the betting area of each racing association and in at least 4 places in those racing associations providing a club house area.

(a) Mutuel department rules printed in the program or posted for the public, shall be preceded by the following:

All payoffs by the pari-mutuel departments of race meeting licensees licensed by the Michigan racing commission are subject to the regulations of the United States government and the internal revenue service.

(289) Should any emergency arise in connection with the operation of the mutuel department not covered by these rules and an immediate decision is necessary, the mutuel manager shall make the decision and a prompt report of the facts will be made to the racing commission.

(a) If an error is made in posting the odds or the payoff figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the payoff; irrespective of the error that may have appeared on the public board. If because of mechanical failure it is impossible to promptly correct the posted payoff, a statement shall be made over the public address system stating the facts and corrections.

(290) Breakage shall at all times be computed at 10 cents and defined as the cents over any multiple of 10 otherwise payable to a patron on a wager of $1.00.

(291) A copy of all calculating sheets and daily double take-off sheets shall be in the hands of the state auditors before the result of each race is declared official.

(292) If for any reason the tote ticket machines are locked before the usual closing time, they shall remain closed and all payoffs on said race computed on the sums wagered at that time.

(293) Racing commission employees and officials, association racing officials, the mutuel department manager, state auditors and mutuel department calculating room employees are not permitted to wager. Penalty for such violation shall be dismissal. No jockey and no driver in colors shall enter the betting area.

(294) If a race is cancelled by the stewards after wagering begins on that race, all said money shall be refunded. If for any reason the first half (or race) of a daily double is cancelled and declared "no race," full and complete refund will be made of the daily double pool. If for any reason the second race of a daily double is cancelled and declared "no race," the net daily double pool shall be paid equally to the holders of the daily double tickets which include the winner of the first half of a daily double.

(295) In all races with 5 or more separate interests which start, racing associations shall provide win, place and show betting; in all races with 4 separate interests which start they shall provide win and place betting; in races of 3 or 2 separate interests which start they shall provide only win betting; except in stake races which shall be regulated in this respect by the stewards or judges. Pari-mutuel tickets shall be sold accordingly.

(296) If, through accident or otherwise a horse or horses should be withdrawn and the starting field reduced where it be necessary to cancel the show or place pool, said pool will be refunded. However, holders of combined tickets shall have

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action for that portion of the ticket not called off and a refund on the portion called off.

(297) All race tracks in the Detroit area under the jurisdiction of the commission are required to install and maintain mechanically operated totalisators and result boards in plain view of patrons. Any racing association in the Detroit area which maintains a daily average mutuel handle of $250,000.00 or over for at least 3 years within any given 5-year period will be required before the following year to install the large type display board which shows the public the total amount wagered on each horse in each of the 3 pools.

(298) No pari-mutuel tickets shall be sold except at regular ticket windows, properly designated by signs showing the types of tickets sold at such windows, or through authorized messengers. No such tickets shall be exchanged.

(299) Payment on winning pari-mutuel tickets shall be made only upon presentation and surrender of such tickets.

(300) All winning pari-mutuel tickets must be presented for payment to the racing association concerned before September 1 of the year following the year of their purchase and after that date to the state board of escheats, Lansing, Michigan.

(301) Mutuel sellers' windows shall open at least 30 minutes before the first race and at least 20 minutes before each other race. Mutuel cashiers' windows shall open as soon as possible after the "official" results have been posted.

(302) The pari-mutuel machines will be locked by the state steward immediately upon the start of the race through an electrical control in the steward's stand. If the start of the race is delayed more than 2 minutes beyond the official post time as shown on the results board without adequate reason or explanation, the state steward may at his discretion lock the pari-mutuel machines before the start of the race.

(303) No association shall be responsible for ticket sales not completed before the machines are locked.

(304) Daily double machines will be locked by the state steward at the same time as the regular pari-mutuel machines.

(305) Mutuel cashiers' windows shall remain open until 30 minutes after the last race.

(306) Bookmaking, or betting other than through the pari-mutuel system conducted by a duly licensed racing association is strictly prohibited. Bookmaking is a criminal offense and is punishable under state statutes by a fine or imprisonment or both.

(307) No refunds of money paid for pari-mutuel tickets to be made as directed by the rules of the commission shall be made except upon the presentation and surrender of the tickets.

(308) Pool calculations:

The pari-mutuel pools shall be calculated and distributed as follows:

(a) In any race, the win, place, show and daily double pools are treated separately and calculated independently of each other.

(b) In all pools the net amount for distribution shall be all sums deposited in the pari-mutuel pool less 15% of the total deposits plus the breaks as defined in subrule (290) and in section 14 of Act No. 27, Public Acts of 1959, as amended.

(c) Win pool. The net pool divided by the amount wagered on the horse finishing first, determines the payoff per dollar, including profit and wager.

When 2 horses finish first in a dead heat, the money in the win pool is divided the same as in a place pool calculation.

(d) Place pool. The amounts wagered on horses finishing first and second are deducted from the net pool to determine the profit. This profit is divided in half,

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and the halves, in turn, divided by the 2 amounts mentioned above. This determines the profit per dollar, to which is added the wager.

When 2 horses finish second in a dead heat, ½ of the profit is allocated to the tickets representing wagers on the horse finishing first, and the remaining half is allocated equally to the wagers on horses finishing in the dead heat for second.

When 2 horses in the "field" or coupled as an entry run first and second, the place pool shall be distributed the same as in a win pool.

(e) Show pool. The amounts wagered on the horses finishing first, second and third, are deducted from the net pool to determine the profit. This profit is divided into 3 equal parts, and each part, in turn, divided by the 3 amounts mentioned above. This determines the profit per dollar, to which is added the wager.

When 2 horses finish third in a dead heat, ⅓ of the profit is allocated to the tickets representing wagers on the horse finishing first, ⅓ to the wagers on the horse finishing second, and the remaining ⅓ equally to the wagers on the horses finishing in the dead heat for third.

When 2 horses in the "field" or coupled as an entry finish first and second, first and third, or second and third, ⅔ of the profit is allocated to the tickets representing wagers on the "field" or entry, and the remaining ⅓ to the wagers on the other horse.

When 1 horse in the "field" or coupled as an entry finishes first or second, and the other part of the entry or "field" finishes third in a dead heat with another horse, ½ of the profit is allocated to the tickets representing wagers on the "field" or entry, ⅓ to the horse finishing first or second, and the remaining ⅙ to the wagers on the horse finishing third in the dead heat with the "field" or entry.

When 3 horses in the "field" or coupled as an entry run first, second, and third, the place and show pools shall be distributed the same as a win pool.

(f) When only 2 horses finish, the show pool, if any, shall be distributed the same as in a place pool.

(g) When only 1 horse finishes, the place and show pools, if any, shall be distributed the same as in a win pool.

(h) In any race in which no horse finishes, all money wagered on the race shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon.

(i) No disqualified horse shall be considered in any mutuel payoff.

(309) The daily double pools shall be calculated and distributed as follows:

(a) The net pool divided by the amount wagered on the winning combination determines the payoff per dollar, including profit and wager.

(b) If no ticket is sold including the winner of the first race of the daily double, the net pool shall be paid to the holders of tickets which include the winner of the second race of the daily double.

(c) If no ticket is sold including the winner of the second race of the daily double, then the net pool shall be paid to the holders of tickets which include the winner of the first race of the daily double.

(d) If no ticket is sold including the winner of either race, then the net pool shall be paid to the holders of tickets, which include the horses finishing second in the 2 races of the daily double.

(e) If no ticket is sold which would require distribution of the daily double pool, the association shall make a complete and full refund of the pool.

(f) In the event of a dead heat either in the first race or second race of the daily double, 2 winning combinations result. The amounts wagered on both winning combinations are deducted from the net pool to determine the profit. This profit is divided in half, and the halves, in turn, divided by the 2 amounts mentioned

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above. This determines the profit per dollar, to which is added the amount of the wager.

(g) In the event of a dead heat in both races of the daily double, 4 winning combinations result. The amounts wagered on these 4 winning combinations are deducted from the net pool to determine the profit. This profit is divided into 4 equal parts, and each part, in turn, divided by the 4 amounts mentioned above. This determines the profit per dollar, including profit and wager.

(h) Should there be any error in calculation in connection with the daily double in which the public is underpaid the amount of the underpay shall be added to the daily double pool on the following racing day, unless such error occurs on the final day of the race meeting in which case the amount of the underpay shall be added to the win pool of the final race for the same day. Should there be any error in calculation in connection with the daily double in which the public is overpaid, rule 7 shall apply.

(i) Before the running of the second half of the daily double, the payoff prices of each combination coupled with the first winner shall be prominently posted, unless the first race of the daily double has resulted in a dead heat in which case the prices will not be posted and an announcement to this effect will be made over the loud speaker.

(310) (Rescinded.)

(311) (Rescinded.)

(312) Messenger service:

No messengers may be employed by any racing association for the purpose of carrying bets for patrons or for purchasing or cashing pari-mutuel tickets for patrons except under the following conditions:

(a) Permission for such messenger service must be obtained from the racing commissioner at least 10 days in advance of the start of the race meeting.

(b) A detailed plan for the employment of such messengers must be submitted to the racing commission in triplicate at least 20 days before the start of the race meeting and must be approved by the racing commission and by the auditor general.

(c) Any increased auditing cost incurred by the state of Michigan as a result of such messenger service must be paid by the racing association and payment must be made to the auditor general within 30 days following the conclusion of the race meeting.

(d) All messengers to be employed in such an approved messenger service must be listed by name in the messenger service plan and must submit a completed racing commission registration form before their employment as messengers.

(e) Messengers shall wear distinctive uniforms and shall give receipts to all patrons purchasing pari-mutuel tickets through them, and winning tickets shall be paid by such messengers only upon surrender of such receipts. No wager shall be accepted by any messenger after 7 minutes before official post time. No wager on the daily double shall be accepted by a messenger after 15 minutes before the official post time of the first race. Messengers will be required to purchase tickets only from certain specified pari-mutuel machines which are not in service for sales to the general public. Receipt books and other records in connection with such messenger service shall at all times be available to the auditors representing the state. The racing association shall retain the details of all transactions and make them available for examination by the auditors representing the state.

(f) Any overages resulting from such messenger service must be turned in to the state board of escheats before September 1 of the year following the race

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meeting at which such overages occurred. Any shortages resulting from such messenger service must be paid from the funds of the racing association.

(313) No advance sale of pari-mutuel tickets on any future races, except the next succeeding race on the program at any given time, will be permitted on the grounds of any licensed racing association, unless specific approval for such advanced ticket sale is granted by the racing commission on the basis of a plan for such sale submitted by the racing association at least 10 days prior to the start of each race meeting.

(313a) Come-back or telegraph bets shall not be accepted by any licensed racing associations.

History: 1944 ACS 35, p. 48; 1954 AC, p. 5028; 1954 ACS 6, p. 18, Eff. May 15, 1956; 1954 ACS 10, p. 228, Eff. June 14, 1957; 1954 ACS 22, p. 82, Eff. May 13, 1960; 1954 ACS 43, p. 24, Eff. Aug. 14, 1965; 1954 ACS 47, p. 25, Eff. Aug. 14, 1966; 1954 ACS 66, p. 37, Eff. Feb. 2, 1971.

R 431.51b Pari-mutuel betting requiring commissioner's permission.

(313b) The following forms or variations of pari-mutuel betting may be placed in effect at any licensed track in the state of Michigan only upon written permission of the racing commissioner: optional twin double, quinella, perfecta and big perfecta.

History: 1954 ACS 47, p. 25, Eff. Aug. 14, 1966; 1954 ACS 66, p. 37, Eff. Feb. 2, 1971.

R 431.51c Optional twin double.

(313c) (a) The optional twin double is a form of pari-mutuel wagering. Each bettor has the option to:

1. Attempt to select the winners of each of 4 races as may be designated by the track licensee with the approval of the commissioner, or

2. After successfully selecting the first 2 winners of the designated races, present winning tickets for payment.

Bettors wishing to participate in the optional twin double first purchase a ticket (initial ticket) designating their selections in the first and second optional twin double races. If both selections win, that ticket (successful initial ticket) may be exchanged for a second ticket (exchange ticket) at no further cost, designating their selections in the third and fourth optional twin double races, or such successful initial ticket may be presented for payment at the option of the bettor. Those tickets presented for payment (successful initial tickets) shall be paid at a price per dollar denomination determined as follows:

The net optional twin double pool (gross optional twin double pool less commission and any consolation payoffs) shall be divided by the total purchase price of all successful initial tickets. The quotient obtained shall constitute the price to be paid.

The total amount paid to ticket holders electing the option of payment of successful initial tickets shall be deducted from the net optional twin double pool, and further participation of such tickets in the optional twin double pool shall terminate. Also, the total amount represented by any successful initial tickets which are not exchanged or presented for payment before the start of the third optional twin double race shall be deducted from the net optional twin double pool and entered in the "outs" book in the same manner as any other uncashed winning ticket and shall be valid for the period specified by statute. The balance of the optional twin double pool shall be divided among holders of exchange tickets (combining the winners of the third and fourth optional twin double races) as in a straight pool.

The optional twin double pool shall be held entirely separate from all other pools and is in no way part of the daily double. Inasmuch as the purpose of the

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optional twin double pool is to select the winners of all 4 races of the optional twin double, or to exercise the option as previously stated, a bettor who selects a horse which starts but does not win is no longer eligible, subject only to the contingency that no other bettor in the pool has selected the winner of that race, as referred to in subdivision (g).

(b) Sales of initial tickets shall be only from daily double pari-mutuel vending machines in denominations of $2.00 or more and shall commence only after completion of the first race of the regular program and terminate at the start of the first optional twin double race, when the machines shall be locked.

(c) Exchange tickets shall be issued only from daily double pari-mutuel vending machines and only in exchange for successful initial tickets.

Exchange tickets shall be $2.00 denomination only and if issued in exchange for higher denomination successful initial tickets shall be issued only in sufficient quantity to equal such higher denomination in whatever designated combinations specified by the holder presenting such higher denomination successful initial ticket. Issuance of exchange tickets shall commence only after the results of the second optional twin double race are officially announced and must be terminated at the start of the third optional twin double race when the machines shall be locked. Such period of time is hereinafter referred to as the exchange period.

At the option of the bettor, "successful initial tickets" (tickets combining the winners of the first and second optional twin double races) may be presented for payment after the result of the second optional twin double race is officially announced.

In the event that an incorrect exchange ticket is issued, such incorrect exchange ticket must be turned in to the state chief auditor prior to the running of the second half. Said ticket shall be deducted from both the exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets and a report, including the seller's name, shall be made to the commissioner of the complete incident.

(d) The probable payoff prices of possible winning combinations shall be posted after the third optional twin double race.

(e) The design of initial tickets and exchange tickets shall be clearly and immediately distinguishable from each other and from daily double and other pari-mutuel tickets.

(f) After a horse is scratched no further tickets may be issued designating such horse and:

1. If a horse or horses not coupled with a starter are scratched from the first or second optional twin double races before the running of the first optional twin double race, all initial tickets selecting the horse scratched shall be refunded and the money deducted from the gross pool and the first optional twin double race shall not be started within 3 minutes of the public announcement of such scratch.

2. Should any horse or horses not coupled with a starter be scratched or be declared a non-starter in the second optional twin double race after the first optional twin double race has been run, all tickets combining the scratched horse with the winner of the first optional twin double race shall become consolation tickets and shall be paid a price per dollar denomination determined as follows: the net optional twin double pool (the gross optional twin double pool less tax) shall be divided by the total purchase price of all initial tickets designating the winner of the first optional twin double race and the quotient obtained shall constitute the price to be paid.

Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool.

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3. If any horse or horses not coupled with a starter be scratched or be declared a non-starter in the third optional twin double race all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination determined as follows: the net optional twin double pool (the gross optional twin double pool less commission and all prior distributions) shall be divided by the total purchase price represented by all exchange tickets and the quotient obtained shall be the price to be paid. Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool. When a horse is scratched from the third optional twin double race such race shall not be started within 3 minutes of the announcement of such scratch.

4. Should any horse or horses not coupled with a starter be scratched or be declared a non-starter in the fourth optional twin double race all exchange tickets combining the scratched horses with the winner of the third optional twin double race shall become consolation tickets and shall be paid a price per dollar denomination determined as follows:

The net optional twin double pool (the gross optional twin double pool less commission and previous consolation awards) shall be divided by the total purchase price represented by all exchange tickets designating the winner of the third optional twin double race and the quotient obtained shall constitute the price to be paid. Further participation of such consolation tickets in the optional twin double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net optional twin double pool. When a horse is scratched from the fourth optional twin double race before the start of the third optional twin double race, the third optional twin double race shall not be started within 3 minutes of the announcement of such scratch.

(g) 1. If no initial ticket is sold designating the winner of the first optional twin double race, or the first optional twin double race is cancelled or declared "no race," the optional twin double shall be declared off and the gross pool refunded.

2. If no initial ticket is sold combining the winners of the first and second optional twin double races, or the second optional twin double is cancelled or declared "no race," the net pool shall be distributed to holders of initial tickets designating the winner of the first optional twin double race as in a straight pool and the optional twin double shall terminate.

3. If no exchange ticket is issued designating the winner of the third optional twin double race or if the third optional twin double race is cancelled or declared "no race," the net pool less commission and prior distributions shall be distributed to holders of exchange tickets and successful initial tickets as in a straight pool and the optional twin double shall terminate.

4. If no exchange ticket is issued combining the winners of the third and fourth optional twin double races, or the fourth optional twin double race is cancelled or declared "no race," the net pool shall be distributed to holders of exchange tickets designating the winner of the third optional twin double race.

(h) 1. In the event of a dead heat in either or both of the first and second optional twin double races all initial tickets combining a winner in both such races shall be eligible for exchange.

2. In the event of a dead heat in the third optional twin double race and no exchange ticket combines the winner of the fourth optional twin double race with a winner of the third optional twin double race, the net pool shall be distributed to holders of exchange tickets designating a winner of the third optional twin double race as in a straight pool dead heat.

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3. In the event of a dead heat in either or both of the third or fourth optional twin double races, holders of exchange tickets combining winners in both such races shall be entitled to a distribution calculated as in a straight pool dead heat.

4. In the event of a dead heat between a covered and an uncovered horse in the second race of the second half of the optional twin double no consolation payoff will be made. Holders of tickets on the covered horse, representing the only winners of 4 consecutive races, will share in the distribution of the optional twin double pool.

Coupled entries and fields are permitted in optional twin double races. A scratch of less than all horses in a coupled entry or field, however, shall not affect the status of a ticket selecting such coupled entry or field. Horses coupled or in a field shall be considered as 1 horse for optional twin double distributions and calculations on dead heats shall include only 1 of such horses in each coupled entry or field in the distribution.

(j) Sale of optional twin double tickets by 1 individual to another or by any means other than through pari-mutuel machines shall be deemed illegal gambling and is prohibited.

(k) These rules shall be prominently displayed throughout the betting area of each track conducting the optional twin double and printed copies of these rules shall be distributed to patrons upon request by the track.

History: 1954 ACS 47, p. 25, Eff. Aug. 14, 1968.

R 431.51d Quinella.

(313d) The principle of a quinella is in effect a contract by the purchaser of a quinella ticket to select the first 2 horses to finish in the race. The order in which the horses finish is immaterial. All tickets on the quinella will be calculated in an entirely separate pool.

(a) In case of a dead heat between 2 horses for first place, the combination shall be the winner of the quinella pool.

(b) In case of a dead heat between 2 horses for second place, the quinella shall be figured as a place pool, the holders of tickets combining the winning horse and either of the 2 horses finishing second participating in the payoff.

(c) In the event of a dead heat for second place, if no ticket is sold on 1 of the 2 winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(d) If no ticket is sold on the winning combination of a quinella pool the net pool shall be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(e) If no ticket is sold that would require distribution of a quinella pool to winners as above defined, the association shall distribute the net pool as a win pool to those selecting either horse.

(f) In the event of late scratches after the sale of quinella tickets has started, all quinella tickets combining the scratched horse or horses will be refunded and the money will be deducted from the gross pool.

(g) In the event of an entry or field horses finishing first and second, the net quinella pool shall be disbursed to holders of tickets selecting the entry or field horses to win, combined with the horse finishing third.

History: 1954 ACS 47, p. 28, Eff. Aug. 14, 1968; 1954 ACS 66, p. 37, Eff. Feb. 2, 1971.

R 431.51e Perfecta.

(313e) (1) The perfecta (also known as exacta or correcta) is a contract by the purchaser of a ticket combining 2 horses in a single race, selecting the 2 horses that

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will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted. The perfecta is not a parlay and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(2) If no ticket is sold on the winning combination of a perfecta pool, the net pool shall be distributed as a place pool between holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second horse to finish second, or both. If no ticket is sold that would require this distribution of a perfecta pool, the pool shall be distributed as a win pool to those persons who have selected the horse which finished first to run first. If no ticket is sold that would require distribution of a perfecta pool as hereinbefore provided, those persons who have selected the horse finishing second to run second shall share in the distribution of the pool as a win pool.

(3) If no ticket is sold that would require distribution of a perfecta pool to winner as above defined, the association shall make a complete and full refund of perfecta pool.

(4) In case of a dead heat between 2 horses for first place, the combination shall be the winner of the perfecta pool. In case of a dead heat between 2 horses for second place, the perfecta pool shall be figured as a place pool, the holders of tickets combining the winning horse and either of the 2 horses finishing second participating in the payoff.

(5) In case of a dead heat for second place, if no ticket is sold on 1 of the 2 winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(6) In case of an entry finishing first and second or mutuel field horses running first and second, the net perfecta pool shall be distributed to holders of tickets selecting the entry to win combined with the horse finishing third.

History: 1954 ACS 47, p. 28, Eff. Aug. 14, 1966; 1954 ACS 66, p. 38, Eff. Feb. 2, 1971.

R 431.51f Big perfecta.

(313f) (1) The big perfecta (also known as big exacta or big correcta) is a form of pari-mutuel wagering in which the bettor selects 4 horses that will finish first and second in each of 2 races as may be designated by the track licensee with approval of the commissioner, in the exact order as officially posted.

(2) Each bettor purchasing big perfecta tickets shall designate his 2 selections as the first 2 horses to finish in that order in the first race of the 2 designated races.

(3) After official declaration of the first 2 horses to finish in the first race of the big perfecta, each bettor holding a ticket combining the first 2 horses in the exact order of finish, before the running of the second half of the big perfecta race shall exchange such winning ticket for a big perfecta exchange ticket at the big perfecta windows and at such time shall select the 2 horses to finish in the second race of the big perfecta in the exact order as officially posted. No further money shall be required of the holder of the ticket in order to make the exchange.

(4) No big perfecta exchange ticket on the second race shall be issued except upon surrender of the big perfecta ticket from the first race. The big perfecta pool obtained from the sales of big perfecta tickets on the first race shall be held, subject to these rules, and divided among the winning tickets of the big perfecta exchange tickets, subject to these rules to the contrary. Big perfecta windows shall be open for the purpose of making the exchange as described only after the first

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race has been declared official and such windows shall close at official post time at the start of the second race of the big perfecta races.

(5) If a winning big perfecta from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund except if the second half of the big perfecta is cancelled or declared "no race" or if no exchange ticket includes either the first or second horse of the second half of the big perfecta.

(6) In case of late scratches after the sale of big perfecta tickets has started in the first race, all tickets on the scratched horse will be refunded.

(7) If a horse is scratched in the second half of the big perfecta, all exchange tickets combining the scratched horse become consolation tickets and shall be paid a price per dollar denomination calculated as follows: the net big perfecta pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the big perfecta. The quotient obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second half of the big perfecta. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the big perfecta pool.

(8) If no big perfecta ticket is sold as a winning combination in the first race of the big perfecta, the big perfecta pool shall be divided among those having tickets including the horse finishing first or second, and such distributions shall be calculated and made as a place pool. In such an instance the big perfecta race shall end and the pool be closed for the day.

(9) If no big perfecta exchange ticket is sold on the winning combination, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed. If no such big perfecta exchange ticket is sold, the pool shall be distributed as a win pool to those persons who have selected the horse which finished first to run first. If no big perfecta exchange ticket is sold that would require distribution of the big perfecta pool as defined in this paragraph, those persons who have selected the horse which finished second to run second shall share in the distribution of the pool as a win pool.

(10) If no exchange ticket includes either the first or second horse of the second half of the big perfecta, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(11) In case of a dead heat for place in the first race of the big perfecta, all big perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for the big perfecta exchange tickets.

(12) In case of a dead heat for place in the second race of the big perfecta, the big perfecta pool shall be divided, calculated and distributed as a place pool and distributed to the holders of the big perfecta exchange tickets combining the first horse and either of the place horses. In case of a dead heat to place, and there are no tickets sold on 1 combination, the other combination having the winning horses shall be declared the winner. If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the big perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(13) If for any reason the second race of the big perfecta is cancelled or declared "no race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first 2 horses of the

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first race of the big perfecta, players of the first race of the big perfecta otherwise eligible for the big perfecta exchange tickets, and also distributed to holders of the big perfecta exchange tickets.

(14) In case of an entry finishing first and second or field horses running first and second, the net big perfecta pool shall be distributed to holders of tickets selecting the entry or field horses to win combined with the horse finishing third.

(15) In case of an entry or field horses finishing first and second in the first half of the big perfecta, holders of tickets selecting the entry or field horses to win, combined with the horses finishing third, shall be eligible to exchange tickets for the second half of the big perfecta.

(16) In case an entry or field horses finish first and second in the second half of the big perfecta, the net big perfecta pool shall be disbursed to holders of tickets selecting the entry or field horses to win, combined with the horse finishing third.

(17) The sale of big perfecta tickets other than through pari-mutuel machines shall be deemed illegal and is prohibited.

History: 1954 ACS 66, p. 38, Eff. Feb. 2, 1971.

R 431.51g Big Q.

(313g) (1) The Big Q is a form of pari-mutuel wagering, consisting of selecting the quinella, or the first 2 horses to finish in each of 2 consecutive races. Pari-mutuel wagering tickets shall be sold upon the first race of the 2 races only. The division of the pool shall be calculated as in a straight pool, subject to the provisions of these rules.

(2) A bettor purchasing Big Q tickets shall designate his 2 selections as the first 2 horses to finish in the first race of 2 races.

(3) After the official declaration of the first 2 horses to finish the first of the Big Q races, a bettor holding a ticket combining the 2 horses to finish shall exchange such winning ticket for a Big Q exchange ticket at the Big Q windows before the running of the second race. At that time the holder shall select the first 2 horses to finish in the second race of the Big Q. Further money shall not be required of the ticketholder for the exchange.

(4) A Big Q exchange ticket upon the second race shall not be issued except upon the surrender of the Big Q ticket from the first race as provided in this rule. The Big Q pool obtained from sales of Big Q tickets upon the first race shall be held and divided among the winning tickets of the Big Q exchange tickets, subject to these rules. Big Q windows shall be open for the purpose of making the exchange only after the first race has been declared official. The windows shall close at post time at the start of the second race of the Big Q races.

(5) If a winning Big Q ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund, unless the second half of the Big Q is cancelled or declared "no race," or if no exchange tickets include either the first or second horse of the second half of the Big Q.

(6) If a horse is scratched in the first race of the Big Q races, all Big Q tickets on the scratched horse shall be refunded.

(7) If a horse is scratched in the second race of the Big Q races, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net Big Q pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winnings of the first race of the Big Q. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the Big Q. The entire consolation pool

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(number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Q pool.

(8) If a Big Q ticket is not sold as a winning combination in the first race of the Big Q, the Big Q pool shall be divided among those having tickets including the horse finishing first or second and the distributions shall be calculated and made as a place pool. The Big Q race shall then end and the pool be closed for the day.

(9) If a Big Q exchange ticket is not sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(10) If a Big Q exchange ticket combines only 1 of the 2 winners and no Big Q exchange tickets combine the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(11) If no exchange ticket includes either the first or second horse of the second half of the Big Q, the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(12) If there is a dead heat for place in the first race of the Big Q races, all Big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for Big Q exchange tickets.

(13) If there is a dead heat for place in the second race of the Big Q races, the Big Q pool shall be divided, calculated and distributed as a place pool to the holders of Big Q exchange tickets combining the first horses and either of the place horses. If there is a dead heat to place and there are no tickets sold on 1 combination, then the other combination having winning horses shall be declared the winner.

(14) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses. If any exchange tickets combine both horses in the dead heat for place, the Big Q pool shall be calculated and distributed as a place pool to holders of these tickets.

(15) If for any reason the first race of the Big Q races is cancelled or declared "no race," full refund shall be made from the Big Q pool.

(16) If for any reason the second of the Big Q races is cancelled or declared "no race," the pool shall be calculated as a straight pool and distributed among the holders of tickets combining the first 2 horses of the first race of the Big Q otherwise eligible for Big Q exchange tickets and also distributed to holders of the Big Q exchange tickets.

(17) If there is a dead heat for the winning horses in either of the two consecutive races for the Big Q, the calculation of distribution of the Big Q pool shall be made in the manner in which any ordinary quinella pool would be made if there were a dead heat for the win despite the number of horses involved in the dead heat.

(18) The sale of Big Q tickets other than through pari-mutuel machines, including the sale by 1 individual to another, is prohibited.

History: 1954 ACS 76, p. 83. Eff. July 18, 1973.

R 431.51h Trifecta.

(313h) (1) The trifecta is a form of pari-mutuel wagering consisting of selecting the 3 horses that will finish first, second and third in a single race.

(2) Trifecta tickets shall be sold in not less than $2.00 denominations and only from 3 number issuing machines.

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(3) Races in which trifecta pools shall be conducted shall be approved by the racing commissioner and shall be clearly designated in the program.

(4) The design of trifecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(5) If less than 3 horses finish, a payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(6) Payment of the ticket will be made only to the purchaser who has selected the same order of finish as officially posted.

(7) The trifecta is not a parlay and has no connection with the win, place or show betting, and will be calculated in an entirely separate pool.

(8) If a horse is scratched or declared a nonstarter, no further trifecta tickets shall be issued designating that horse. All tickets previously issued designating that horse shall be refunded and money deducted from the gross pool.

(9) If a ticket is not sold on a winning combination of a trifecta pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place horses. If a ticket is not sold selecting the first and second horses, the net pool shall be apportioned equally between those having tickets selecting the horse or horses that finished first in the trifecta race. Those having selected the second horse for second and the third horse for third with any other horses shall divide the net pool and be paid the same payoff price.

(10) If there is a dead heat for first place, the winning combination shall include the first 2 horses as finishing in either position, and the horse finishing third. If there is a dead heat to place, the winning combination shall be the horse finishing first and the 2 horses finishing in a dead heat for place, as finishing in either position. If there is a dead heat for third, the winning combination shall be the horse finishing first, the horse finishing second, and the 2 horses finishing in a dead heat for third, as finishing in either position. The aggregate number of tickets shall divide the net pool and be paid the same payoff price.

History: 1954 ACS 76, p. 84, Eff. July 18, 1973.

R 431.51i Triple crown.

(313i) (1) The triple crown is a contract by the purchaser of a ticket combining 3 horses, 1 in each of 3 consecutive races, as may be designated by the track licensee with approval of the commissioner, with the bettor selecting the horses that will finish first in each race. Payment of winning tickets shall be made only to the holders of the tickets who have selected the same order of finish as officially posted, except in the event of a scratch or as otherwise provided in these rules.

(2) Triple crown has no connection with, or relation to, the win, place, and show betting pools and shall be calculated as an entirely separate pool, and the ticket shall be labelled a triple crown ticket.

(3) If no ticket is sold combining the third winner, the net pool shall be distributed to the holders of tickets selecting the winners of the first 2 races of the triple crown.

(4) If no ticket is sold combining the winner of the second race with the winner of the first race of the triple crown, then the net pool shall be distributed to holders of winning tickets of the first race of the triple crown as a separate win pool.

(5) If no ticket is sold that would require distribution of the net triple crown pool as above defined, the net pool shall be apportioned equally to holders of tickets selecting the winning horse in either the second or third race of the designated triple crown races.

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(6) If a horse is scratched or declared a nonstarter before the first race of the designated triple crown races, all tickets designating such horse shall be refunded and the money deducted from the gross pool.

(7) If a horse in the second race of the designated triple crown races is scratched after the first race of the designated triple crown races is declared official, then all tickets combining the scratched horse with the winner of the first race of the designated triple crown races shall become consolation tickets and shall be paid a price per dollar computed in the following manner: The net triple crown pool shall be divided by the total purchase price of all tickets designating the winner of the first race of the triple crown and the quotient obtained shall constitute the price to be paid of consolation ticket holders. The amount paid to all holders to a consolation ticket, and the breakage derived thereof, shall be subtracted from the net pool.

(8) If a horse in the third race of the designated triple crown races is scratched after the first and second races of the designated triple crown have been declared official, then all tickets combining the scratched horse with the winners of the first race and second race of the designated triple crown races shall become consolation tickets and shall be paid a price per dollar computed in the following manner: The net triple crown pool shall be divided by the total purchase price of all tickets designating the winners of the first and second races of the triple crown and the quotient obtained shall constitute the price per dollar to be paid to consolation tickets, and the breakage derived thereof, shall be subtracted from the net pool.

(9) In the event of a dead heat to win in either the first, second, or third race of the designated triple crown races, the tickets selecting the 3 winners of the triple crown races, counting both horses who finished in the dead heat to win as winners, shall be paid a price per dollar computed in the following manner: The total amount wagered on the 2 winning combinations shall be deducted from the total net pool and the remainder shall be divided into 2 equal parts. The amount wagered on each of the 2 winning combinations shall, as in a place pool calculation, be divided separately into its share of the net pool and the price per dollar derived shall constitute the per dollar payoff for each winning combination. In the event 1 combination has no winning ticket sold, then the holders of the other winning combinations shall, as in a win pool calculation, divide the net pool.

(10) In the event of a dead heat to win in 2 separate races or all 3 races of the designated triple crown races or a triple dead heat in any of the designated triple crown races, all tickets selecting the 3 winners of the triple crown races, counting all horses who finish in the dead heats to win or, in the triple dead heat, as winners, shall be paid a price per dollar computed in the following manner: The total number of all winning combinations shall, as in a win pool calculation, be divided into the net pool and the price per dollar derived shall constitute the per dollar payoff, with all holders of winning combinations receiving the same payoff price.

History: 1954 ACS 90, p. 43, Eff. Mar. 16, 1977.

R 431.51j Superfecta.

(313j) (1) The superfecta is a contract by the purchaser of a ticket to select in order the first, second, third, and fourth place horses in the designated superfecta race, as designated by the track licensee with the approval of the commissioner. Payment of winning tickets shall be made only to the holders of the tickets who have selected the same order of finish as officially posted, except in the event of a scratch or as otherwise provided in these rules.

(2) Superfecta wagering has no connection with, or relation to, the win, place,

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and show betting pools, and shall be calculated as an entirely separate pool. The ticket shall be labelled a superfecta ticket.

(3) If a horse is scratched or excused from racing, additional tickets shall not be sold designating such horse, and all tickets previously sold designating such horse shall be refunded and the money deducted from the gross pool.

(4) If no ticket is sold designating, in order, the first 4 horses, or if only 3 horses finish, the net pool shall be distributed equally among holders of tickets designating the first 3 horses, in order; if no ticket is sold designating, in order, the first 3 horses, or if only 2 horses finish, the net pool shall be distributed equally among holders of tickets designating the first 2 horses, in order; and if no ticket is sold designating, in order, the first 2 horses, the net pool shall be distributed equally among holders of tickets designating the winner.

(5) If no ticket is sold designating the winner to win, the superfecta shall be declared off and the gross pool refunded.

(6) In the event of a dead heat or dead heats, all tickets designating the correct order of finish, crediting each horse in a dead heat as finishing in either position dead heated, shall be winning tickets, and the aggregate number of winning tickets shall be divided into the net pool for the purpose of determining the payoff.

(7) Coupled entries and fields are prohibited in superfecta races.

History: 1954 ACS 90, p. 44, Eff. Mar. 16, 1977.

R 431.52 (b) Daily double.

(296) Only 1 daily double program will be permitted during any single racing program.

(297) The daily double is not a parlay, and has no connection with or relation to the mutuel betting. All tickets on the daily double will be calculated in an entirely separate pool.

(298) No exchange of tickets will be permitted after purchaser thereof has left the sales window.

(299) All tickets will be to win (straight) only.

(300) In order to win a daily double, it is necessary for the purchaser of a daily double ticket to select the winners of each of the 2 races specified for the daily double. If either of his selections fails to win, his ticket is voided, except as otherwise provided.

(301) If no ticket is sold combining the winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner of the first half (or race) of the daily double and those having tickets including the winner in the second half (or race) of the daily double in the same manner in which a place pool is calculated and distributed.

(302) If no ticket is sold including the winner of the first half (or race) of the daily double, then the entire pool will be paid to the holders of tickets which include the winner of the second half (or race) of the daily double.

(303) Likewise, if no ticket is sold including the winner of the second half (or race) of the daily double, the entire pool will be paid to the holders of tickets which include the winner of the first half (or race) of the daily double.

(304) If no ticket is sold including a winner of either half (or race) of the daily double, then the pool shall be paid to the holders of tickets which include the horses finishing second in the 2 halves (or races) of the daily double.

(305) If no ticket is sold which would require distribution of the daily double pool to a winner under subrules (301), (302), (303), and (304), a complete and full refund of the daily double shall be made.

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(306) If for any reason the first half (or race) of the daily double is cancelled and declared "no race," full and complete refund will be made of the daily double pool.

(307) If for any reason the second race of the daily double be cancelled and declared "no race," the net daily double pool shall be paid to the holders of daily double tickets which include the winner of the first race.

(308) In the event a horse is scratched in the second half of the daily double after the first race has been run, a separate pool shall be made including all the tickets which combine the horse scratched, and the holders of tickets which include the winners of the first race and the scratched horse shall be paid in the same manner as the pool is calculated for a straight pool.

(309) If holder of ticket loses in first half (or race) of daily double and horse is scratched in second half (or race) no money will be refunded.

(310) If a dead heat should result in either the first or second half of the daily double, a total pool shall be figured as a place pool.

(311) Before the running of the second half of the daily double, the payoff prices of each combination coupled with the first winner shall be prominently posted.

(312) Should the first half of the daily double result in a dead heat, there shall be no payoff prices posted due to the complicated calculations involved. Announcement to this effect shall be made on the loudspeaker.

(313) Daily double windows will close 15 minutes before post time of the first race each day, unless daily double machines are in use in which event the daily double windows will close 5 minutes before post time of the first race each day.

History: 1944 ACS 35, p. 49; 1954 AC, p. 5030.

PART 4. GENERAL PROVISIONS

R 431.61 (a) Expelling and ruling off.

(314) Every person or horse expelled or ruled off at any recognized meeting for unlawful, corrupt or fraudulent or improper practices or conduct shall be barred from the courses licensed by the racing commissioner.

(a) When a person is ruled off the course or expelled, every horse wholly or partly owned by him shall also be ruled off or expelled, so long as his sentence continues. He shall not be qualified, whether acting as agent or otherwise, to subscribe for, or to enter or to run any horse for any race in either his own name or that of any other person, and no horse of which he is wholly or partly the owner, or which is under his care, management, training, or superintendence, or in the winnings of which he has any interest, shall be qualified to be entered or run in any race. And, if an entry from any person, or of any horse that stands ruled off or expelled, is received, such entry shall be void, and the money, if any, paid for such entry refunded. Any money or prize won under said entry shall be returned.

(b) A horse or stable entry which is ordered refused at any recognized meeting because of inconsistent racing or other cause shall not be permitted to race on any track where these rules are in force during the continuance of such ruling.

(c) When a person is ruled off for any fraudulent practice in relation to a particular horse, wholly or partly belonging to him, he shall return all money or prizes which such horse has fraudulently won.

(d) When a license is revoked by the Michigan racing commission the former holder of such license remains disqualified in the state of Michigan until such time as he is restored to good standing by the commission.

History: 1944 ACS 35, p. 50; 1954 AC, p. 5030.

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R 431.62 (b) Corrupt practices.

(1) The intent of this rule is to protect the integrity of horse racing, to safeguard the health of the horse and to protect the interest of the general public and the racing participants through the prohibition or control of drugs and medications which could affect the racing condition or performance of a horse.

(2) As used in this rule:

(a) "Drug" means any medication or metabolic derivative thereof, which is a narcotic, or which could serve as a local anesthetic or tranquilizer, or which could stimulate or depress the circulatory, respiratory or central nervous system of a horse. A horse which has been entered to race shall not carry a drug in its body.

(b) "Controlled medication" means Phenylbutazone and Lasix intended for use in the cure and treatment of a horse. The prescription and use of either medication shall be reported to the commissioner by the veterinarian on forms prescribed by the commissioner. A horse that has been administered a controlled medication may be entered to race as provided in this rule.

(3) The following conditions apply to controlled medications and their use:

(a) A controlled medication may be administered by a veterinarian or an oral controlled medication may be administered by a trainer acting under the direction of a veterinarian. In either event, the veterinarian shall report the administration to the commissioner on forms prescribed by the commissioner.

(b) A horse which has been entered to race shall not carry Lasix in its body unless the commissioner has determined that the horse is a bleeder which means a horse that bleeds from the nose after or during a race or workout.

(c) Controlled medications shall not be administered to a 2-year-old horse which has been entered to race.

(d) If a horse has been administered a controlled medication, the horse shall continue to utilize and be administered the medication prior to entry in a race, unless the commissioner approves racing for that horse without the use of controlled medication.

(e) On the day of the race, the commissioner, or his representative, shall disclose to the public horses entered to race which have been administered a controlled medication.

(4) Personnel and facilities as prescribed by the racing commissioner for the securing of saliva or urine or other samples from horses and for the chemical analysis of such samples shall be required at all meetings. The samples shall be taken from such horses as may be ordered by the commissioner, stewards or harness judges.

(5) If the chemical analysis of saliva, urine or any other sample taken from a horse indicates the presence of a drug or controlled medication which was not reported, this shall be prima facie evidence that the drug or unreported controlled medication has been administered to the horse.

(6) When a positive report is received from the state chemist identifying a drug or controlled medication which was not reported, the stewards shall conduct a thorough investigation and then hold a hearing. The stable shall remain in good standing pending the outcome of the hearing and until a ruling has been made, except that the horse identified with the positive report shall not run during the investigation and hearing.

(7) The trainer shall be responsible for and be the absolute insurer of the condition of the horses entered for his stable regardless of the acts of third parties except as provided in R 431.10(84) in part 1.

(8) If the chemical analysis of a sample indicates the presence of a drug or unreported controlled medication, the trainer of the horse and any other person

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shown to have the care or attendance of the horse or shown to have administered or conspired to have administered the drug or unreported controlled medication is subject to disciplinary action. A trainer or veterinarian who fails to comply with the controlled medication regulations is subject to disciplinary action. The owner of the horse shall not participate in the purse distribution of that race and the horse shall be declared unplaced for every purpose except for pari-mutuel wagering. A trophy received by the owner of the horse shall be returned.

(9) If an owner, trainer, assistant trainer, groom, stable attendant or other licensed person should interfere with, or use abusive or insulting language to, the state veterinarian or his assistants appointed by the racing commissioner, and while in the discharge of their duties, such person is subject to disciplinary action.

(10) The containers employed in the taking of saliva, urine or other specimens or samples shall be properly prepared and sealed by the laboratory before their use. The seal of the container shall be broken by the state veterinarian or his designated assistant in the presence of the owner or trainer or his groom or other authorized representative of the owner or trainer.

(11) The owner, the trainer or his groom or other representative shall also be present when a saliva, urine or other sample is taken from the horse and shall remain until the sample is sealed in his presence. The official sample tag attached to the sealed container in which the sample is placed shall be signed by the owner, trainer or authorized representative as witness to the taking of the sample and the sealing of the container in which it was placed. Wilful failure to be present at or refusal to allow the taking of any sample as required by these rules, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons guilty thereof to disciplinary action by the stewards or judges, and the matter shall be referred to the racing commissioner for such further penalty as in his discretion he may determine.

(12) An electrical, mechanical or other appliance, other than the ordinary whip, shall not be used for the purpose of stimulating a horse or affecting his speed in a race or work, nor shall anyone have such appliance in his possession. Any person so offending is subject to disciplinary action.

(13) In thoroughbred racing only, a horse shall not be qualified to start in a race shod with ordinary or training shoes. If a person starts a horse so shod, he and the horse may be ruled off. Bar plates may be used by the consent of the stewards.

(14) If the stewards or judges are satisfied that a race was ridden or driven corruptly, or that the jockey or driver was instructed or induced to so ride or drive, all persons guilty of complicity in the offense shall be ruled off.

(15) A person shall be ruled off the course:

(a) Who corruptly gives or offers money, shares in a bet or other benefit to any person having official duties in relation to a race, or any jockey or driver corruptly accepts or offers to accept money, share in a bet or other benefits.

(b) Who wilfully enters or causes to be entered, or to start for any race, a horse which he knows to be disqualified.

(c) Who fraudulently offers or receives any amount of money for declaring an entry out of a purse or stakes.

(d) Without making it known to the officials, who is a part owner or acts as trainer of a horse in which a jockey or driver possesses any interest, or makes any bet with or on behalf of any jockey or driver, unless on a horse he is driving or riding; or offers or gives, except through his employer, or the owner or trainer of the horse driven or ridden, a jockey or driver any present, money or other reward in connection with his driving or riding of any race.

(e) If he is a jockey or driver who accepts a ticket or makes a bet on any horse other than the one he rides or drives.

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(f) If the racing commissioner determines that he is guilty of any other corruption or fraudulent practices on the turf in this or any other country.

(16) A horse that has been the subject of fraudulent practice may be disqualified, the stewards or judges of the meeting disqualifying the horse for no longer period than the duration of the meeting, and reporting the circumstances to the racing commissioner for such action as he deems proper.

(17) A person who orders or performs a nerve operation at or above the ankle, or a tumor (re-nerving) operation in the same area on a horse on the grounds of any track under jurisdiction of the racing commissioner shall be denied all privileges of the grounds, and if licensed shall have his license revoked.

(18) A person who needles a horse for the purpose of administering a stimulant or blocking a nerve or ordering it done on the grounds of any track under the jurisdiction of the racing commissioner shall have his license revoked or be denied all the privileges of the grounds, or both. The possession of any hypodermic syringe or needle on the grounds of any racing association, except by a duly registered veterinarian, is expressly prohibited. In special circumstances or emergency, upon written request, the stewards may grant permission for temporary possession of a hypodermic syringe or needle on the grounds of a racing association.

(19) An owner or trainer racing at a track under jurisdiction of the racing commissioner is expected to do his betting at the race track. An owner or trainer found betting away from the track shall be required to vacate his stalls at once.

(20) If a horse establishes a track record in a race and it later develops that the chemical analysis of the sample taken indicates the presence of a drug, which could affect the racing condition or the performance of a horse in a race, the track record shall be null and void.

History: 1944 ACS 35, p. 51; 1944 ACS 37, p. 25; 1954 AC, p. 5031; 1954 ACS 15, p. 80, Eff. Aug. 14, 1958; 1954 ACS 22, p. 82, Eff. May 13, 1960; 1954 ACS 51, p. 44, Eff. Aug. 15, 1967; 1954 ACS 76, p. 84, Eff. July 18, 1973; 1954 ACS 84, p. 70, Eff. June 18, 1975.

R 431.63 (c) Hearings and right to appeal.

(316) Upon the filing of a written complaint, under oath, in the office of the racing commissioner, with regard to the actions or omissions of anyone issued an occupational license, the commissioner may suspend the occupational license. The suspension shall be for a period of not more than 10 days, during which time the suspended licensee may demand in writing a hearing before the commissioner. The commissioner shall give prompt notice of a time and place for the hearing, at which he shall hear the complainant and the applicant or occupational licensee in reference to the complained of act or omission. Any applicant or licensee at any hearing may be represented by counsel and may present evidence in his own behalf. Pending the hearing and final determination thereon, the action of the commissioner in suspending the license shall remain in full force and effect. If the licensee does not demand a hearing, the commissioner on his own motion may set a hearing with regard to the actions or failure to act of the licensee. In the conduct of the hearing the commissioner shall not be bound by the technical rules of evidence, but all evidence offered before him shall be reduced to writing, and such evidence together with the exhibits, if any, and the findings of the commissioner shall be permanently preserved and shall constitute the record of the commissioner in the case. Within 10 days after the conclusion of the hearing, the commissioner shall make a written final order setting forth the reasons for the action taken by him, and a copy thereof shall be served on the occupational licensee or applicant.

If any person be aggrieved by an order of suspension, exclusion, ruling off,

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other disciplinary action or administrative action taken by the racing commissioner, employee of the racing commission, or by any action, decision, or recommendation of the stewards or judges of any racing association, such person may have a review of the decision before the racing commissioner by requesting a hearing in writing and the racing commissioner shall, upon receipt of such request, set a time and place for said hearing and shall give notice in writing to the last known address, to the party aggrieved, of the time and place of such hearing and such written notice shall contain a specification of the charges, grounds, decision, or action to be reviewed.

If the commissioner shall have reason to believe that there has not been compliance with the provisions of the racing act, he may on his own motion give notice to the parties and hold a hearing for the purpose of determining the facts and the rights of the parties. Such notice shall contain a statement of the matter to be considered.

An official record shall be made of all hearings before the commissioner, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of a rehearing or court review, in which case the parties requesting the transcript of the record will be required to pay the further cost of such record.

History: 1944 ACS 35, p. 52; 1954 AC, p. 5032; 1954 ACS 22, p. 83, Eff. May 13, 1960.

R 431.64 (d) Badges.

(317) Badges for admission to the track and/or barn area of a licensed association shall not be issued to anyone requiring an occupational license until after applicant has been licensed or has received from the racing commission a license fee receipt and temporary barn area permit.

Any owner, trainer, jockey or driver making application for badges for any person who is known to be a tout or a person known to be in bad repute, or in any way misrepresenting to secure a badge; or if he gives, sells or loans his badge to another person, he will be subject to disciplinary action. The owner and trainer will be held responsible for all badges issued to his name, or in the name of the stable.

Admission to the barn area of any licensed thoroughbred racing association will be restricted to persons carrying a Michigan racing commission photo identification card. Photo identification cards will be issued only to racing commission employees and officials, employees and officials of licensed Michigan racing associations, and their concessionaires, licensed trainers, owners, grooms, jockeys, exercise boys, apprentices, jockey agents, authorized agents, stable foremen, hot walkers, blacksmiths, veterinarians and vendors. Local or state police officers, firemen, state or local inspectors, or other public officials acting in the performance of their duties, or employees of utility firms shall be exempt from these provisions, provided, however, if they are any of these exempted persons they must show their credentials to the gatekeepers and explain the purpose of their visits.

History: 1944 ACS 35, p. 52; 1954 AC, p. 5033; 1954 ACS 3, p. 10, Eff. Aug. 15, 1955; 1954 ACS 22, p. 83, Eff. May 13, 1960.

R 431.65 (e) Occupational licenses.

(318) (a) A trainer is responsible that he himself, every employee under his jurisdiction, and any owner for whom he trains shall apply and obtain an occupational license as provided for in section 11 of the racing law of 1959.

(b) A person 18 years of age or under shall not be granted an occupational license except upon presentation of proof of age and, if employed by anyone other than a parent, working papers as required by the Michigan child labor law.

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(c) An occupational license shall not be granted for a longer period than 1 year, and every license shall expire on December 31 of the year for which it is issued. In case of an emergency, the stewards may permit a jockey or trainer to ride or train pending action on his license application. A boy who has never ridden in a race may be allowed to ride twice before applying for a license.

(d) An application for a license shall be completely and correctly filled out, signed and sworn to. Any omission or misrepresentation will be deemed sufficient cause for refusal or revocation of a license by the racing commissioner.

(e) An owner or trainer harboring or employing an unlicensed person shall be subject to disciplinary action.

(f) In granting or refusing an occupational license application, the racing commissioner will take into account the financial responsibility, experience, character, general fitness of the applicant as well as his record of law abidance and compliance with the rules and regulations of the racing commissioner.

(g) A trainer who is a licensed owner or part owner may use a stable name as owner or part owner. However, a trainer may not be licensed as a trainer other than in his legal name. A stable name shall not be used, if in the judgment of the stewards, it is being used for advertising purposes.

(h) Licenses shall be granted only to those persons actually participating in racing at a Michigan race track.

(i) The stable name shall be carried on the official program with the name of at least 1 owner; and, if the stable name represents more than 1 owner, it shall be indicated by the use of the name of 1 owner and the words "et al."

(j) On and after January 1, 1966, stable names shall be cleared with the office of the national association of state racing commissioners.

(k) An occupational licensee of the racing commissioner shall permit a search of his clothing, person, riding equipment, automobile and the premises occupied by him on the licensed premises at any time he is required to do so, on proper identification, by the racing commissioner, stewards, or any person or agency duly authorized by the racing commissioner to make such search.

(l) A fine imposed by the racing commissioner or stewards is payable within 48 hours after its imposition. A licensee who fails to pay such fine is automatically suspended on the second day after imposition of the fine and remains suspended until the fine is paid.

History: 1944 ACS 35, p. 53; 1954 AC, p. 5033; 1954 ACS 22, p. 84, Eff. May 13, 1960; 1954 ACS 43, p. 26, Eff. Aug. 14, 1965; 1954 ACS 56, p. 41, Eff. Nov. 14, 1968.

R 431.66 (f) Purses.

(319) Purses for all races run on Michigan tracks shall be for an amount approved by the Michigan racing commission.

History: 1944 ACS 35, p. 53; 1954 AC, p. 5033.

R 431.67 (g) General rules.

(320) It shall be the duty of each and every licensee of the Michigan racing commission, and the officers, officials and employees of said licensee to observe and enforce the rules of racing and the regulations may be amended, altered, repealed, or supplemented by new and additional rules and regulations, in the discretion of the commission, upon giving the licensee 5 days' notice thereof. Every license to hold a race meeting is granted upon the condition that the licensee therein named shall accept, observe and enforce said rules and regulations and any amendments or additions thereto.

(321) Each race meeting licensee shall submit to the racing commission a complete list of racing officials not less than 30 days prior to the dates approved

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by the racing commission for the racing to begin on said tracks. This list must contain, in addition to the names and addresses of officials, the position each one is to fill.

(322) At least 85% of all employees of any race meeting licensee, except employees of the racing secretary's office, shall have been residents or registered voters of this state for at least 2 years at the time of their employment. Annually, all employees shall furnish affidavits of compliance with this section to the race meeting licensee by whom they are employed.

(323) Change in stock ownership—In order that the office of the racing commission have in its files at all times a complete and up-to-date list of racing association owners and/or stockholders, with the amount of their holdings, it shall be the obligation of each racing association to inform the racing commission in writing within 48 hours of any transfer of stock or change in ownership, with full details of such transfer or change. Failure to comply with this requirement may be deemed sufficient cause, in the discretion of the racing commissioner, to deny a license for a horse racing meeting or to revoke a license if such has already been issued.

(324) Members of the Michigan racing commission and its representatives shall have the right of full and complete entry to any and all points of the grounds of the associations licensed to conduct racing in Michigan.

(325) Each association conducting racing on any track shall, before publishing, submit to the Michigan racing commission the conditions upon which all races are proposed to be conducted, together with the stake, purse or reward, all of which shall be subject to the approval of the commission.

Rule (326) is herewith revoked.

(327) No association giving a race meeting under a license issued by the Michigan racing commission shall permit bets to be made on the grounds of said association on any race run outside of said grounds and no foreign book or gambling device of any kind shall be permitted on said grounds.

(328) No association shall permit the making of handbooks on its grounds. Any owner, trainer, jockey, driver, or other person interested in any horse or horses at said meeting, who shall bet with or through any such handbook, shall be ejected and suspended from the grounds, and thereafter refused admission to the grounds of all other licensed associations in Michigan.

(329) If any owner, trainer, jockey, driver, stable employee or other person solicits bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Michigan, such person or persons shall be ruled off of all licensed tracks in the state of Michigan.

(330) The distribution of any handbills or other forms of literature pertaining to or suggestive of advance information except regular daily newspapers or recognized turf publications, on any horse, or the outcome of any future race, is strictly forbidden on the grounds of any licensed track in the state of Michigan.

(331) Rescinded.

(332) All associations conducting racing in the state of Michigan shall arrange for proper policing of all grounds, so as to insure the public and employees ample protection at all times.

(333) The association shall also provide ample office space with proper conveniences, to be used exclusively by the Michigan racing commission and officials and its employees.

(334) No telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, mechanical, manual or visual communication shall be installed within the enclosure of any licensee, until same has been approved by the commission.

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(a) All public telephones and telegraph wires at the track, or on the grounds of the licensee conducting the meeting, shall be closed 30 minutes before the first race of the day. No calls or messages shall be allowed to be made or received after the telephones and telegraph wires are closed until after the last race has been finished except by officials of the commission, by duly authorized officers and officials of the licensee, or duly accredited members of the press.

(b) It shall be the duty of the licensee to prohibit unauthorized persons from using its telephones during the period from 30 minutes prior to the first race to 15 minutes after the last race of the day.

(c) Each race meeting licensee shall, upon request of the commission, furnish the commission with a written description or blueprint, as requested by the commission, showing the location of all equipment used or permitted to be used for the transmission of information within, to, or from its premises, together with all telephones, teletype, and telegraph or other wires, and radio and television equipment upon or entering its premises.

(335) The association shall remunerate the officials appointed by the Michigan racing commission, and assigned to duty on the grounds of said associations.

(336) Minors 12 years of age and older may be permitted to enter the tracks as spectators only and only if accompanied by a parent. This rule, however, shall not preclude any association from making a more restrictive rule against admission of minors at the association's discretion.

(337) No thoroughbred race meeting licensee shall have more than 9 races a day with pari-mutuel betting, except on opening and closing days and Saturdays and holidays, when 10 races may be scheduled, with the provision that all such 10 race programs shall have the same post time. One race for Michigan-bred horses shall be scheduled on each program.

(338) No power of attorney shall be valid for any purpose unless registered with the racing commissioner.

(339) In granting a license to any new or existing racing association to conduct race meetings the commissioner will consider especially the following matters:

(a) Opportunity for the sport to properly develop.

(b) Avoidance of competition with established tracks.

(c) Extent of community support for the promotion and continuance of the tracks.

(d) The character and reputation of the men identified with the undertaking.

(340) Racing associations shall at all times maintain their race tracks in good condition and with a special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race thereat, and of all those whose business requires their attendance thereat; and to this end shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

(341) Racing associations shall furnish and maintain at least 1 man ambulance and at least 1 horse ambulance each day that their tracks may be open for racing or exercising horses, equipped, ready for immediate duty, and to be placed at an entrance to the racing strip, so that no time may be lost in answering calls.

(342) Post time for the first race each day at thoroughbred race meetings will be not later than 3:30 p.m. and at harness race meetings not later than 8:30 p.m. Post time for the first race each day shall be not later than the time advertised as first race post time by the racing association.

History: 1944 ACS 35, p. 53; 1954 AC, p. 5033; 1954 ACS 3, p. 11, Eff. Aug. 15, 1955; 1954 ACS 10, p. 228, Eff. June 14, 1957; 1954 ACS 22, p. 84, Eff. May 13, 1960; 1954 ACS 38, p. 59, Eff. May 15, 1984.

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PART 5. QUARTER HORSE RACING

R 431.71 (a) Definitions.

(343) "Age" of a horse is reckoned as beginning the first day of January of the year in which the horse is foaled.

(344) "Arrears" includes all sums due for entrance money, subscriptions, fees, fines, and any default incident to these rules or the rules of the racing authority of any other state or country.

(345) "Authorized agent" means an agent licensed as such by the racing commissioner and whose authority to act for, and on behalf of, another person is evidenced by an authorization filed with the commissioner.

(346) "Breeder" means an owner of a dam at the time of service.

(347) "Course" or "grounds" means the entire premises under control of the race meeting licensees for the conduct of racing.

(348) "Declaration" or "scratch" means the withdrawal of a horse from a race.

(349) "Disciplinary action" means revocation of a license, suspension, ruling off, fine or reprimand, or any combination thereof. "Ruling off" means to bar from the course.

(350) "Entry" means a horse entered in a race, or 2 or more horses which are entered in a race and are coupled because of common ties. "Common ties" are all horses owned wholly or partly by the same owner or the spouse of an owner, or trained by the same trainer.

(351) "Equipment" when applied to a horse means whips, blinkers, tongue straps, muzzles, hoods, nose bands, bits, shadow rolls, martingales, breast plates, bandages, boots, and plates.

(352) "Foul" means any action by any horse or jockey that tends to hinder or interfere with another horse or jockey during the running of a race.

(353) "Horse" includes a horse, mare, gelding, colt, or filly. A "Michigan-bred horse," for purposes of breeders' awards and state supplements, is defined by section 13(5) of Act No. 27 of the Public Acts of 1959, as amended, being §431.43 of the Michigan Compiled Laws.

(354) "Jockey" means a race rider who, having proved his riding ability to the satisfaction of the stewards, is licensed by the racing commissioner.

(355) "Maiden" is a horse which at the time of starting never has won a race recognized by the American quarter horse association (AQHA). A maiden which has been disqualified after finishing first is still to be considered a maiden.

(356) "Month" means a calendar month.

(357) "Nominator" means the person in whose name a horse is nominated for a sweepstakes or handicap race.

(358) "Owner" includes an owner and lessee of a horse or horses and may be 1 or more persons, individually, in a partnership, as a corporation, or in any other authorized form of collective ownership or control.

(359) "Post" means a station on the race course from which the race is started.

(360) "Post position" means a position assigned by lot to a horse for the start of a race.

(361) "Post time" means the time set for arrival at the starting point of the horses in a race. The post time shall be shown a reasonable time prior to the race on a clock device provided for that purpose, prominently displayed, and clearly readable from the grandstand.

(362) "Quarter horse race" means a race in which each horse participating is a quarter horse (i.e., meeting the requirements of, and being registered with, the AQHA) and is ridden by a jockey.

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(363) "Race" means a contest of speed among quarter horses for a purse, stake, or reward. Races include those described in the following paragraphs:

(a) "Allowance race" means a race in which the respective weights to be carried are based upon amounts of money or number of races a horse has won over a specific period of time.

(b) "Claiming race" means a race in which a horse may be claimed pursuant to these rules.

(c) "Graded race" means a race in which horses are arbitrarily classified by the racing secretary on the basis of past performance.

(d) "Handicap" means a race in which weights are assigned to the horses by the handicapper for the purpose of equalizing their chances of winning.

(e) "Invitational race." An invitational stakes race or an invitational handicap race in which owners do not contribute to the purse, but which is advertised in the regular stakes program, shall also be considered a stakes race if it carries a minimum purse of $10,000.00.

(f) "Maiden race" means a race for horses which at the time of starting have never won a race recognized by the AQHA. A horse that is moved into first place through a disqualification is no longer considered a maiden.

(g) "Match race" means a race between 2 horses, the property of 2 different owners, on terms agreed to by them.

(h) "Optional claiming race" means a race restricted to horses previously raced for a stated price or less and those designated not to be claimed by the option designated in the conditions of the race. In cases of horses which are entered to be claimed, the race shall be considered a claiming race and for horses entered under the option, the race shall be considered an allowance or purse race.

(i) "Overnight race" means a race for which the entries close 48 hours before the time set for the first race of the day on which such race is to be run.

(j) "Produce race" or "futurity" means a race to be contested by the produce of horses which are named or identified before the closing time of nominations.

(k) "Purse race" means a race for money or other prize to which the owners of the horses engaged do not contribute an entry fee of more than $50.00.

(l) "Race on the flat" means a race run over a course on which no jumps or other obstacles are placed.

(m) "Stakes race" or "sweepstakes" means a race in which owners or nominators, or both, of horses entered or engaged for the race contribute $50.00 or more to a purse for which money or other prizes may be added. Nominations shall close more than 72 hours before time for the first race of the day on which such stakes are to be run. A race with a purse of less than $2,000.00 shall not be considered a stakes or feature race.

(n) "Starter race" means an overnight event, under allowance or handicap conditions, restricted to horses which have previously started for the designated claiming price or less, as stated in the conditions of the starter race.

(o) "Trial race" means a race designated primarily to determine the class of competing horses. A trial may be run as a purse race or stakes, or it may be run as a time trial with no purse at all.

(364) "Racing association" or "race meeting licensee" means a person, association, or corporation licensed by the state of Michigan to conduct horse racing for any stake, purse, or reward.

(365) "Racing day" means a period of 24 hours beginning at midnight and including the time of a race meeting.

(366) "Recognized meeting" means (a) a race meeting held under sanction of law or the AQHA, or both, and reported in accepted turf publications, or (b) a

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meeting held in a foreign country, with the sanction of a turf authority whose jurisdiction over racing is recognized by the racing commissioner.

(367) "Starter" means a horse in front of whom the stall doors of the starting gate open at the time the official starter dispatches the field.

(368) "Subscription" means the act of nominating to a stakes race.

(369) "Time of a race meeting" means the total consecutive period for which a license is granted by the racing commissioner.

(370) "Weight for age" means standard weight according to accepted scales.

History: 1954 ACS 91, p. 79, Eff. May 21, 1977.

R 431.72 (b) Race officials.

(371) Officials of a race meeting are as follows: 3 stewards, 3 placing judges, patrol judges, clerk of scales, paddock judge, starter, racing secretary, who may also be a handicapper, timer, veterinarian representing the racing commissioner, and horse identifier.

(372) (a) Two stewards shall be named by the racing commissioner and shall serve as his personal representatives in the stand. All other officials, with the exception of the veterinarian representing the racing commissioner, shall be appointed by the association holding the meeting. All of the officials, including the stewards, are subject to the approval of the racing commissioner. The racing commissioner reserves the right to demand a change of personnel for what he deems good and sufficient reasons. The successor to officials so replaced shall be subject to the approval of the racing commissioner.

(b) In case of emergency, the stewards during a meeting may approve a substitute to fill any of the offices.

(c) An applicant for the position of steward shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, or clerk of scales at a recognized meet for a period of not less than 60 racing days per year during not less than 3 of the 5 preceding calendar years. If no applicant possesses these qualifications then, wherever possible, a person appointed or approved as steward should have prior experience in another branch of racing, such as owner, trainer, jockey, breeder, or veterinarian.

(373) (a) An official or employee who has a direct connection with the running of a race shall not wager money or any other thing of value on the result of a race, nor shall he solicit a stake or present from anyone racing at the meeting.

(b) A person other than the stewards and placing judges shall not be allowed in their respective stands during the running of a race, except with permission of the stewards.

(c) A person other than the stewards shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(d) A person other than those employed in the developing or projection of visual recordings of a race shall not be in the projection room while the stewards are viewing pictures to decide a foul claim or inquiry.

(e) A racing official shall not be the owner or part owner of a horse racing at a track where he is serving.

History: 1954 ACS 91, p. 81, Eff. May 21, 1977.

R 431.73 (c) Stewards.

(374) The laws of Michigan and the rules of racing supersede the conditions of a race or the regulations of a race meeting, and in matters pertaining to racing the orders of the stewards supersede the orders of the officials of the race meeting licensee.

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(375) The stewards have general supervision over all other officials of a race meeting, owners, trainers, jockeys, grooms, and other occupational licensees.

(376) In the performance of their duties, the stewards shall have unrestricted access to all areas used and under the jurisdiction of other racing officials and to all areas used by occupational licensees for racing purposes.

(377) A complaint against a racing official may be made to the stewards or to the racing commissioner. Complaints made directly to the stewards shall be reported to the racing commissioner in writing together with a report of any action which has been taken by them.

(378) Before a race has been declared official, the stewards have the authority to declare a race void and order wagers made on any horse refunded upon reaching a determination that an occurrence before or during a race calls for such action by them in the public interest.

(379) A race meeting licensee shall make a complete visual recording of each race as it is run. Such recordings shall be by motion picture cameras or other means approved by the racing commissioner. A race meeting licensee shall also provide the necessary equipment to promptly show the recordings to the stewards to assist them in making rulings on inquiries, claims of fouls, or other questions pertaining to the race before the race is declared official. Such recordings shall in all cases be considered only as aids to the stewards and the stewards may render decisions without viewing the recordings.

(380) A visual recording of a race shall be preserved by the race meeting licensee in a secure manner for 1 year after the close of the meeting or for a period to be set by the stewards. Specific recordings shall be delivered to the stewards at any time during the meeting and to the racing commissioner or his authorized representative at any time upon request.

(381) For the purpose of educating and protecting jockeys, the race meeting licensee shall show such visual recordings of races, as the stewards deem necessary, to jockeys on the racing day following the races in question.

(382) The stewards shall keep a record of all complaints, infractions of rules, penalties, and dispositions thereof and shall furnish the racing commissioner with a copy of each immediately after each occurrence.

(383) Entries and declarations shall be under the supervision of the stewards. They may refuse entries and when, in their opinion, safety or the best interests of racing require, they may limit entries. A declaration shall not be made without permission of the stewards.

(384) The stewards may interpret the rules of racing and make decisions on all questions arising with reference to entries and the conduct of racing.

(385) The stewards, for cause, may disqualify a horse in any race and may determine the extent of disqualification.

(386) The stewards may demand proof that a horse is not disqualified in any particular or owned in whole or part by a disqualified person. In default of proof satisfactory to them, the stewards may declare the horse disqualified.

(387) The stewards may take disciplinary action against anyone they have authority to supervise, including all occupational licensees.

(388) (a) If a question which would come under the jurisdiction of the stewards is not decided before the close of a meeting, it shall be referred to the racing commissioner for decision after proper notice has been given.

(b) In matters not covered by these rules, the stewards and other officials may, in making decisions, consider the rules of the American quarter horse association (AQHA) if such rules are not in conflict with these rules or the laws of the state of Michigan.

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(c) If a question arises which may or may not be covered by these rules it shall be determined by the stewards in conformity with justice and the best interests of racing.

(389) A ruling involving horses registered by the AQHA or affecting personnel engaged in quarter horse racing shall be filed with the AQHA as well as other recognized turf authorities.

History: 1954 ACS 91, p. 81, Eff. May 21, 1977.

R 431.74 (d) Racing secretary.

(390) The racing secretary shall discharge all duties, express or implied, required by the rules of racing, and he shall report to the stewards all violations of the rules or regulations of the meeting.

(391) Printed for each racing day shall be a program compiled by the racing secretary which shall contain the names of the horses that are to run in each of the races for that day, and other information usually set forth in such programs. The official program shall be filed with the AQHA along with required daily race reports, which are to be accompanied by photo-finish film strips recording the time of each horse to $\frac{1}{100}$ of a second.

(392) The racing secretary, or his designated representative, shall record all winning races on proper forms attached to the AQHA registration certificate not later than the day following the winning race. A certificate of eligibility issued by the director of agriculture must accompany the AQHA registration certificate at time of entry of a Michigan-bred horse in a race restricted to Michigan-breds.

(393) If the number of entries to a purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the starters for the race shall be determined by lot in the presence of those making the entries, and the post positions shall be in the order in which they are drawn; the same methods shall be employed in determining the starters and post positions in split races.

(394) (a) The racing secretary shall keep a list of horses eliminated from races and they shall have preference in any race of similar conditions for which they may be entered thereafter. If a horse appears in the entries and is also entered the following day such entries shall not be given consideration on the preferred list.

(b) The racing secretary shall designate the price spread and the distances and shall publish daily a current list of horses having preference and the price spread and distances of the races to which the preference pertains.

(395) Horses winning races at recognized, authentic county, district, or state fairs in Michigan shall not be penalized for such winnings in races run hereafter under the jurisdiction of the Michigan racing commissioner. The maiden allowance, however, shall be lost by the winning of a race at any fair conducted under the sanction of the AQHA.

(396) If the entries to an overnight race exceed the safe number of starters for the distance as determined by the stewards and the race is not divided, as many as 6 of those which were not drawn shall be placed on the overnight as "also eligibles." If any of the entries are withdrawn at scratch time, as many as required of the "also eligibles" shall be drawn into the race by lot.

The owner or trainer of all "also eligibles" shall, if he does not intend to start, so notify the racing secretary not later than scratch time the day of the race.

(397) Declarations in overnight races shall be made to the racing secretary the day of the race at the appointed time.

(398) In overnight races horses that are physically disabled shall be excused first. If more than 10 interests remain in the first 2 races, or more than 8 interests

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remain in the remainder of the races, owners or trainers may declare out to those numbers by the specified scratch time of the day of the race, such right to be determined by lot when necessary.

(399) A horse that has been excused from starting on account of physical disability or sickness shall not be entered until declared fit by the veterinarian representing the racing commissioner.

History: 1954 ACS 91, p. 82, Eff. May 21, 1977.

R 431.75 (e) Handicapper.

(400) The handicapper shall append to the weights for every handicap the day and hour from which winners shall be liable for a penalty, and no alterations shall be made after publication except in case of omission, through error, of the name and weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

History: 1954 ACS 91, p. 83, Eff. May 21, 1977.

R 431.76 (f) Paddock judge.

(401) The paddock judge shall keep a record of all equipment a horse carried in his previous race and a change is permissible only with consent of the stewards. A designated veterinarian shall be in the paddock for each race. A horse shall be saddled in the paddock and shall be in the paddock not less than 20 minutes before post time.

History: 1954 ACS 91, p. 83, Eff. May 21, 1977.

R 431.77 (g) Placing judges.

(402) (a) The placing judges shall occupy the judges' stand as the horses pass the finish line, and place the horses. In placing the horses the judges shall consider only the respective noses of the horses. Their decision shall be prompt, and shall be final unless a disqualification occurs or their decision is overruled by the stewards. The stewards may correct any mistakes.

(b) As an aide to the judges, every licensed quarter horse track shall provide a photo-finish timing camera which records the time to $\frac{1}{100}$ of a second on the photo-finish film strip. Photo-finish pictures shall be posted or projected for public inspection at the discretion of the commissioner or the stewards.

History: 1954 ACS 91, p. 83, Eff. May 21, 1977.

R 431.78 (h) Patrol judges.

(403) The patrol judges for each race shall take their stations at the places designated by the stewards. They shall be subject to the orders of the stewards and report to them all of their pertinent observations in each race, and shall file written reports if so requested by the stewards.

History: 1954 ACS 91, p. 83, Eff. May 21, 1977.

R 431.79 (i) Clerk of scales.

(404) (a) The clerk of scales shall weigh all jockeys out and in. He shall accurately record and publish any scratch, overweight, or change of jockey, weight, or racing colors, as compared with those stated on the official program, and shall promptly supply all proper racing officials and the mutuel department with all pertinent changes.

(b) The clerk of scales shall report to the racing secretary or his representative, after each race, the weights carried by each horse, with the name of each horse's

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jockey and the overweight, if any. He shall also report the post time and running time in each race and other information which may from time to time be required.

(c) The clerk of scales shall promptly report to the stewards an infraction of the rules with respect to weight, weighing, or riding equipment.

(d) A jockey's weight shall include his clothing, boots, goggles, saddle and its attachments, saddle cloth, or other equipment required by the stewards. The following items shall not be included in the jockey's weight: whip, head number, number cloth, bridle, bit, reins, or safety helmet.

(e) Seven pounds is the limit of overweight a horse may carry. If the weight of a rider exceeds the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at the time designated by the stewards and the clerk of scales shall have the overweight posted and announced immediately. The failure of a jockey to comply with this rule shall be reported to the stewards.

History: 1954 ACS 91, p. 84, Eff. May 21, 1977.

R 431.80 (j) Commissioner's veterinarian.

(405) (a) The commissioner's veterinarian and such assistants he may require shall examine each horse listed in the overnight entries to determine its eligibility and fitness to race, the time of such examination to be within the discretion of the commissioner's veterinarian on the day of the race. The trainer shall have an attendant present when the commissioner's veterinarian comes to his stable to make a pre-race examination.

(b) The commissioner's veterinarian shall supervise the taking of urine, saliva, or such other samples from the horses as may be directed by the stewards and shall be responsible for the proper storing and delivery thereof to the state laboratory and the maintenance of required records.

(c) The commissioner's veterinarian shall examine such horses as the stewards may request him to examine and reexamine and approve for release from the stewards' list all horses that have been placed thereon for being lame, sick, or injured before they may be entered to race again.

(406) A veterinarian employed by the commissioner or by an association shall not, during the period of his employment, treat or prescribe for a quarter horse for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he is so employed by the commissioner or an association.

(407) (a) A veterinarian licensed to practice on the grounds of a race meeting licensee shall maintain personal veterinary records which accurately record all medications and which include: name of the horse treated, date of the treatment, and name of the trainer. Such records shall be made available to the stewards or their representatives on request.

(b) The veterinarian shall report to the commissioner's veterinarian or the stewards internal medication given by him to a horse known by him to be entered in a race, or by his direction given to a horse known by him to be entered in a race. The trainer shall also make such report to the commissioner's veterinarian or the stewards. If a forbidden drug is administered internally before scratch time to a horse which is entered to race, such fact shall be reported by the trainer or the veterinarian to the stewards or their representatives before scratch time. If administration is made after scatch time, it shall be reported to the stewards or their representatives immediately.

History: 1954 ACS 91, p. 84, Eff. May 21, 1977.

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R 431.81 (k) Starting the race.

(408) (a) All horses shall parade and carry their weight from the paddock to the starting post. A horse failing to do so may be disqualified by the stewards.

(b) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses shall be allowed to break formation and canter, warm up, or go as they please to the post. When the horses have reached the post, they shall be started without unnecessary delay.

(409) The horses are in the hands of the starter after they leave the paddock until the start, subject to such action as the stewards may take in excusing horses, and are not entitled to further care by their attendants, except in case of accident the starter may permit jockeys to dismount and horses to be cared for during the delay, otherwise no jockey shall dismount. Unruly horses shall be placed on the schooling list.

(410) (a) The starter is required to load horses in the starting gate in order of post position. An exception to this procedure shall receive the approval of the stewards.

(b) A horse is a starter for a race when the stall doors of the starting gate open in front of the horse at the time the starter dispatches the field.

(411) The starter may recommend the fining or suspension of a jockey to the stewards.

(412) Horses shall be schooled under the supervision of the starter or his assistant, who shall report to the racing secretary horses that are schooled sufficiently to start. Unruly horses shall be placed on the schooling list and shall not start until approved by the starter. The schooling list shall be respected in all cases.

(413) A horse before becoming a starter may be excused by the stewards because of physical disability, incorrigibility, or because it is improperly entered in the race.

(414) If a horse is excused by the stewards before becoming a starter, or if the doors at the front of the stall gate do not open when the starter dispatches the field, thus causing a horse to be left, or if a horse is disqualified for bringing in underweight, the money bet on a horse or horses thus eliminated shall be deducted from the pool and refunded to the purchasers of tickets on such horse or horses. However, if 1 horse of an entry or 1 of the horses grouped in the field leaves the stall gate and brings in proper weight there shall be no refund on the entry or on the field.

(415) The track shall be responsible for setting the starting gate so that races actually are run at designated distances. Surveys of the straightaway grade shall be filed with the racing commissioner and the AQHA.

History: 1954 ACS 91, p. 84, Eff. May 21, 1977.

R 431.82 (l) Entries and starters.

(416) If the name of a horse is changed, the new name and the former name shall be published in the official entries until after the horse has started 3 times. The violation of any part of this rule may be sufficient cause for ruling off.

(417) (a) A person who subscribes to a sweepstakes, enters a horse, or in any way participates in a race or racing under these rules, is subject to these rules upon all questions relating thereto.

(b) A horse shall not be qualified to run for a purse or sweepstakes unless it has been, and continues to be, duly entered for the same; and, unless otherwise specified in the conditions of a race, or disqualified by violation of the racing

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rules, a horse eligible at the time of entry shall continue to be qualified except in an overnight event for which it shall also be eligible at the time of the start.

(418) (a) An owner or trainer, or his authorized representatives, shall not enter or start a horse that:

(1) Is an habitual bleeder.

(2) Has been trachea-tubed.

(3) Has been nerved at or above the ankle.

(419) (a) A horse shall be eligible at time of starting.

(b) A horse shall not be allowed to start unless duly registered and approved by the racing commissioner.

(c) A horse shall not be allowed to start unless an AQHA registration certificate is on file in the office of the racing secretary, except that the stewards, for good cause, may waive this requirement if the horse is otherwise properly identified.

(d) An entry shall not be received for any horse not stabled upon the grounds of the association where the race is run, unless its stabling elsewhere has been approved by the association.

(e) In entering a horse it shall be clearly identified by stating its age, name, color, whether it is a horse, mare, or gelding, the names of its sire and dam, and if the sire or dam is unnamed, such further pedigree or description as will distinguish the horse intended to be entered from all other horses. If its dam is covered by more than one stallion, the names of all of them shall be given in order of service. A horse entered in a claiming race that is monorchid, cryptorchid, or ridgling, may be so described on the entry blank.

(f) An alteration shall not be made in an entry after the time fixed for closing, but an entry in a race may be corrected with the consent of the stewards.

(g) A horse registered with the AQHA which is racing or participating in race training at a licensed track shall, upon request, be tattoo branded on the inside of the upper lip with an official identification number. The number shall be placed on the horse's registration certificate and shall become part of its identifying features.

(h) The refusal by an owner or trainer to comply with such request shall automatically disqualify such horse from participation in racing until there is compliance with the request and may constitute grounds for disciplinary action.

(i) The stewards may require a determination of the age of a horse, if the age on the registration certificate is in doubt, by a tooth examination made by the commissioner's veterinarian. An animal which through such examination does not correspond in age to the foaling date shown on its registration shall be barred from racing until such registration is examined and corrected.

(j) Joint subscriptions and entries may be made by 2 or more owners.

(k) If a horse is sold by private sale, or at public auction, the written acknowledgement of both parties is necessary to prove that it was transferred with its engagements. A copy of such acknowledgement shall be filed with the racing secretary.

(l) The trainer is responsible for the weight carried by his horse.

(420) An entry, subscription, or rights of entry under it, shall not become void on the death of the nominator or subscriber.

(421) The entrance money, starting and subscription fees, in every race, shall go to the winner, unless otherwise specified in its conditions; but if from any cause a race is not run, stakes or entrance money, if paid, shall be refunded.

(422) An entry in a purse race shall be in the name of a person having an ownership interest in the horse, and shall be made in writing by the owner or trainer, or by his authorized agent, and the full name of every person having an

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ownership interest in a horse or an interest in its winnings except the trainer's percentage, shall be registered with the secretary before the horse starts at any meeting. Failure to comply with this rule shall be punished by disciplinary action or suspension, and if an objection because of such default is duly made and sustained against a horse that has run in a race, its winnings in that race shall be forfeited to the horse that finished behind it.

(423) A horse shall not be permitted to start if it has not been fully identified by the official identifier. Absolute responsibility for bringing the correct horse to the paddock rests with the trainer. Violation of any part of this rule shall be grounds for disciplinary action. The stewards may scratch a horse whose recent workouts have not been properly recorded with their office. The trainer is responsible for reporting such workouts.

(424) The racing officials shall have power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property, either wholly or in part, of a person who is disqualified, or to produce proof of the extent of his property interest in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race.

(425) Entries for a purse race, the conditions of which have been previously published, shall close at the time advertised in such publication, and an entry shall not be received after that time, but in case races fail to fill additional time may be granted. Race meeting licensees shall program all allowances, stakes, or handicaps with 6 or more entrants in separate interests and all other races which attract 8 or more entrants in separate interests, with the exception of claiming races for Michigan-breds, which shall be programmed with 7 or more interests.

(426) Not more than 2 horses of the same ownership or interest shall be entered in a purse race or overnight event. Both may start, or 1 or both may be declared at the option of the owner, but only in conformity with the rules governing declarations. If making a double entry in the same ownership, the owner or trainer shall express a preference; and in no case may 2 horses start in the same ownership to the exclusion of a single entry.

(427) (a) All horses having common ties shall be coupled and run as an entry.

(b) If 2 horses are coupled as an entry in an overnight race, either may be declared out up to 1 hour before post time for the first race.

(428) If a race is divided, drawing shall be made for new post positions.

(429) A horse shall not start unless the trainer and owner are licensed by the racing commissioner. A trainer, with the stewards' permission, may start a horse once for an absent owner under a temporary owner's license pending that owner's completion of the regular licensing procedure. A trainer, who is absent from his stable or the grounds where his horses are racing for more than 2 consecutive racing days, and whose horses are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the horses being entered or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the racing commissioner accepting complete responsibility for the horses being entered or running.

(430) If the conditions of any race require an entrance fee, it must accompany the entry.

(431) A horse entered for a purse shall be a starter unless it is declared out.

(432) An owner who has failed to pay the jockey fee or arrears against him on a horse owned by him, may be suspended until same is paid.

(433) In the absence of notice to the contrary, entries or declarations for sweepstakes closing during, or on the eve of, a race meeting, shall be made at the office of the racing secretary.

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(434) (a) An entry and a declaration for a sweepstakes shall not be received after a designated closing hour. If an hour is not designated, an entry or declaration may be mailed, telegraphed, or telephoned not later than midnight of the day of closing at the track where the race is to be run, if the entry or declaration is received in time for compliance with each other condition of the race.

(b) An entry or a declaration in a sweepstakes shall be made in writing by the owner of the horse or by an authorized agent, or an entry may be made by telegram or telephone. A telegraphic or telephonic entry, however, shall be confirmed at the earliest possible opportunity, and before the time for declaring to start, or the horse shall not be allowed to start. The person making an entry in a sweepstakes shall give his name in full and his post office address.

(c) If an irregularity of an entry or declaration in a sweepstakes is asserted, and a record of the entry or declaration is not on file in the racing secretary's office, satisfactory proof that the entry or declaration was mailed, telegraphed, or telephoned shall be presented within a reasonable time or the assertion shall not be considered.

(435) A horse shall not be entered in more than 1 race on the same day.

(436) In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires. If a mare entered in a produce race drops her foal before January 1, has a dead foal, more than 1 foal, or is barren, the entry of such mare is void and the entrance money, if any, shall be returned.

(437) A person who subscribed to a sweepstakes before the time fixed for naming, can transfer the right of entry under 1 or more of his subscriptions to any person or persons otherwise qualified under these rules.

(438) A horse shall become a starter in a sweepstakes unless it has been withdrawn by notice to the clerk of the scales not less than 45 minutes before the time appointed for the race.

(439) (a) A person not having money to his credit with the secretary, shall, before his horse may start, pay to the association all entrance money, stakes, and arrears then due by him or on the horse he intends to start.

(b) If the association allows a horse to start in a race without its entrance money or stake, or its jockey fee for a losing mount for that race, having been paid, it shall be liable for it, but it may have an order of recovery for the same.

History: 1954 ACS 91, p. 85, Eff. May 21, 1977.

R 431.83 (m) Declarations.

(440) (a) The declaration of a horse out of an engagement is irrevocable.

(b) A declaration in sweepstakes shall be made in writing.

(c) Declaration in a purse race shall be made by the owner, trainer, or authorized agent, to the racing secretary or his assistant at such time as he may appoint.

History: 1954 ACS 91, p. 87, Eff. May 21, 1977.

R 431.84 (n) Eligibility, allowances, and penalties.

(441) (a) In determining eligibility, allowances, and penalties, only reports, records, and statistics as published in the "Daily Racing Form," "The Quarter Running Horse Chart Book," corresponding publications of any foreign country, or sworn statements as provided for in subrule (b) shall be considered unless otherwise provided by the published conditions of the race. Interpretation of the conditions of a race shall be made by the racing secretary with approval of the stewards.

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(b) A horse which, during the past calendar year, or a horse in a maiden race which, at any time, has started in an approved race which is not reported in AQHA records shall not be entered at a Michigan track until the owner has furnished to the racing secretary, not less than 48 hours prior to the entry, performance records showing where and when the horse raced, the distance, the weight carried, amount earned, and the horse's finishing position and time. The performance records shall be signed and sworn to by the owner of the horse.

(442) Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.

(443) Penalties are obligatory. Allowances are optional as to all or any part thereof, and in overnight events shall be claimed at the time of entry.

(444) Allowances to the produce of untried horses shall be claimed before the expiration of the time for naming, and shall not be lost by winning after that time.

(445) (a) A horse shall not receive allowances of weight or be relieved from extra weight if it is beaten in 1 or more races. This rule does not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or race of a specified value.

(b) In all overnight races for 2-year-olds, for 3-year-olds, and for 4-year-olds and up, the minimum weight shall be 116 pounds. This rule shall not apply to handicaps or races written for 3-year-olds and up, but, for AQHA awards purposes, horses carrying less than 116 pounds $\frac{1}{10}$ of a second shall be added to the official time for each 4 pounds, or fraction thereof, less than 116 pounds.

(446) If the conditions of the race specify, Michigan-bred horses may be allowed 5 pounds in overnight races.

History: 1954 ACS 91, p. 88, Eff. May 21, 1977.

R 431.85 (o) Winnings.

(447) (a) Winnings include all prizes up to the time appointed for the start, and shall apply to all races, but not the value of a prize not money or not paid in money. Winnings during the year shall be reckoned from the preceding January 1.

(b) The winnings of a horse shall be computed on the value of the gross earnings.

(c) In estimating the value of a series of races in which an extra sum of money is won by winning 2 or more of the series, the extra amount shall be estimated in the last race by which it was finally won.

(d) In case of a dead heat, each horse shall be construed to be a winner only of the amount received by the owner.

(e) Foreign winnings shall be calculated on the basis of the normal rate of exchange on the day of winning.

(f) If a race is not run or is void, stakes, forfeits, and entrance money shall be returned.

(g) A race shall be declared void if no qualified horse covers the course according to the rules.

(448) Purse money, prize money, or award of any kind shall not be distributed until 72 hours after the purse money or award is won, or until results of the saliva, urine, or other tests, are returned from the commissioner's authorized laboratory. It shall be incumbent upon the racing commissioner to notify the licensee in writing if further delay is necessary.

History: 1954 ACS 91, p. 88, Eff. May 21, 1977.

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R 431.86 (p) Claiming races.

(449) The primary purpose of claiming races shall be the classification of horses and not the building up of a racing stable.

(450) (a) In a claiming race a horse is subject to claim for his entered price by any owner, in good standing, who has started a horse at the meeting at which the claim is made. An owner may claim out of his initial race.

(b) A claim may be made by an authorized agent or trainer but an agent or trainer may claim only for the account of those for whom he is licensed as agent.

(c) A person shall not claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account.

(d) A person shall not claim more than 1 horse from 1 race. An authorized agent, although representing several owners, shall not submit more than 1 claim for 1 race. If a stable consists of horses owned by more than 1 person trained by the same trainer, not more than 1 claim may be entered on behalf of such stable in 1 race.

(e) The claiming price of each horse in a claiming race shall be printed in the official program and a claim for the horse shall be for the amount so designated.

(f) A claim shall be made in writing on a form and placed in an envelope furnished by the association and approved by the racing commissioner. Both form and envelope shall be filled out completely, and shall be sufficiently accurate to identify the claim, otherwise the claim shall be void.

(g) A claim shall be deposited in the claim box not less than 10 minutes before post time of the race to which it pertains. The claim box shall be removed from the counter of the racing secretary's office 10 minutes before post time of the race as determined by the official track clock showing post time. If the clock stamp at the counter which imprints the date, hour, and minute, is used to indicate the date and time the claim envelope is deposited, the time shown on the claim envelope shall be not less than 10 minutes prior to post time of the race.

(h) Money or its equivalent shall not be put in the claim box. For a claim to be valid the person making the claim shall have a credit balance in his account with the association's horsemen's bookkeeper of not less than the amount of the claim.

(i) A claim is irrevocable.

(j) The stewards, or their designated representative, shall open the claim envelopes for each race as soon as, but not until, the horses for the race enter the track on the way from the paddock to post.

(k) Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. A horse is a starter if the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(l) A claimed horse shall run in the interest and for the account of the owner from whom claimed.

(m) If a quarter horse is claimed, the racing secretary shall collect the required AQHA transfer fee from the claimant. The fee shall be forwarded to the AQHA with the registration certificate and a report showing the date claimed, name, and address of the person claiming the horse.

(n) A claim not made in compliance with these rules is void. The stewards at any time may require any person filing a claim to make an affidavit in writing that he is claiming pursuant to these rules. The stewards, subject to the approval of the racing commissioner, shall be the judges of the validity of a claim.

(o) If a claimed horse is excused by the stewards before the start of the race, a claim for such horse is void.

(p) A horse that has been claimed shall be taken, after the race has been run, to the paddock for delivery to the claimant, who shall present written authorization

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for the claim from the racing secretary. A person shall not refuse to deliver to the person legally entitled thereto a claimed horse, and the horse is disqualified until delivery is made.

(q) If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards.

(r) For a period of 30 days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim, for any claiming price. This provision does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. This jurisdiction shall honor a similar rule in any other state.

(s) A horse, claimed in another state before racing in this state, while racing in this state shall pay any additional penalty imposed by these rules.

(t) A claimed horse is not eligible to race in any state other than Michigan for a period of 30 days from the date of claim, or until after the close of the meeting at which it was claimed, whichever period of time is the shorter.

(u) A claimed horse shall not be sold or transferred, in whole or in part, to anyone within 30 days after the day it was claimed except in another claiming race.

(v) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom claimed. If a horse is claimed its engagements are included.

(w) A person who enters, or allows to be entered, in a claiming race, a horse against which is held a mortgage, bill of sale, or lien of any kind shall be subject to disciplinary action, unless when, or before, entering the horse, the written consent of the holder of the mortgage, bill of sale or lien is filed with the racing secretary.

(x) A person shall not enter a horse in a claiming race without disclosing its true ownership. If a horse is claimed, the successful claimant shall register the change with the racing secretary. An allegation of ownership of a horse entered in a claiming race by someone not having peaceful and undisputed possession of it shall not be considered after closing time for claims on that race.

(y) A person shall not offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, a horse in a claiming race. A person shall not attempt by intimidation to prevent anyone from running a horse in a claiming race. An owner or trainer shall not make an agreement with another owner or trainer for the protection of each other's horses in a claiming race.

(z) If a stable registered at a meeting is eliminated by sale or removal from the grounds the right to claim is void. If a stable has been eliminated by claiming, the owner so affected may obtain a certificate from the stewards of the meeting and on presentation of that certificate, the owner shall be entitled to claim during the next 30 racing days at any recognized meeting in this state, until he has claimed a horse, or has acquired a horse by some other means. Stables eliminated by fire and other hazards may also be permitted by the stewards to claim under this rule.

(451) An official or other employee of an association shall not give any information as to the filing of claims until the race has been run.

History: 1954 ACS 91, p. 88. Eff. May 21, 1977.

R 431.87 (q) Dead heats.

(452) (a) If a race results in a dead heat, the dead heat shall not be run off; owners shall divide first and second money.

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(b) If 2 horses run a dead heat for first place, all prizes to which first and second horses are entitled shall be divided equally between them; and this applies to dividing prizes regardless of the number of horses running a dead heat. Each horse shall be deemed a winner and liable to penalty for the amount he shall receive. Likewise, if 2 horses run a dead heat for second, they shall divide the second and third money.

(c) If a dead heat is run for second place, and an objection is made to the winner of the race which is sustained, the horses which ran the dead heat shall be deemed to have run a dead heat for the first place.

(d) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards if the racing association chooses not to offer duplicate awards.

History: 1954 ACS 91, p. 90, Eff. May 21, 1977.

R 431.88 (r) Apprentice jockeys.

(453) There shall not be an apprentice jockey classification or weight allowance.

History: 1954 ACS 91, p. 90, Eff. May 21, 1977.

R 431.89 (s) Penalties.

(454) If a race is in dispute, both the horse that finished first and a horse for which the race is authoritatively claimed, shall be liable to all the penalties attached to the winning of that race until the matter is decided.

(455) If winners of claiming races are exempt from penalties, the exemption shall apply to the winners of optional claiming races only if such winner was entered to be claimed.

(456) The handicapper shall append to the weights for every handicap, the day and hour from which winners will be liable to a penalty, if any, and an alteration shall not be made after publication except in case of omission through error of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

(457) Penalties shall not be levied against horses, except as to maiden allowances, for winning races on minor tracks. In determining which tracks are minor tracks, the racing commission may consider tracks not reported in the daily racing form or corresponding publications.

History: 1954 ACS 91, p. 90, Eff. May 21, 1977.

R 431.90 (t) Equipment.

(458) (a) Permission for change of equipment from that which the horse carried in its last race may be obtained only from the stewards.

(b) Equipment changes shall be made not later than time of entry.

(c) The use of spurs is prohibited.

(d) Whips are limited to 28 inches in length, including popper. Whips shall have a minimum of 3 feathers and shall not have stingers.

(e) A jockey riding in a race shall wear a safety helmet of a type approved by the racing commissioner on recommendation of the stewards and a change shall not be made in such helmet without the approval of the stewards. A jockey or other rider in the course of exercising or ponying a quarter horse shall be required to wear an approved safety helmet.

(f) A whip, blinkers, or number cloth shall not be allowed on the scales nor shall a bridle or safety helmet approved by the racing commissioner be weighed.

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(g) A horse shall wear head numbers in a race if the track is officially rated sloppy or muddy.

(459) A horse entering the paddock to race shall be inspected as to its shoeing, if any. An unshod horse may race.

History: 1954 ACS 91, p. 91, Eff. May 21, 1977.

R 431.91 (u) Objections and appeals.

(460) (a) An objection, except a claim of interference during a race, shall be made to the stewards in writing and signed by the objector. A protest alleging fraud may be made at any time but a protest on grounds of ineligibility, incorrect weight, age or identification shall be made within 48 hours of the race. The stewards, however, may scratch an ineligible horse at any time.

(b) Permission of the stewards is necessary before an objection can be withdrawn.

(c) A person making an objection determined by the stewards or racing commissioner to be unreasonable or frivolous shall pay all the costs and expenses incurred in determining the objection, unless relieved from such expense by the racing commissioner.

(d) An objection to a horse engaged in a race may be made by an owner, trainer, or jockey of some other horse engaged in the same race, or by officials of the meeting.

(461) Proof of the qualifications of any horse against which a protest has been lodged may be demanded by the stewards and, in default of such proof being given, they may declare the horse disqualified.

(462) Objections to a horse based on what occurred in a race shall be made before the numbers of the horses placed in the race have been officially confirmed.

(463) Owners, trainers, and jockeys who make unnecessary complaints may be subject to disciplinary action.

(464) If an objection to a horse which has won or which has been placed in the money in a race is declared valid, that horse is disqualified and the other horses in the race are entitled to placing in the order in which they finished.

(465) If by reason of an objection to a horse a race or place is awarded to another horse, the money for such race shall be redistributed in accordance with the final placing and the stewards shall disqualify any owner who retains any money erroneously awarded prior to the final ruling.

(466) Pending a decision based on an objection, a prize which the horse against which the objection is lodged may have won or may win in the race, or any money held by the association as the prize of a horse claimed in a race, if involved in the determination of the case, shall be withheld until the objection is determined.

(467) In all cases of fraud, or willful deception, the time limitations shall not apply if the stewards are satisfied that the allegations are bona fide and are susceptible of verification; also, the stewards may, on their own initiative, call for proof that a horse is neither disqualified in any respect, nor nominated by, nor the property wholly or in part of, a disqualified person, and in default of such proof, they may declare the horse disqualified.

History: 1954 ACS 91, p. 91, Eff. May 21, 1977.

R 431.92 (v) Causes for disqualifications of jockeys and horses.

(468) A leading horse is entitled to any part of the track, but if a horse swerves or is ridden to either side so as to interfere with or impede another horse, it is a

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foul, and such horse may be disqualified, if in the opinion of the stewards it altered the finish of the race, whether the foul was willful or the result of careless riding. If the stewards determine the foul was intentional or due to careless riding, they shall recommend to the racing commissioner disciplinary action for the offending jockey.

(469) (a) The stewards, subject to the racing commissioner's approval, are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(b) If a horse is disqualified under this rule, a horse in the same race belonging, in whole or in part, to the same owner or trained by the same trainer, in the discretion of the stewards may be disqualified.

(c) The time record for the first horse to cross the finish line shall be the official time of the race except as provided in R 431.62(20).

(470) The stewards shall take cognizance of foul riding, whether complaint is made or not, and a complaint shall not be received from any person except the jockey, trainer, or owner of the horses interfered with.

(471) A person shall not assist the jockeys in taking their equipment off their horses except by the permission of the stewards.

(472) A person shall not throw any covering over any horse at the place of dismounting until its equipment shall have been removed.

(473) (a) A jockey shall weigh in at the same weight as that which he weighed out, and if short of it by 2 pounds or more his mount shall be disqualified and a refund ordered pursuant to R 431.81(414).

(b) A horse which does not carry its jockey across the finish line is disqualified.

(c) A jockey who willfully strikes another jockey or horse with his whip or grabs the clothing or equipment of another jockey or horse may be suspended or ruled off and his mount disqualified.

History: 1954 ACS 91, p. 92, Eff. May 21, 1977.

R 431.93 (w) Jockeys.

(474) A jockey shall not wager on any race except on the horse which he rides, in which case the wager may be made only through the owner or trainer of such horse. A jockey who shall be proven, to the satisfaction of the racing commissioner, to have any pecuniary interest in a race horse, or to have engaged in any forbidden wagering transaction, or to have received any remuneration, gratuities, or incentive in connection with a horse race from persons other than the owner or trainer of a horse ridden by such jockey shall be subject to disciplinary action, including license revocation.

(475) Jockeys having engagements to ride shall be in the scale room at the appointed time. After making weights, jockeys shall not leave the jockey room until all engagements for the day have been filled. Immediately before mounting, jockeys shall test their weights on the scales provided for that purpose and upon failure to make such tests, shall be subject to disciplinary action or suspended.

(476) A jockey shall not have an ownership interest in any race horse.

(477) (a) A jockey shall not wear colors other than those of the owner of the horse he is riding except by permission of the stewards.

(b) If a horse is warming up before a race its number shall be exhibited upon the arm of its rider.

(478) The fee to a jockey in all races shall be, in the absence of a special agreement, not less than the amounts as set forth:

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(a) A jockey shall be paid a basic fee of $15.00 for each mount. In addition to the basic $15.00 mount fee, a jockey shall receive a fee of $10.00 for each winning ride, a fee of $4.00 for each second-place finish, and a fee of $2.00 for each third-place finish. Jockeys riding in stakes race finals shall receive 10% of the winnings of their mount.

(b) The $15.00 mount fee shall be deposited with the horsemen's bookkeeper at the time of entry unless the owner or trainer has sufficient money in his account.

(c) Whether the jockey has earned his fee in the event of a scratch after he has weighed out for the race shall be determined by the stewards according to the circumstances in each case.

(479) A jockey shall not be allowed a personal valet. If valets are employed, the association shall make the necessary arrangements for these attendants upon jockeys, and said attendants shall be paid for their services by the association from an assessment levied upon, and collected from, the jockeys and divided equally among all the valets. The valets shall work by the rotation system prepared by the custodian at the beginning of the meeting.

(480) A person employed in the jockeys' room shall not make a bet for himself or place for another a bet on any race, under penalty of disciplinary action.

(481) (a) It shall be the duty of the jockey room custodian to see that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

(b) The custodian shall assist the clerk of scales as the clerk may desire.

(c) The custodian shall make certain that persons other than racing officials, qualified commissioner representatives, and the necessary jockey room attendants, are not admitted to the jockey room after the designated time on a race day without consent of the stewards for each time of entry.

(d) The custodian shall oversee the care and storage of all racing colors.

(e) The custodian shall oversee the jockey attendants.

(f) The custodian shall report to the stewards any irregularities that occur in his province.

(g) The custodian shall make certain that jockeys are neat in appearance when they leave the rooms to ride in a race or when they leave, under escort, to observe the running of a race.

(h) There shall be no gambling or game of chance permitted in the jockeys' quarters.

(482) Unless fraud has been committed, all jockeys temporarily suspended may on the day following such temporary suspension, fulfill all engagements for such day made prior to such suspension.

(483) A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be subject to disciplinary action by the racing commissioner in accordance with the gravity of the offense. Disciplinary action imposed on a jockey shall be satisfied by the disciplined jockey himself.

(484) Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

(1) Conflicting claims for the services of a jockey shall be decided by the stewards.

(2) A jockey shall not ride against his contract employer in a race unless the horse which he rides is trained by the same trainer as that of his contract employer.

History: 1954 ACS 91, p. 92. Eff. May 21, 1977.

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R 431.94 (x) Jockey agents.

(485) (a) Jockeys may make their own engagements, or they may be made by a licensed agent or a contract employer. A jockey agent may act for 2 jockeys only upon approval by the stewards.

(b) A jockey agent shall not come on the track, enter the winner's circle after a race, or be allowed in the paddock at any time.

(c) A jockey agent shall maintain separate and accurate records of all engagements contracted for riders he represents, and at all times have these records available for examination by the stewards.

(d) Inaccuracies in, or failure to maintain, such records as are satisfactory to the stewards constitutes neglect, the penalty for which shall be such disciplinary action as may be determined by the racing commissioner on recommendation of the stewards.

(e) If a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing, setting forth the reasons for dismissal of the jockey agent. Failure of the jockey to comply shall be punishable by such disciplinary action as may be determined by the racing commissioner on recommendation of the stewards.

History: 1954 ACS 91, p. 93, Eff. May 21, 1977.

R 431.95 (y) Partnerships.

(486) (a) A partnership shall be registered with the racing commissioner. Partnership papers shall include:

(1) The name and address of each person having an interest in any horse involved.

(2) The relative proportion of such interests.

(3) To whom the winnings are payable.

(4) In whose name each horse shall run.

(5) With whom the power of entry and declaration rests.

(6) The terms of any contingency, lease, or other arrangement.

(b) Partnership papers shall be signed by all parties or their authorized agents. In case of an emergency, authority to sign declarations of partners may be given to the racing secretary by a telegram promptly confirmed in writing.

(c) If the racing secretary is unable to communicate with all proper parties in an attempt to obtain a declaration of partnership, he may authorize a horse involved in a partnership to enter and to start in a stake race without a declaration of partnership.

(d) An alteration in a recorded partnership registration, to be effective, shall be reported in writing to the racing commissioner and signed by all parties.

(e) Each of the parties to a partnership shall be jointly and severally liable for all stakes, forfeits, and other obligations.

(f) The part owner of a horse may assign his share, or any part of it, with the written consent of the other partners and the consent shall be filed with the stewards.

(g) A partner may claim for the partnership, unless otherwise stated in the partnership agreement.

History: 1954 ACS 91, p. 93, Eff. May 21, 1977.

R 431.96 (z) Corporations.

(487) (a) A corporation having an interest in a horse shall file with the racing commissioner at the time of filing application for an owner's license, a statement

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in duplicate setting forth the names and addresses of all officers, directors, and shareholders of the corporation, together with the amount of the respective holdings of each shareholder and a statement as to whether their stock is paid in full, and including the designation of an authorized agent or agents of the corporation. The statement shall be signed by the president of the corporation, attested by its secretary, and the corporate seal attached.

(b) A license as an owner shall not be granted to a corporation unless such corporation has not more than 10 shareholders or members, each of whom shall be the registered and beneficial owner of stock membership in the corporation. Each shareholder shall file an application for an owner's license.

(c) A corporation which leases horses for racing purposes in this state and also all its shareholders or members shall make and file with the racing commissioner, if requested by him, a report containing such information as the commissioner may specify. Upon refusal or failure to file such a report, the racing commissioner may refuse a license to a lessee of such corporation or may revoke any such license he granted. A transfer of stock of such corporation or change in the officers or directors shall be reported in writing to the racing commissioner within 48 hours of such change.

(488) Statements of sales and contingencies, or arrangements, by partnerships or corporations, shall declare to whom winnings are payable, in whose name the horse shall run, and with whom rests the power of entry or declaration or declaration of forfeit, and a copy of this information shall be transmitted to the racing commissioner.

History: 1954 ACS 91, p. 94, Eff. May 21, 1977.

R 431.97 (aa) Miscellaneous.

(489) A quarter horse race meeting licensee shall not have more than 10 races a day with pari-mutuel betting. Not less than 1 race for Michigan-bred horses shall be scheduled on each full quarter horse program. A quarter horse race meeting licensee may have more than the number of races a day as herein set forth only upon special permission of the racing commissioner. If Sunday racing is permitted, the first race shall not start before 2 p.m. The national anthem shall be played before the first race is run on all racing days.

History: 1954 ACS 91, p. 94, Eff. May 21, 1977.

PART 6. APPALOOSA RACING

R 431.98 Definitions.

(490) "Age" of a horse is reckoned as beginning the first day of January of the year in which the horse is foaled.

(491) "Appaloosa race" means a race in which each horse participating is an appaloosa, that is, meeting the requirements of, and being registered with, the appaloosa horse club (ApHC) and is ridden by a jockey.

(492) "Arrears" includes all sums due for entrance money, subscriptions, fees, fines, and any default incident to these rules or the rules of the racing authority of any other state or country.

(493) "Authorized agent" means an agent licensed as such by the racing commissioner and whose authority to act for, and on behalf of, another person is evidenced by an authorization filed with the commissioner.

(494) "Breeder" means an owner of a dam at the time of foaling.

(495) "Course" or "grounds" means the entire premises under control of the race meeting licensees for the conduct of racing.

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(496) "Declaration" or "scratch" means the withdrawal of a horse from a race.

(497) "Disciplinary action" means revocation of a license, suspension, ruling off, fine or reprimand, or any combination thereof. "Ruling off" means to bar from the course.

(498) "Entry" means a horse entered in a race, or 2 or more horses which are entered in a race and are coupled because of common ties. "Common ties" are all horses owned wholly or partly by the same owner or the spouse of an owner, or trained by the same trainer.

(499) "Equipment," when applied to a horse, means whips, blinkers, halters designed to prevent flipping, tongue straps, muzzles, hoods, nose bands, bits, shadow rolls, martingales, breast plates, bandages, boots, and plates.

(500) "Foul" means any action by any horse or jockey that tends to hinder or interfere with another horse or jockey during the running of a race.

(501) "Horse" includes a horse, mare, gelding, colt, or filly.

(502) "Jockey" means a race rider who, having proved his riding ability to the satisfaction of the stewards, is licensed by the racing commissioner.

(503) "Maiden" is a horse which at the time of starting never has won a race approved by the appaloosa horse club (ApHC). A maiden which has been disqualified after finishing first is still to be considered a maiden.

(504) "Month" means a calendar month.

(505) "Nominator" means the person in whose name a horse is nominated for a sweepstakes or handicap race.

(506) "Owner" includes an owner and lessee of a horse or horses and may be 1 or more persons, individually, in a partnership, as a corporation, or in any other authorized form of collective ownership or control.

(507) "Post" means a station on the race course from which the race is started.

(508) "Post position" means a position assigned by lot to a horse for the start of a race.

(509) "Post time" means the time set for arrival at the starting point of the horses in a race. The post time shall be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed, and clearly readable from the grandstand.

(510) "Race" means a contest of speed among appaloosa horses for a purse, stake, or reward. Races include those described in the following subdivisions:

(a) "Allowance race" means a race in which the respective weights to be carried are based upon amounts of money or number of races a horse has won over a specific period of time.

(b) "Claiming race" means a race in which a horse may be claimed pursuant to these rules.

(c) "Graded race" means a race in which horses are arbitrarily classified by the racing secretary on the basis of past performance.

(d) "Handicap" means a race in which weights are assigned to the horses by the handicapper for the purpose of equalizing their chances of winning.

(e) "Invitational race." An invitational stakes race or an invitational handicap race in which owners do not contribute to the purse, but which is advertised in the regular stakes program, shall also be considered a stakes race if it carries a minimum purse of $10,000.00.

(f) "Maiden race" means a race for horses which at the time of starting have never won a race approved by the ApHC. A horse that is moved into first place through a disqualification is no longer considered a maiden.

(g) "Match race" means a race between 2 horses, the property of 2 different owners, on terms agreed to by them.

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(h) "Optional claiming race" means a race restricted to horses previously raced for a stated price or less and those designated not to be claimed by the option designated in the conditions of the race. In cases of horses which are entered to be claimed, the race shall be considered a claiming race, and for horses entered under the option the race shall be considered an allowance or purse race.

(i) "Overnight race" means a race for which the entries close 48 hours before the time set for the first race of the day on which such race is to be run.

(j) "Produce race" or "futurity" means a race to be contested by the produce of horses which are named or identified before the closing time of nominations.

(k) "Purse race" means a race for money or other prize to which the owners of the horses engaged do not contribute an entry fee of more than $50.00.

(l) "Race on the flat" means a race run over a course on which no jumps or other obstacles are placed.

(m) "Schooling race" means any race run without ApHC approval.

(n) "Stakes race" or "sweepstakes" means a race in which owners or nominators, or both, of horses entered or engaged for the race contribute $50.00 or more to a purse for which money or other prizes may be added. Nominations shall close more than 72 hours before time for the first race of the day on which such stakes are to be run.

(o) "Starter race" means an overnight event, under allowance or handicap conditions, restricted to horses which have previously started for the designated claiming price or less, as stated in the conditions of the starter race.

(p) "Trial race" means a race designated primarily to determine the class of competing horses. A trial may be run as a purse race or stakes, or it may be run as a time trial with no purse at all.

(511) "Racing association" or "race meeting licensee" means a person, association, or corporation licensed by the state of Michigan to conduct horse racing for any stake, purse, or reward.

(512) "Racing day" means a period of 24 hours beginning at midnight and including the time of a race meeting.

(513) "Recognized meeting" means (a) a race meeting held under sanction of law or the ApHC, or both, and reported in accepted turf publications, or (b) a meeting held in a foreign country, with the sanction of a turf authority whose jurisdiction over racing is recognized by the racing commissioner.

(514) "Starter" means a horse in front of which the stall doors of the starting gate open at the time the official starter dispatches the field.

(515) "Subscription" means the act of nominating to a stakes race.

(516) "Time of a race meeting" means the total consecutive period for which a license is granted by the racing commissioner.

(517) "Weight for age" means standard weight according to accepted scales.

History: 1954 ACS 95, p. 78, Eff. May 9, 1978.

R 431.98a Race officials.

(518) Officials of a race meeting are as follows: 3 stewards, 3 placing judges, patrol judges, clerk of scales, paddock judge, starter, racing secretary, who may also be a handicapper, timer, veterinarian representing the racing commissioner, and horse identifier.

(519) (a) Two stewards shall be named by the racing commissioner and shall serve as his personal representatives in the stand. All other officials, with the exception of the veterinarian representing the racing commissioner, shall be appointed by the association holding the meeting. All of the officials, including the stewards, are subject to the approval of the racing commissioner. The racing

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commissioner reserves the right to demand a change of personnel for what he deems good and sufficient reasons. The successor to officials so replaced shall be subject to the approval of the racing commissioner.

(b) In case of emergency, the stewards during a meeting may approve a substitute to fill any of the offices.

(c) An applicant for the position of steward shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, or clerk of scales at a recognized meet for a period of not less than 60 racing days per year during not less than 3 of the 5 preceding calendar years. If no applicant possesses these qualifications then, wherever possible, a person appointed or approved as steward should have prior experience in another branch of racing, such as owner, trainer, jockey, breeder, or veterinarian.

(520) (a) An official or employee who has a direct connection with the running of a race shall not wager money or any other thing of value on the result of a race, nor shall he solicit a stake or present from anyone racing at the meeting.

(b) A person other than the stewards and placing judges shall not be allowed in their respective stands during the running of a race, except with permission of the stewards.

(c) A person other than the stewards shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(d) A person other than those employed in the developing or projection of visual recordings of a race shall not be in the projection room while the stewards are viewing pictures to decide a foul claim or inquiry.

(e) A racing official shall not be the owner or part owner of a horse racing at a track where he is serving.

History: 1954 ACS 95, p. 79, Eff. May 9, 1978.

R 431.98b Stewards.

(521) The laws of Michigan and the rules of racing supersede the conditions of a race or the regulations of a race meeting, and in matters pertaining to racing the orders of the stewards supersede the orders of the officials of the race meeting licensee.

(522) The stewards have general supervision over all other officials of a race meeting, owners, trainers, jockeys, grooms, and other occupational licensees.

(523) In the performance of their duties, the stewards shall have unrestricted access to all areas used and under the jurisdiction of other racing officials and to all areas used by occupational licensees for racing purposes.

(524) A complaint against a racing official may be made to the stewards or to the racing commissioner. Complaints made directly to the stewards shall be reported to the racing commissioner in writing together with a report of any action which has been taken by them.

(525) Before a race has been declared official, the stewards have the authority to declare a race void and order wagers made on any horse refunded upon reaching a determination that an occurrence before or during a race calls for such action by them in the public interest.

(526) A race meeting licensee shall make a complete visual recording of each race as it is run. Such recordings shall be by motion picture cameras or other means approved by the racing commissioner. A race meeting licensee shall also provide the necessary equipment to promptly show the recordings to the stewards to assist them in making rulings on inquiries, claims of fouls, or other questions pertaining to the race before the race is declared official. Such recordings shall in all cases be considered only as aids to the stewards and the stewards may render decisions without viewing the recordings.

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(527) A visual recording of a race shall be preserved by the race meeting licensee in a secure manner for 1 year after the close of the meeting or for a period to be set by the stewards. Specific recordings shall be delivered to the stewards at any time during the meeting and to the racing commissioner or his authorized representative at any time upon request.

(528) For the purpose of educating and protecting jockeys, the race meeting licensee shall show such visual recordings of races, as the stewards deem necessary, to jockeys on the racing day following the races in question.

(529) The stewards shall keep a record of all complaints, infractions of rules, penalties, and dispositions thereof and shall furnish the racing commissioner with a copy of each immediately after each occurrence.

(530) Entries and declarations shall be under the supervision of the stewards. They may refuse entries and when, in their opinion, safety or the best interests of racing require, they may limit entries. A declaration shall not be made without permission of the stewards.

(531) The stewards may interpret the rules of racing and make decisions on all questions arising with reference to entries and the conduct of racing.

(532) The stewards, for cause, may disqualify a horse in any race and may determine the extent of disqualification.

(533) The stewards may demand proof that a horse is not disqualified in any particular or owned in whole or part by a disqualified person. In default of proof satisfactory to them, the stewards may declare the horse disqualified.

(534) The stewards may take disciplinary action against anyone they have authority to supervise, including all occupational licensees.

(535) (a) If a question which would come under the jurisdiction of the stewards is not decided before the close of a meeting, it shall be referred to the racing commissioner for decision after proper notice has been given.

(b) In matters not covered by these rules, the stewards and other officials may, in making decisions, consider the rules of the appaloosa horse club (ApHC) if such rules are not in conflict with these rules or the laws of the state of Michigan.

(c) If a question arises which may or may not be covered by these rules it shall be determined by the stewards in conformity with justice and the best interests of racing.

(536) A ruling involving horses registered by the ApHC or affecting personnel engaged in appaloosa racing shall be filed with the ApHC as well as other recognized turf authorities.

History: 1954 ACS 95, p. 80, Eff. May 9, 1978.

R 431.98c Racing secretary.

(537) The racing secretary shall discharge all duties, express or implied, required by the rules of racing, and he shall report to the stewards all violations of the rules or regulations of the meeting.

(538) Printed for each racing day shall be a program compiled by the racing secretary which shall contain the names of the horses that are to run in each of the races for that day, and other information usually set forth in such programs. The official program shall be filed with the ApHC along with required daily race reports, which are to be accompanied by photo-finish film strips recording the time of each horse to ⅟₁₀₀ of a second.

(539) The racing secretary or his designated representative shall record all winning races on proper forms attached to the ApHC registration certificate not later than the day following the winning race. A certificate of eligibility issued by the director of agriculture shall accompany the ApHC registration certificate at time of entry of a Michigan-bred horse in a race restricted to Michigan-breds.

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(540) If the number of entries to a purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the starters for the race shall be determined by lot in the presence of those making the entries, and the post positions shall be in the order in which they are drawn; the same methods shall be employed in determining the starters and post positions in split races.

(541) (a) The racing secretary shall keep a list of horses eliminated from races and they shall have preference in any race of similar conditions for which they may be entered thereafter. If a horse appears in the entries and is also entered the following day, such entries shall not be given consideration on the preferred list.

(b) The racing secretary shall designate the price spread and the distances and shall publish daily a current list of horses having preference and the price spread and distances of the races to which the preference pertains.

(542) Horses winning races at recognized, authentic county, district, or state fairs in Michigan shall not be penalized for such winnings in races run hereafter under the jurisdiction of the Michigan racing commissioner. The maiden allowance, however, shall be lost by the winning of a race at any fair where racing is approved by the ApHC.

(543) If the entries to an overnight race exceed the safe number of starters for the distance as determined by the stewards and the race is not divided, as many as 6 of those which were not drawn shall be placed on the overnight as "also eligibles." If any of the entries are withdrawn at scratch time, as many as required of the "also eligibles" shall be drawn into the race by lot.

The owner or trainer of all "also eligibles" shall, if he does not intend to start, so notify the racing secretary not later than scratch time the day of the race.

(544) Declarations in overnight races shall be made to the racing secretary the day of the race at the appointed time.

(545) In overnight races horses that are physically disabled shall be excused first. If more than 10 interests remain in the first 2 races, or more than 8 interests remain in the remainder of the races, owners or trainers may declare out to those numbers by the specified scratch time of the day of the race, such right to be determined by lot when necessary.

(546) A horse that has been excused from starting on account of physical disability or sickness shall not be entered until declared fit by the veterinarian representing the racing commissioner.

History: 1954 ACS 95, p. 81, Eff. May 9, 1978.

R 431.98d Handicapper.

(547) The handicapper shall append to the weights for every handicap the day and hour from which winners shall be liable for a penalty, and no alterations shall be made after publication except in case of omission, through error, of the name and weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

History: 1954 ACS 95, p. 82, Eff. May 9, 1978.

R 431.98e Paddock judge.

(548) The paddock judge shall keep a record of all equipment a horse carried in his previous race and a change is permissible only with consent of the stewards. A designated veterinarian shall be in the paddock for each race. A horse shall be saddled in the paddock and shall be in the paddock not less than 20 minutes before post time.

History: 1954 ACS 95, p. 82, Eff. May 9, 1978.

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R 431.98f Placing judges.

(549) (a) The placing judges shall occupy the judges' stand as the horses pass the finish line, and place the horses. In placing the horses the judges shall consider only the respective noses of the horses. Their decision shall be prompt, and shall be final unless a disqualification occurs or their decision is overruled by the stewards. The stewards may correct any mistakes.

(b) As an aid to the judges, every licensed appaloosa track shall provide a photo-finish timing camera which records the time to 1/100 of a second on the photo-finish filmstrip. Photo-finish pictures shall be posted or projected for public inspection at the discretion of the commissioner or the stewards.

History: 1954 ACS 95, p. 82, Eff. May 9, 1978.

R 431.98g Patrol judges.

(550) The patrol judges for each race shall take their stations at the places designated by the stewards. They shall be subject to the orders of the stewards and report to them all of their pertinent observations in each race, and shall file written reports if so requested by the stewards.

History: 1954 ACS 95, p. 82, Eff. May 9, 1978.

R 431.98h Clerk of scales.

(551) (a) The clerk of scales shall weigh all jockeys out and in. He shall accurately record and publish any scratch, overweight, or change of jockey, weight, or racing colors as compared with those stated on the official program, and shall promptly supply all proper racing officials and the mutuel department with all pertinent changes.

(b) The clerk of scales shall report to the racing secretary, or his representative, after each race, the weights carried by each horse, with the name of each horse's jockey and the overweight, if any. He shall also report the post time and running time in each race and other information which may from time to time be required.

(c) The clerk of scales shall promptly report to the stewards an infraction of the rules with respect to weight, weighing, or riding equipment.

(d) A jockey's weight shall include his clothing, boots, goggles, saddle and its attachments, saddle cloth, or other equipment required by the stewards. The following items shall not be included in the jockey's weight: whip, head number, number cloth, bridle, bit, reins, or safety helmet.

(e) Seven pounds is the limit of overweight a horse may carry. If the weight of a rider exceeds the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at the time designated by the stewards and the clerk of scales shall have the overweight posted and announced immediately. The failure of a jockey to comply with this rule shall be reported to the stewards.

History: 1954 ACS 95, p. 82, Eff. May 9, 1978.

R 431.98i Commissioner's veterinarian.

(552) (a) The commissioner's veterinarian and such assistants he may require shall examine each horse listed in the overnight entries to determine its eligibility and fitness to race, the time of such examination to be within the discretion of the commissioner's veterinarian on the day of the race. The trainer shall have an attendant present when the commissioner's veterinarian comes to his stable to make a pre-race examination.

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(b) The commissioner's veterinarian shall supervise the taking of urine, saliva, or such other samples from the horses as may be directed by the stewards and shall be responsible for the proper storing and delivery thereof to the state laboratory and the maintenance of required records.

(c) The commissioner's veterinarian shall examine such horses as the stewards may request him to examine and reexamine and approve for release from the stewards' list all horses that have been placed thereon for being lame, sick, or injured before they may be entered to race again.

(553) A veterinarian employed by the commissioner or by an association shall not, during the period of his employment, treat or prescribe for an appaloosa for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he is so employed by the commissioner or an association.

(554) (a) A veterinarian licensed to practice on the grounds of a race meeting licensee shall maintain personal veterinary records which accurately record all medications and which include: name of the horse treated, date of the treatment, and name of the trainer. Such records shall be made available to the stewards or their representatives on request.

(b) The veterinarian shall report to the commissioner's veterinarian or the stewards internal medication given by him to a horse known by him to be entered in a race, or by his direction given to a horse known by him to be entered in a race. The trainer shall also make such report to the commissioner's veterinarian or the stewards. If a forbidden drug is administered internally before scratch time to a horse which is entered to race, such fact shall be reported by the trainer or the veterinarian to the stewards or their representatives before scratch time. If administration is made after scratch time, it shall be reported to the stewards or their representatives immediately.

History: 1954 ACS 95, p. 83. Eff. May 9, 1978.

R 431.98j Starting the race.

(555) (a) All horses shall parade and carry their weight from the paddock to the starting post. A horse failing to do so may be disqualified by the stewards.

(b) After entering the track not more than 12 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses shall be allowed to break formation and canter, warm up, or go as they please to the post. When the horses have reached the post, they shall be started without unnecessary delay.

(556) The horses are in the hands of the starter after they leave the paddock until the start, subject to such action as the stewards may take in excusing horses, and are not entitled to further care by their attendants, except in case of accident the starter may permit jockeys to dismount and horses to be cared for during the delay, otherwise no jockey shall dismount. Unruly horses shall be placed on the schooling list.

(557) (a) The starter is required to load horses in the starting gate in order of post position. An exception to this procedure shall receive the approval of the stewards.

(b) A horse is a starter for a race when the stall doors of the starting gate open in front of the horse at the time the starter dispatches the field.

(558) The starter may recommend the fining or suspension of a jockey to the stewards.

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(559) Horses shall be schooled under the supervision of the starter or his assistant, who shall report to the racing secretary horses that are schooled sufficiently to start. Unruly horses shall be placed on the schooling list and shall not start until approved by the starter. The schooling list shall be respected in all cases.

(560) A horse before becoming a starter may be excused by the stewards because of physical disability, incorrigibility, or because it is improperly entered in the race.

(561) If a horse is excused by the stewards before becoming a starter, or if the doors at the front of the stall gate do not open when the starter dispatches the field, thus causing a horse to be left, or if a horse is disqualified for bringing in underweight, the money bet on a horse or horses thus eliminated shall be deducted from the pool and refunded to the purchasers of tickets on such horse or horses. However, if 1 horse of an entry or 1 of the horses grouped in the field leaves the stall gate and brings in proper weight there shall be no refund on the entry or on the field.

(562) The track shall be responsible for setting the starting gate so that races actually are run at designated distances. Surveys of the straightaway grade shall be filed with the racing commissioner.

History: 1954 ACS 95, p. 83, Eff. May 9, 1978.

R 431.98k Entries and starters.

(563) If the name of a horse is changed, the new name and the former name shall be published in the official entries until after the horse has started 3 times. The violation of any part of this rule may be sufficient cause for ruling off.

(564) (a) A person who subscribes to a sweepstakes, enters a horse, or in any way participates in a race or racing under these rules, is subject to these rules upon all questions relating thereto.

(b) A horse shall not be qualified to run for a purse or sweepstakes unless it has been, and continues to be, duly entered for the same; and, unless otherwise specified in the conditions of the race, or disqualified by violation of the racing rules, a horse eligible at the time of entry shall continue to be qualified except in an overnight event for which it shall also be eligible at the time of the start.

(565) An owner or trainer, or his authorized representatives, shall not enter or start a horse that:

(1) Is an habitual bleeder.

(2) Has been trachea-tubed.

(3) Has been nerved at or above the ankle.

(566) (a) A horse shall be eligible at time of starting.

(b) A horse shall not be allowed to start unless duly registered and approved by the racing commissioner.

(c) A horse shall not be allowed to start unless an ApHC registration certificate is on file in the office of the racing secretary, except that the stewards, for good cause, may waive this requirement if the horse is otherwise properly identified.

(d) An entry shall not be received for any horse not stabled upon the grounds of the association where the race is run, unless its stabling elsewhere has been approved by the association.

(e) In entering a horse it shall be clearly identified by stating its age, name, color, whether it is a horse, mare, or gelding, the names of its sire and dam, and if the sire or dam is unnamed, such further pedigree or description as will distinguish the horse intended to be entered from all other horses. If its dam is covered by more than 1 stallion, the names of all of them shall be given in order of service. A

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horse entered in a claiming race that is monorchid, cryptorchid, or ridgling, may be so described on the entry blank.

(f) An alteration shall not be made in an entry after the time fixed for closing, but an entry in a race may be corrected with the consent of the stewards.

(g) A horse registered with the ApHC which is racing or participating in race training at a licensed track shall, upon request, be tattoo branded on the inside of the upper lip with an official identification number. The number shall be placed on the horse's registration certificate and shall become part of its identifying features.

(h) The refusal by an owner or trainer to comply with such request shall automatically disqualify such horse from participation in racing until there is compliance with the request and may constitute grounds for disciplinary action.

(i) The stewards may require a determination of the age of a horse, if the age on the registration certificate is in doubt, by a tooth examination made by the commissioner's veterinarian. An animal which through such examination does not correspond in age to the foaling date shown on its registration shall be barred from racing until such registration is examined and corrected.

(j) Joint subscriptions and entries may be made by 2 or more owners.

(k) If a horse is sold by private sale, or at public auction, the written acknowledgement of both parties is necessary to prove that it was transferred with its engagements. A copy of such acknowledgement shall be filed with the racing secretary.

(l) The trainer is responsible for the weight carried by his horse.

(567) An entry, subscription, or rights of entry under it, shall not become void on the death of the nominator or subscriber.

(568) The entrance money, starting and subscription fees, in every race, shall go to the winner, unless otherwise specified in its conditions; but if from any cause a race is not run, stakes or entrance money, if paid, shall be refunded.

(569) An entry in a purse race shall be in the name of a person having an ownership interest in the horse, and shall be made in writing by the owner or trainer, or by his authorized agent, and the full name of every person having an ownership interest in a horse or an interest in its winnings except the trainer's percentage, shall be registered with the secretary before the horse starts at any meeting. Failure to comply with this rule shall be punished by disciplinary action or suspension, and if an objection because of such default is duly made and sustained against a horse that has run in a race, its winnings in that race shall be forfeited to the horse that finished behind it.

(570) A horse shall not be permitted to start if it has not been fully identified by the official identifier. Absolute responsibility for bringing the correct horse to the paddock rests with the trainer. Violation of a part of this rule shall be grounds for disciplinary action. The stewards may scratch a horse whose recent workouts have not been properly recorded with their office. The trainer is responsible for reporting such workouts.

(571) The racing officials shall have power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property, either wholly or in part, of a person who is disqualified, or to produce proof of the extent of his property interest in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race.

(572) Entries for a purse race, the conditions of which have been previously published, shall close at the time advertised in such publication, and an entry shall not be received after that time, but in case races fail to fill, additional time may be granted. Race meeting licensees shall program all allowances, stakes, or handicaps

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with 6 or more entrants in separate interests and all other races which attract 8 or more entrants in separate interests, with the exception of claiming races for Michigan-breds, which shall be programmed with 7 or more interests.

(573) Not more than 2 horses of the same ownership or interest shall be entered in a purse race or overnight event. Both may start, or 1 or both may be declared at the option of the owner, but only in conformity with the rules governing declarations. If making a double entry in the same ownership, the owner or trainer shall express a preference; and in no case may 2 horses start in the same ownership to the exclusion of a single entry.

(574) (a) All horses having common ties shall be coupled and run as an entry.

(b) If 2 horses are coupled as an entry in an overnight race, either may be declared out up to 1 hour before post time for the first race.

(575) If a race is divided, drawing shall be made for new post positions.

(576) A horse shall not start unless the trainer and owner are licensed by the racing commissioner. A trainer, with the stewards' permission, may start a horse once for an absent owner under a temporary owner's license pending that owner's completion of the regular licensing procedure. A trainer who is absent from his stable or the grounds where his horses are racing for more than 2 consecutive racing days, and whose horses are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the horses being entered or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the racing commissioner accepting complete responsibility for the horses being entered or running.

(577) If the conditions of any race require an entrance fee, it shall accompany the entry.

(578) A horse entered for a purse shall be a starter unless it is declared out.

(579) An owner who has failed to pay the jockey fee or arrears against him on a horse owned by him may be suspended until same is paid.

(580) In the absence of notice to the contrary, entries or declarations for sweepstakes closing during, or on the eve of, a race meeting, shall be made at the office of the racing secretary.

(581) (a) An entry and a declaration for a sweepstakes shall not be received after a designated closing hour. If an hour is not designated, an entry or declaration may be mailed, telegraphed, or telephoned not later than midnight on the day of closing at the track where the race is to be run, if the entry or declaration is received in time for compliance with each other condition of the race.

(b) An entry or a declaration in a sweepstakes shall be made in writing by the owner of the horse or by an authorized agent, or an entry may be made by telegram or telephone. A telegraphic or telephonic entry, however, shall be confirmed at the earliest possible opportunity, and before the time for declaring to start, or the horse shall not be allowed to start. The person making an entry in a sweepstakes shall give his name in full and his post office address.

(c) If an irregularity of an entry or declaration in a sweepstakes is asserted, and a record of the entry or declaration is not on file in the racing secretary's office, satisfactory proof that the entry or declaration was mailed, telegraphed, or telephoned shall be presented within a reasonable time or the assertion shall not be considered.

(582) A horse shall not be entered in more than 1 race on the same day.

(583) In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires. If a mare entered in a produce race drops her foal before January 1, has a dead foal, more than 1 foal, or is barren, the entry of such mare is void and the entrance money, if any, shall be returned.

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(584) A person who subscribed to a sweepstakes before the time fixed for naming, can transfer the right of entry under 1 or more of his subscriptions to any person or persons otherwise qualified under these rules.

(585) A horse shall become a starter in a sweepstakes unless it has been withdrawn by notice to the clerk of the scales not less than 45 minutes before the time appointed for the race.

(586) (a) A person not having money to his credit with the secretary shall, before his horse may start, pay to the association all entrance money, stakes, and arrears then due by him or on the horse he intends to start.

(b) If the association allows a horse to start in a race without its entrance money or stake, or its jockey fee for a losing mount for that race, having been paid, it shall be liable for it, but it may have an order of recovery for the same.

History: 1954 ACS 95, p. 84, Eff. May 9, 1978.

R 431.98l Declarations.

(587) (a) The declaration of a horse out of an engagement is irrevocable.

(b) A declaration in sweepstakes shall be made in writing.

(c) Declaration in a purse race shall be made by the owner, trainer, or authorized agent, to the racing secretary or his assistant at such time as he may appoint.

History: 1954 ACS 95, p. 86, Eff. May 9, 1978.

R 431.98m Eligibility, allowances, and penalties.

(588) (a) In determining eligibility, allowances, and penalties, only reports, records, and statistics as published in the daily racing form, ApHC chart books, corresponding publications of any foreign country, or sworn statements as provided for in subrule (b) shall be considered unless otherwise provided by the published conditions of the race. Interpretation of the conditions of a race shall be made by the racing secretary with approval of the stewards.

(b) A horse which, during the past calendar year, or a horse in a maiden race which, at any time, has started in an approved race which is not reported in ApHC records shall not be entered at a Michigan track until the owner has furnished to the racing secretary, not less than 48 hours prior to the entry, performance records showing where and when the horse raced, the distance, the weight carried, amount earned, and the horse's finishing position and time. The performance records shall be signed and sworn to by the owner of the horse.

(589) Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.

(590) Penalties are obligatory. Allowances are optional as to all or any part thereof, and in overnight events shall be claimed at the time of entry.

(591) Allowances to the produce of untried horses shall be claimed before the expiration of the time for naming, and shall not be lost by winning after that time.

(592) (a) A horse shall not receive allowances of weight or be relieved from extra weight if it is beaten in 1 or more races. This rule does not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or race of a specified value.

(b) In all overnight races for 2-year-olds, for 3-year-olds, and for 4-year-olds and up, the minimum weight shall be 116 pounds. This rule shall not apply to handicaps or races written for 3-year-olds and up.

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(593) If the conditions of the race specify, Michigan-bred horses may be allowed 5 pounds in overnight races.

History: 1954 ACS 95, p. 86, Eff. May 9, 1978.

R 431.98n Winnings.

(594) (a) Winnings include all prizes up to the time appointed for the start, and shall apply to all races, but not the value of a prize not money or not paid in money. Winnings during the year shall be reckoned from the preceding January 1.

(b) The winnings of a horse shall be computed on the value of the gross earnings.

(c) In estimating the value of a series of races in which an extra sum of money is won by winning 2 or more of the series, the extra amount shall be estimated in the last race by which it was finally won.

(d) In case of a dead heat, each horse shall be construed to be a winner only of the amount received by the owner.

(e) Foreign winnings shall be calculated on the basis of the normal rate of exchange on the day of winning.

(f) If a race is not run or is void, stakes, forfeits, and entrance money shall be returned.

(g) A race shall be declared void if no qualified horse covers the course according to the rules.

(595) Purse money, prize money, or award of any kind shall not be distributed until 72 hours after the purse money or award is won, or until results of the saliva, urine, or other tests are returned from the commissioner's authorized laboratory. It shall be incumbent upon the racing commissioner to notify the licensee in writing if further delay is necessary.

History: 1954 ACS 95, p. 87, Eff. May 9, 1978.

R 431.98o Claiming races.

(596) The primary purpose of claiming races shall be the classification of horses and not the building up of a racing stable.

(597) (a) In a claiming race, a horse is subject to claim for his entered price by any owner in good standing who has started a horse at the meeting at which the claim is made. An owner may claim out of his initial race.

(b) A claim may be made by an authorized agent or trainer, but an agent or trainer may claim only for the account of those for whom he is licensed as agent.

(c) A person shall not claim his own horse or cause his own horse to be claimed, directly or indirectly, for his own account.

(d) A person shall not claim more than 1 horse from 1 race. An authorized agent, although representing several owners, shall not submit more than 1 claim for 1 race. If a stable consists of horses owned by more than 1 person trained by the same trainer, not more than 1 claim may be entered on behalf of such stable in 1 race.

(e) The claiming price of each horse in a claiming race shall be printed in the official program and a claim for the horse shall be for the amount so designated.

(f) A claim shall be made in writing on a form and placed in an envelope furnished by the association and approved by the racing commissioner. Both form and envelope shall be filled out completely, and shall be sufficiently accurate to identify the claim, otherwise the claim shall be void.

(g) A claim shall be deposited in the claim box not less than 10 minutes before post time of the race to which it pertains. The claim box shall be removed from the counter of the racing secretary's office 10 minutes before post time of the race as determined by the official track clock showing post time. If the clock stamp at

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the counter which imprints the date, hour, and minute, is used to indicate the date and time the claim envelope is deposited, the time shown on the claim envelope shall be not less than 10 minutes prior to post time of the race.

(h) Money or its equivalent shall not be put in the claim box. For a claim to be valid the person making the claim shall have a credit balance in his account with the association's horsemen's bookkeeper of not less than the amount of the claim.

(i) A claim is irrevocable.

(j) The stewards, or their designated representative, shall open the claim envelopes for each race as soon as, but not until, the horses for the race enter the track on the way from the paddock to post.

(k) Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. A horse is a starter if the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(l) A claimed horse shall run in the interest and for the account of the owner from whom claimed.

(m) If an appaloosa horse is claimed, the racing secretary shall collect the required ApHC transfer fee from the claimant. The fee shall be forwarded to the ApHC with a completed application for transfer. The date claimed, name, and address of the person claiming the horse shall be added to the back of the foal certificate and it shall be signed by a steward.

(n) A claim not made in compliance with these rules is void. The stewards at any time may require any person filing a claim to make an affidavit in writing that he is claiming pursuant to these rules. The stewards, subject to the approval of the racing commissioner, shall be the judges of the validity of a claim.

(o) If a claimed horse is excused by the stewards before the start of the race, a claim for such horse is void.

(p) A horse that has been claimed shall be taken, after the race has been run, to the paddock for delivery to the claimant, who shall present written authorization for the claim from the racing secretary. A person shall not refuse to deliver to the person legally entitled thereto a claimed horse, and the horse is disqualified until delivery is made.

(q) If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards.

(r) For a period of 30 days after the claim, a claimed horse shall not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim, for any claiming price. This provision does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. This jurisdiction shall honor a similar rule in any other state.

(s) A horse claimed in another state, before racing in this state, while racing in this state shall pay any additional penalty imposed by these rules.

(t) A claimed horse is not eligible to race in any state other than Michigan for a period of 30 days from the date of claim, or until after the close of the meeting at which it was claimed, whichever period of time is the shorter.

(u) A claimed horse shall not be sold or transferred, in whole or in part, to anyone within 30 days after the day it was claimed except in another claiming race.

(v) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom claimed. If a horse is claimed its engagements are included.

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(w) A person who enters, or allows to be entered, in a claiming race, a horse against which is held a mortgage, bill of sale, or lien of any kind shall be subject to disciplinary action, unless when, or before, entering the horse, the written consent of the holder of the mortgage, bill of sale, or lien is filed with the racing secretary.

(x) A person shall not enter a horse in a claiming race without disclosing its true ownership. If a horse is claimed, the successful claimant shall register the change with the racing secretary. An allegation of ownership of a horse entered in a claiming race by someone not having peaceful and undisputed possession of it shall not be considered after closing time for claims on that race.

(y) A person shall not offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming, a horse in a claiming race. A person shall not attempt by intimidation to prevent anyone from running a horse in a claiming race. An owner or trainer shall not make an agreement with another owner or trainer for the protection of each other's horses in a claiming race.

(z) If a stable registered at a meeting is eliminated by sale or removal from the grounds the right to claim is void. If a stable has been eliminated by claiming, the owner so affected may obtain a certificate from the stewards of the meeting and on presentation of that certificate, the owner shall be entitled to claim during the next 30 racing days at any recognized meeting in this state, until he has claimed a horse, or has acquired a horse by some other means. Stables eliminated by fire and other hazards may also be permitted by the stewards to claim under this rule.

(598) An official or other employee of an association shall not give any information as to the filing of claims until the race has been run.

History: 1954 ACS 95, p. 87, Eff. May 9, 1978.

R 431.98p Dead heats.

(599) (a) If a race results in a dead heat, the dead heat shall not be run off; owners shall divide first and second money.

(b) If 2 horses run a dead heat for first place, all prizes to which first and second horses are entitled shall be divided equally between them; and this applies to dividing prizes regardless of the number of horses running a dead heat. Each horse shall be deemed a winner and liable to penalty for the amount it shall receive. Likewise, if 2 horses run a dead heat for second, they shall divide the second and third money.

(c) If a dead heat is run for second place, and an objection is made to the winner of the race which is sustained, the horses which ran the dead heat shall be deemed to have run a dead heat for the first place.

(d) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards if the racing association chooses not to offer duplicate awards.

History: 1954 ACS 95, p. 89, Eff. May 9, 1978.

R 431.98q Apprentice jockeys.

(600) There shall not be an apprentice jockey classification or weight allowance.

History: 1954 ACS 95, p. 89, Eff. May 9, 1978.

R 431.98r Penalties.

(601) If a race is in dispute, both the horse that finished first and a horse for which the race is authoritatively claimed, shall be liable to all the penalties attached to the winning of that race until the matter is decided.

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(602) If winners of claiming races are exempt from penalties, the exemption shall apply to the winners of optional claiming races only if such winner was entered to be claimed.

(603) The handicapper shall append to the weights for every handicap, the day and hour from which winners will be liable to a penalty, if any, and an alteration shall not be made after publication except in case of omission through error of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

(604) Penalties shall not be levied against horses, except as to maiden allowances, for winning races on minor tracks. In determining which tracks are minor tracks, the racing commissioner may consider tracks not reported in the daily racing form, ApHC chart books, or corresponding publications.

History: 1954 ACS 95, p. 89, Eff. May 9, 1978.

R 431.98s Equipment.

(605) (a) Permission for change of equipment from that which the horse carried in its last race may be obtained only from the stewards.

(b) Equipment changes shall be made not later than time of entry.

(c) The use of spurs is prohibited.

(d) Whips are limited to 28 inches in length, including popper. Whips shall have a minimum of 3 feathers and shall not have stingers.

(e) A jockey riding in a race shall wear a safety helmet of a type approved by the racing commissioner on recommendation of the stewards and a change shall not be made in such helmet without the approval of the stewards. A jockey or other rider in the course of exercising or ponying an appaloosa shall be required to wear an approved safety helmet.

(f) A whip, blinkers, or number cloth shall not be allowed on the scales nor shall a bridle or safety helmet approved by the racing commissioner be weighed.

(g) A horse shall wear head numbers in a race if the track is officially rated sloppy or muddy.

(606) A horse entering the paddock to race shall be inspected as to its shoeing, if any. An unshod horse may race.

History: 1954 ACS 95, p. 89, Eff. May 9, 1978.

R 431.98t Objections and appeals.

(607) (a) An objection, except a claim of interference during a race, shall be made to the stewards in writing and signed by the objector. A protest alleging fraud may be made at any time but a protest on grounds of ineligibility, incorrect weight, age, or identification shall be made within 48 hours of the race. The stewards, however, may scratch an ineligible horse at any time.

(b) Permission of the stewards is necessary before an objection can be withdrawn.

(c) A person making an objection determined by the stewards or racing commissioner to be unreasonable or frivolous shall pay all the costs and expenses incurred in determining the objection, unless relieved from such expense by the racing commissioner.

(d) An objection to a horse engaged in a race may be made by an owner, trainer, or jockey of some other horse engaged in the same race, or by officials of the meeting.

(608) Proof of the qualifications of any horse against which a protest has been lodged may be demanded by the stewards, and in default of such proof being given, they may declare the horse disqualified.

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(609) Objections to a horse based on what occurred in a race shall be made before the numbers of the horses placed in the race have been officially confirmed.

(610) Owners, trainers, and jockeys who make unnecessary complaints may be subject to disciplinary action.

(611) If an objection to a horse which has won or which has been placed in the money in a race is declared valid, that horse is disqualified and the other horses in the race are entitled to placing in the order in which they finished.

(612) If by reason of an objection to a horse a race or place is awarded to another horse, the money for such race shall be redistributed in accordance with the final placing and the stewards shall disqualify any owner who retains any money erroneously awarded prior to the final ruling.

(613) Pending a decision based on an objection, a prize which the horse against which the objection is lodged may have won or may win in the race, or any money held by the association as the prize of a horse claimed in a race, if involved in the determination of the case, shall be withheld until the objection is determined.

(614) In all cases of fraud, or willful deception, the time limitations shall not apply if the stewards are satisfied that the allegations are bona fide and are susceptible of verification; also, the stewards may, on their own initiative, call for proof that a horse is neither disqualified in any respect, nor nominated by, nor the property wholly or in part of, a disqualified person, and in default of such proof, they may declare the horse disqualified.

History: 1954 ACS 95, p. 90, Eff. May 9, 1978.

R 431.98u Causes for disqualifications for jockeys and horses.

(615) A leading horse is entitled to any part of the track, but if a horse swerves or is ridden to either side so as to interfere with or impede another horse, it is a foul, and such horse may be disqualified, if in the opinion of the stewards it altered the finish of the race, whether the foul was willful or the result of careless riding. If the stewards determine the foul was intentional or due to careless riding, they shall recommend to the racing commissioner disciplinary action for the offending jockey.

(616) (a) The stewards, subject to the racing commissioner's approval, are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(b) If a horse is disqualified under this rule, a horse in the same race belonging, in whole or in part, to the same owner or trained by the same trainer, in the discretion of the stewards, may be disqualified.

(c) The time record for the first horse to cross the finish line shall be the official time of the race, except as provided in R 431.62(20).

(617) The stewards shall take cognizance of foul riding, whether complaint is made or not, and a complaint shall not be received from any person except the jockey, trainer, or owner of the horses interfered with.

(618) A person shall not assist the jockeys in taking their equipment off their horses except by the permission of the stewards.

(619) A person shall not throw any covering over any horse at the place of dismounting until its equipment shall have been removed.

(620) (a) A jockey shall weigh in at the same weight as that which he weighed out and, if short of it by 2 pounds or more, his mount shall be disqualified and a refund ordered pursuant to R 431.98j(561).

(b) A horse which does not carry its jockey across the finish line is disqualified.

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(c) A jockey who willfully strikes another jockey or horse with his whip or grabs the clothing or equipment of another jockey or horse may be suspended or ruled off and his mount disqualified.

History: 1954 ACS 95, p. 90, Eff. May 9, 1978.

R 431.98v Jockeys.

(621) A jockey shall not wager on any race except on the horse which he rides, in which case the wager may be made only through the owner or trainer of such horse. A jockey who shall be proven, to the satisfaction of the racing commissioner, to have any pecuniary interest in a race horse, or to have engaged in any forbidden wagering transaction, or to have received any remuneration, gratuities, or incentive in connection with a horse race from persons other than the owner or trainer of a horse ridden by such jockey shall be subject to disciplinary action, including license revocation.

(622) Jockeys having engagements to ride shall be in the scale room at the appointed time. After making weights, jockeys shall not leave the jockey room until all engagements for the day have been filled. Immediately before mounting, jockeys shall test their weights on the scales provided for that purpose and upon failure to make such tests, shall be subject to disciplinary action or suspended.

(623) A jockey shall not have an ownership interest in any race horse.

(624) (a) A jockey shall not wear colors other than those of the owner of the horse he is riding except by permission of the stewards.

(b) If a horse is warming up before a race its number shall be exhibited upon the arm of its rider.

(625) The fee to a jockey in all races shall be, in the absence of a special agreement, not less than the amounts as set forth:

(1) A jockey shall be paid a basic fee of $15.00 for each mount. In addition to the basic $15.00 mount fee, a jockey shall receive a fee of $10.00 for each winning ride, a fee of $4.00 for each second-place finish, and a fee of $2.00 for each third-place finish. Jockeys riding in stakes race finals shall receive 10% of the winnings of their mount.

(2) The $15.00 mount fee shall be deposited with the horsemen's bookkeeper at the time of entry unless the owner or trainer has sufficient money in his account.

(3) Whether the jockey has earned his fee in the event of a scratch after he has weighed out for the race shall be determined by the stewards according to the circumstances in each case.

(626) A jockey shall not be allowed a personal valet. If valets are employed, the association shall make the necessary arrangements for these attendants upon jockeys, and said attendants shall be paid for their services by the association from an assessment levied upon, and collected from, the jockeys and divided equally among all the valets. The valets shall work by the rotation system prepared by the custodian at the beginning of the meeting.

(627) A person employed in the jockeys' room shall not make a bet for himself or place for another a bet on any race, under penalty of disciplinary action.

(628) (a) It shall be the duty of the jockey room custodian to see that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

(b) The custodian shall assist the clerk of scales as the clerk may desire.

(c) The custodian shall make certain that persons other than racing officials, qualified commissioner representatives, and the necessary jockey room attendants, are not admitted to the jockey room after the designated time on a race day without consent of the stewards for each time of entry.

(d) The custodian shall oversee the care and storage of all racing colors.

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(e) The custodian shall oversee the jockey attendants.

(f) The custodian shall report to the stewards any irregularities that occur in his province.

(g) The custodian shall make certain that jockeys are neat in appearance when they leave the rooms to ride in a race or when they leave, under escort, to observe the running of a race.

(h) There shall be no gambling or game of chance permitted in the jockeys' quarters.

(629) Unless fraud has been committed, all jockeys temporarily suspended may, on the day following such temporary suspension, fulfill all engagements for such day made prior to such suspension.

(630) A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, such jockey shall be subject to disciplinary action by the racing commissioner in accordance with the gravity of the offence. Disciplinary action imposed on a jockey shall be satisfied by the disciplined jockey himself.

(631) Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

(1) Conflicting claims for the services of a jockey shall be decided by the stewards.

(2) A jockey shall not ride against the jockey's contract employer in a race unless the horse which the jockey rides is trained by the same trainer as that of the jockey's contract employer.

History: 1954 ACS 95, p. 91, Eff. May 9, 1978.

R 431.98w Jockey agents.

(632) (a) Jockeys may make their own engagements, or they may be made by a licensed agent or a contract employer. A jockey agent may act for 2 jockeys only upon approval by the stewards.

(b) A jockey agent shall not come on the track, enter the winner's circle after a race, or be allowed in the paddock at any time.

(c) A jockey agent shall maintain separate and accurate records of all engagements contracted for riders he represents, and at all times have these records available for examination by the stewards.

(d) Inaccuracies in, or failure to maintain, such records as are satisfactory to the stewards constitutes neglect, the penalty for which shall be such disciplinary action as may be determined by the racing commissioner on recommendation of the stewards.

(e) If a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing, setting forth the reasons for dismissal of the jockey agent. Failure of the jockey to comply shall be punishable by such disciplinary action as may be determined by the racing commissioner on recommendation of the stewards.

History: 1954 ACS 95, p. 92, Eff. May 9, 1978.

R 431.98x Partnerships.

(633) (a) A partnership shall be registered with the racing commissioner. Partnership papers shall include:

(1) The name and address of each person having an interest in any horse involved.

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(2) The relative proportion of such interests.
(3) To whom the winnings are payable.
(4) In whose name each horse shall run.
(5) With whom the power of entry and declaration rests.
(6) The terms of any contingency, lease, or other arrangement.

(b) Partnership papers shall be signed by all parties or their authorized agents. In case of an emergency, authority to sign declarations of partners may be given to the racing secretary by a telegram promptly confirmed in writing.

(c) If the racing secretary is unable to communicate with all proper parties in an attempt to obtain a declaration of partnership, he may authorize a horse involved in a partnership to enter and to start in a stake race without a declaration of partnership.

(d) An alteration in a recorded partnership registration, to be effective, shall be reported in writing to the racing commissioner and signed by all parties.

(e) Each of the parties to a partnership shall be jointly and severally liable for all stakes, forfeits, and other obligations.

(f) The part owner of a horse may assign his share, or any part of it, with the written consent of the other partners and the consent shall be filed with the stewards.

(g) A partner may claim for the partnership, unless otherwise stated in the partnership agreement.

History: 1954 ACS 95, p. 92. Eff. May 9, 1978.

R 431.98y Corporations.

(634) (a) A corporation having an interest in a horse shall file with the racing commissioner at the time of filing application for an owner's license, a statement in duplicate setting forth the names and addresses of all officers, directors, and shareholders of the corporation, together with the amount of the respective holdings of each shareholder and a statement as to whether their stock is paid in full, and including the designation of an authorized agent or agents of the corporation. The statement shall be signed by the president of the corporation, attested by its secretary, and the corporate seal attached.

(b) A license as an owner shall not be granted to a corporation unless such corporation has not more than 10 shareholders or members, each of whom shall be the registered and beneficial owner of stock membership in the corporation. Each shareholder shall file an application for an owner's license.

(c) A corporation which leases horses for racing purposes in this state and also all its shareholders or members shall make and file with the racing commissioner, if requested by him, a report containing such information as the commissioner may specify. Upon refusal or failure to file such a report, the racing commissioner may refuse a license to a lessee of such corporation or may revoke any such license he granted. A transfer of stock of such corporation or change in the officers or directors shall be reported in writing to the racing commissioner within 48 hours of such change.

(635) Statements of sales and contingencies, or arrangements, by partnerships or corporations, shall declare to whom winnings are payable, in whose name the horse shall run and with whom rests the power of entry or declaration or declaration of forfeit, and a copy of this information shall be transmitted to the racing commissioner.

History: 1954 ACS 95, p. 93, Eff. May 9, 1978.

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R 431.98z Miscellaneous.

(636) An appaloosa race meeting licensee shall not have more than 10 races a day with pari-mutuel betting. Not less than 1 race for Michigan-bred horses shall be scheduled on each full appaloosa program. An appaloosa race meeting licensee may have more than the number of races a day as herein set forth only upon special permission of the racing commissioner. If Sunday racing is permitted, the first race shall not start before 2 p.m. The national anthem shall be played before the first race is run on all racing days.

History: 1954 ACS 95, p. 93, Eff. May 9, 1978.

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DEPARTMENT OF LICENSING AND REGULATION

ATHLETIC BOARD OF CONTROL

GENERAL RULES

(By authority of Act No. 205 of the Public Acts of 1939, being §431.101 et seq. of the Michigan Compiled Laws)

R 431.101 Definitions; club promotions.

Rule 1. (1) As used in these rules:

(a) "Board" refers to the Michigan state athletic board of control.

(b) "Club" is used to designate a club, corporation, individual, organization or association holding a promoter's license, as required by law.

(c) "Purse" is used in designating the price, percentage or other remuneration for which contestants are competing.

(2) General rules for club promotions are applicable to boxing and wrestling clubs alike.

History: 1944 AC, p. 79; 1954 AC, p. 5201.

R 431.102 Boxing weights and classes.

Rule 2. (1) Flyweight.....112 pounds or under
Bantamweight.....over 112 to 118 pounds
Featherweight.....over 118 to 126 pounds
Lightweight.....over 126 to 135 pounds
Welterweight.....over 135 to 147 pounds
Middleweight.....over 147 to 160 pounds
Light Heavyweight.....over 160 to 175 pounds
Heavyweight..... all over 175 pounds

(2) No contests shall be scheduled between contestants where the weight difference is greater than the allowance shown in the following table:

112 pounds—118 pounds—not more than 3 pounds
118 pounds—126 pounds—not more than 5 pounds
126 pounds—135 pounds—not more than 7 pounds
135 pounds—147 pounds—not more than 9 pounds
147 pounds—169 pounds—not more than 11 pounds
160 pounds—175 pounds—not more than 12 pounds

(3) In cases of infraction of the law, the rules and regulations, orders of the Michigan state athletic board of control, or the failure to fulfill any contract or agreement, it shall rest with the commissioner to impose such penalties as prescribed by section 21 of Act No. 39 of the Public Acts of 1952, being §431.121 of the Michigan Compiled Laws.

(4) Within 8 hours prior to entering the ring the contestants shall be weighed in the presence of each other, an inspector and a representative of the club; or by special agreement and permission of the board, the weighing-in may be done in the dressing room of the arena the evening of the contests.

(a) In the event of a postponement for 1 calendar day, no "weigh-in" shall be required on the date of the contest.

(b) In the event of a postponement for more than 1 calendar day, the original requirements and provisions as to physical examination, physical fitness and weight provided for in contract as to the original date of the contest shall again be in full force and effect as to such postponed date.

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(5) At the official weighing-in of all contestants duly accredited newspaper representatives must, upon request, be admitted.

History: 1944 AC, p. 79; 1944 ACS 38, p. 5; 1954 AC, p. 5201.

R 431.103 Equipment.

Rule 3. (1) The ring shall not be less than 16 feet square or more than 24 feet within the ropes. The ring floor to extend beyond the ropes not less than 24 inches. The ring posts shall not be nearer to the ring ropes than 18 inches. The ring floor shall be padded with felt, corrugated paper, matting or other soft material to a thickness of not less than 2 inches; padding to extend beyond the ring ropes, and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges shall not be used.

(2) The height of the ring shall not be more than 4 feet above the floor of the arena, and shall be provided with suitable steps for use of the contestants. Ring posts shall be of metal, not more than 3 inches in diameter, extending from the floor of the arena to a height of 58 inches above the ring floor, and shall be properly padded.

(3) The ring ropes shall be 3 in number, not less than 1 inch in diameter; the lower rope 24 inches above the ring floor; the second rope 36 inches above the ring floor; and the third rope 48 inches above the ring floor. Ropes shall be wrapped in soft material.

(4) The gong shall be not less than 10 inches in diameter; the timer to use a metal hammer in indicating the beginning and the ending of rounds, so that the contestants and referee can hear same: provided, however, that any device serving the purposes required hereof as has been previously approved by the commissioner may be used.

(5) The entire ring platform shall be cleared of all obstructions, including buckets, stools, etc., the instant the gong indicates the beginning of the round, and none of these articles shall be placed on the ring floor until the round ends or the contest terminates. No advertising of any kind may be displayed over or around the ring unless written permission of the commissioner is obtained.

(6) Gloves shall be examined by the inspector and the referee; if found to be imperfect they shall be changed before the contest starts.

(7) No breaking, roughing or twisting of gloves shall be permitted. If gloves to be used have been used before, they must be whole, clean, and in sanitary condition. All clubs shall have on hand an extra set of gloves to be used in case gloves are broken or in any way impaired during the course of a contest.

(8) Gloves for the main event shall be put on in the ring after the referee has first inspected the bandaged hands of both contestants, unless otherwise specified by the commissioner.

(9) Bandages shall be restricted to soft gauze not more than 5 yards in length, 1½ inches in width, held in place by not more than 3 feet of surgeon's tape for each hand, in all classes up to and including middleweights. In all other classes (light heavyweight and heavyweight) bandages shall be restricted to 10 yards in length, 2 inches wide, held in place by not more than 6 feet of surgeon's tape for each hand. One winding of surgeon's tape not over 1½ inches wide, placed directly on the hand to protect that part of the hand near the wrist is permitted; such tape may cross the back of the hand twice but is not to extend within 1 inch of the knuckles. Bandages shall be adjusted in the dressing room under the direction and supervision of an inspector.

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(10) There shall be provided by the club: A sufficient number of buckets for the use of all contestants; powdered resin for the canvas; stools for the seconds; a box partially filled with water absorbing material in each contestant's corner; a stretcher at ringside at all times; and 1 seat in each of the 4 corners for a representative of the board.

(11) Standard make scales shall be furnished by the club and shall be thoroughly tested and approved previous to each contest.

History: 1944 AC, p. 79; 1944 ACS 38, p. 6; 1954 AC, p. 5201.

R 431.104 Officials.

Rule 4. The officials for every contest shall consist of 1 or more referees; 2 judges (when assigned especially by the commissioner); a timekeeper, an announcer and a physician. All of the foregoing officials shall be licensed by the board and shall possess valid licenses when officiating.

History: 1944 AC, p. 80; 1944 ACS 38, p. 7; 1954 AC, p. 5202.

R 431.105 Referees; yearly license fee $25.00.

Rule 5. (1) The chief official of all contests shall be the referee, who shall have general supervision over the contest; he shall take his position within the ring at the start of every contest.

(2) The referee shall, before each contest begins, ascertain from each contestant the name and identity of his chief second, and shall thereafter hold said chief second responsible for the conduct of his assistant seconds.

(3) At the beginning of each contest the referee shall summon contestants together for final instructions; at which time each contestant may be accompanied by his chief second only. The contestants, after receiving instructions, shall shake hands and retire to their respective corners; they shall not again shake hands until the beginning of the last round.

All referees must take an annual physical examination similar to that given to all applicants for boxers' and wrestlers' licenses. If such examination indicates the referee is physically or otherwise disabled or incapacitated, such fact should be reported immediately, in writing, by the examining physician to the board.

(4) No persons other than the contestants, the referee and the physician (when summoned by the referee) shall enter the ring during the progress of a round.

(5) The referee shall inspect the gloves and make sure that no foreign substances have been applied to either the gloves or the bodies of the contestants which might be of detriment to either contestant.

(6) The referee shall not touch the contestants except on the failure of 1 or both to obey the "break" command.

(7) When the referee is of the opinion that contestants are stalling or faking, he shall immediately warn them. If in his opinion, after proper warning has been given, the contestants continue to stall or pull their punches, the referee shall wait until the round terminates before halting the bout. No contest shall be stopped, except as hereinafter provided, during the progress of a round.

The referee may consult with the judges as to whether or not the contestants are stalling or faking; after such consultation the referee shall abide by the majority decision determined. If judges have not been assigned, the referee shall be the sole judge as to whether or not the contestants are stalling or faking. In the event it is determined that either contestant is stalling or faking, the contest shall be terminated and announced as "No contest."

In such event, either or both contestants shall be disqualified and his or their purses shall be turned over to the board, pending a hearing thereon.

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(8) Under no circumstances shall a contest be held or commenced without a physician licensed by the board being present at the ringside. The referee shall, before starting a contest, ascertain the identity and location of the physician.

(9) If, in the opinion of the referee, a contestant is unable to continue due to his physical condition, he shall halt the contest and award the decision to his opponent.

If a contestant is knocked down 3 times in any 1 round the contest should be stopped at that point and awarded to the opponent.

(10) In such event, it shall be the duty of the physician to enter the ring immediately and examine the losing contestant. After such examination, the physician shall make a written report stating therein his opinion as to the contestant's physical condition. Said report shall be mailed to the board's office by the physician.

(11) During the rest period between rounds, a contestant or his chief second may request the referee to summon the physician for the purpose of advising as to the physical condition of the contestant, and in the event the physician determines the contestant should not continue the referee shall abide thereby and designate the other contestant the winner.

(12) In the event a contestant is knocked out or injured, it shall be the duty of the physician to immediately examine and administer aid to the contestant within the ring, and direct the procedure as to treatment, etc. Under no circumstances shall the referee or seconds handle the contestant without first being directed to do so by the physician.

(13) When a contestant is knocked down, it is mandatory that he take a minimum 8 second count. The referee shall order the opponent to retire to the farthest neutral corner of the ring, pointing to the corner, and immediately begin the count over the contestant who is down. He shall audibly announce the passing of the seconds, accompanying the count with motions of his arm, the downward motion indicating the end of each second.

The timekeeper shall arise and strike with his hammer on the edge of the platform at the end of each second or by other effective signalling method indicate to the referee the correct one-second intervals for his count.

Should the opponent fail to remain in the corner the referee shall cease counting until he has returned to it, and pick up the count from the timekeeper where he left off.

If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that he has been knocked out, and shall raise the hand of the opponent as the winner. The referee's count is the official count.

If the round ends during the count, the timekeeper shall sound the gong once, thus indicating the termination of the round and that the contestant who is down has not been counted out.

If a contestant is unable, or refuses to continue when the gong sounds to begin the next round, a technical knockout decision shall be awarded to his opponent in the round started by the gong.

Should a contestant who is "down" arise before the count of 10 is reached and go down immediately without being struck, the referee and timekeeper shall resume the count where it left off. A contestant who goes down without being struck and stays down shall be disqualified.

(14) A contestant who has been knocked or has fallen through the ropes and over the edge of the ring platform during a contest shall not be assisted back into the ring. Should the contestant stall for time outside the ropes the referee shall

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start the count without waiting for him to reenter the ring, and if he is not on his feet in the ring within 10 seconds, shall declare him "knocked out."

The other contestant shall retire to the farthest neutral corner and remain there until the count is completed or his opponent is on his feet in the ring.

(15) Referees shall penalize contestants for:

(a) Holding an opponent or deliberately maintaining a clinch.

(b) Hitting with inside or butt of the hand, or head, the wrist or elbow (including the so-called back-hand blow).

(c) Hitting or "flicking" with open glove.

(d) Wrestling or roughing at the ropes, or gripping ropes when avoiding or throwing punches.

(e) Striking deliberately at that part of the body over the kidneys.

(f) The use of the pivot blow and rabbit punch.

(g) Hitting on the break.

(h) Deliberately spinning an opponent into the ropes so that he is partially outside the ropes.

(16) It shall be the duty of the referee who penalizes a contestant with the loss of a round for any of the above violations to notify each of the judges in an audible tone relative to the loss and the judges are herewith instructed to mark their cards accordingly. The judges are directed not to charge contestants with the loss of a round for the above reasons unless specifically requested to do so by the referee.

(17) Boxing referees shall be paid according to the following scale:

Pay Scale-Referees (Boxing)

$ 0 to $ 750	$ 15
$ 751 to $ 1,000	$ 20
$ 1,001 to $ 1,500	$ 30
$ 1,501 to $ 2,000	$ 40
$ 2,001 to $ 3,000	$ 50
$ 3,001 to $ 5,000	$ 75
$ 5,001 to $ 10,000	$100
$10,001 to $ 25,000	$125
$25,001 to $ 50,000	$150
$50,001 to $100,000	$300

In cases where 2 or more referees are used, the referee's pay will be divided equally.

In the event 2 referees are assigned, the compensation shall be divided equally.

History: 1944 AC, p. 80; 1944 ACS 38, p. 7; 1954 AC, p. 5202.

R 431.106 Judges; yearly license fee $10.00.

Rule 6. (1) The judges shall be stationed at the ringside. It shall be their duty to watch every phase of each contest and to make a decision.

(2) The decisions of the judges shall be based primarily on effectiveness, taking into account the following points:

(a) A clean, forceful hit, landed on any vulnerable part of the body above the belt should be credited in proportion to its damaging effect.

(b) Aggressiveness is next in importance and points should be awarded to the contestant who sustains the action of a round by the greatest number of skillful attacks.

(c) Defensive work is relatively important and points should be given for cleverly avoiding or blocking a blow.

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(d) Points should be awarded where ring generalship is conspicuous. This comprises such points as the ability to quickly grasp and take advantage of every opportunity offered; the capacity to cope with all kinds of situations which may arise; to foresee and neutralize an opponent's method of attack; to force an opponent to adopt a style of boxing at which he is not particularly skillful.

(e) It is advisable to deduct points when a contestant persistently delays the action of a contest by clinching and lack of aggressiveness.

(f) A contestant should be given credit for sportsmanlike actions in the ring, close adherence to the spirit as well as the letter of the rules and for refraining from taking technical advantage of situations unfair to the opponent.

(g) Where judges (professional) are assigned by the commission, the fee will be as follows: up to and including

$ 3,000	$ 5.00
$ 3,001—$ 10,000	$10.00
$ 10,001—$ 50,000	$25.00
$ 50,001—$100,000	$35.00
$100,001—and over	$50.00

(3) A contestant shall be charged with the loss of a round in which the referee gives him a second warning for a foul. Any such penalty, however, shall not be imposed by the judges on their cards until they are advised by the referee.

(4) If a contestant is warned 3 or more times for low hitting during the progress of a boxing contest, a special report covering every phase of the violation is to be sent to the board. No bouts are to be terminated because of blows delivered below the belt. (See R 431.108 regarding low blows for further instructions.)

History: 1944 AC, p. 82; 1944 ACS 38, p. 9; 1954 AC, p. 5204.

R 431.107 Scoring decisions.

Rule 7. (1) The referee shall decide all questions arising during a contest which are not specifically covered by these rules and shall also render his decision at the conclusion of the contest, in conjunction with the judges, providing judges are assigned thereto.

(2) In the event of a knock-out, the contestant who has scored the knock-out shall be declared the winner. In such event the score cards shall be marked "K. O." and the round in which the knock-out occurred, indicated.

(3) In order to arrive at a true conclusion, every phase should be carefully observed and noticed as the round progresses, the winner of the round to be the contestant receiving the greatest number of points scored in the round. At the end of the contest, the contestant who has to his credit the greatest number of points is to be declared the winner. Each round is to be accounted for on the official score cards in figures.

(4) The 10 point must system shall be used. The score to be in ratio of merit and demerit of the difference displayed by the contestants. For a draw or even round 10 points shall be given each contestant—the difference in ratio as 10 to 9, 10 to 8, 10 to 7, etc., as the case may be. The winner of each round must be awarded 10 points.

(5) At the conclusion of each contest, the referee and judges shall total the points for each contestant and indicate the winner by writing his name on the card.

(6) Referees and judges shall be discreet at all times and should not discuss their decisions with anyone during a contest.

History: 1944 AC, p. 82; 1944 ACS 38, p. 9; 1954 AC, p. 5205.

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R 431.108 Rule regarding low blows.

Rule 8. All contestants are required to equip themselves with an abdominal protector of the type that will obviate the infliction of a damaging blow and thus preclude all claims of fouls. All such protectors must be submitted to and approved by the inspector in charge. It is the duty of the referee to count contestants out who fall to the floor, claiming a foul as the result of a low blow.

History: 1944 AC, p. 82; 1944 ACS 38, p. 9; 1954 AC, p. 5205.

R 431.109 Physicians.

Rule 9. (1) At weighing-in time each contestant shall be given a thorough medical examination by a physician who has been licensed by the board.

(2) In the event a contestant, upon examination, is discovered to be unfit for competition through physical injury, faulty heart action, the presence of any infectious or contagious disease, or any weakness or disability that should bar him, said contestant shall be rejected and the inspector in charge duly notified.

(3) The physician shall certify to the inspector in charge, in writing, over his signature, that the contestants examined by him are in good physical condition to engage in physical competition and the inspector shall forward same to the office of the board.

(4) It shall be the duty of the physician to report all instances where contestants have been injured during a contest or have applied for medical aid after competing.

(5) Physicians shall give contestants a thorough eye examination at weighing-in time; if a contestant's vision is found to be defective, same shall be immediately reported to the inspector in charge.

(6) The physician shall sit at the immediate ringside at all contests or exhibitions and no contest or exhibition shall be allowed to proceed unless the physician is in his seat. The physician shall not leave until after the decision in the final contest, and he shall notify the inspector in charge of the dressing rooms of his departure. He shall be prepared to assist if any serious emergency arises.

(7) Under no circumstances shall a contest be held or commenced without a physician licensed, or approved, by the board, being present at the ringside. The referee shall before starting a contest ascertain the identity and location of the physician.

(8) During the rest period between rounds the referee, either contestant, or their chief seconds may request the referee to summon the physician for the purpose of advising as to the physical condition of the contestant, and in the event the physician determines the contestant should not continue, the referee shall abide thereby and designate the other contestant the winner.

(9) In the event a contestant is knocked out or injured it shall be the duty of the physician to immediately enter the ring and examine and administer aid to said contestant and to direct the procedure as to treatment, etc. Under no circumstances shall the referee or seconds handle the contestant without first being directed to do so by the physician.

(10) If, in the opinion of the referee, a contestant is unable to continue due to his physical condition, he shall halt the contest and award the decision to his opponent. In such event it shall be the duty of the physician to immediately enter the ring and examine the contestant. After such examination, the physician shall make a written report, stating therein his opinion as to the contestant's physical condition. Said report shall be mailed to the board's office within 24 hours.

If, in the opinion of the referee, a contestant has suffered a dangerous cut or injury, he may halt the bout temporarily, examine the fighter, and summon the

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physician for purposes of examination. If the physician permits the contestant to continue, the referee may order the bout continued.

(11) Physicians are directed to advise contestants at weighing-in time that they are subject to another physical examination before entering the ring.

(12) Boxers frequently partake of a hearty meal directly after the weighing-in ceremonies and physicians are requested to advise contestants with respect thereto.

(13) Physicians are directed to examine contestants for possible so-called "pink-eye" infections and reject those suffering from this ailment.

(14) A contestant rejected by a physician for disability will be automatically suspended until such time as the disability no longer exists. Clubs and physicians shall be held responsible for the physical and mental condition of contestants upon entering the ring. Neglect in such matters may result in serious injury and will result in disciplinary action by the board.

(15) The compensation of physicians shall be as follows:

(a) Where net receipts are $1,000.00 and under—Boxing at least $10.00; Wrestling at least $5.00.

(b) Where net receipts exceed $1,000.00 but are under $1,500.00—Boxing at least $15.00; Wrestling at least $10.00.

(c) Where net receipts exceed $1,500.00 but are under $2,000.00—Boxing at least $20.00; Wrestling at least $15.00.

(d) Where net receipts exceed $2,000.00—Boxing at least $25.00; Wrestling at least $15.00.

History: 1944 AC, p. 83; 1944 ACS 38, p. 10; 1954 AC, p. 5206.

R 431.110 Timekeeper; yearly license fee $1.00.

Rule 10. (1) He shall be seated outside the ring near the gong; and shall indicate the beginning and ending of each round by striking the gong with a hammer.

(2) He shall provide himself with a whistle and a stop watch, which shall have been properly examined and certified to be accurate, prior to the contest.

(3) Ten seconds before the beginning of each round the timekeeper shall give warnings to the second of contestants by the blowing of a whistle.

(4) In the event a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the announcer of the exact duration of the contest.

(5) In the event a knock-down occurs, the timekeeper shall arise and strike with his hammer on the edge of the platform at the end of each second, or by other effective signalling method indicate to the referee the correct 1-second intervals for the count. Should the opponent fail to remain in the corner, the referee shall cease counting until he has returned to it and then pick up the count from the timekeeper. Should the round end during the count, the timekeeper shall sound the gong once, thus indicating the termination of the round and that the contestant has not been counted out. Should a contestant who is "down," arise before the count of 10 is reached and go down immediately without being struck, the referee and timekeeper shall resume the count where left off. The referee's count shall be the official count.

(6) The compensation of timekeepers shall be as follows:

$ 0—$ 3,000	$ 5.00
$ 3,001—$ 10,000	$10.00
$ 10,001—$ 50,000	$15.00
$ 50,001—$100,000	$20.00
$100,001—and over	$25.00

These fees are for both knockdown timekeeper and bell timekeeper.

History: 1944 AC, p. 83; 1944 ACS 38, p. 11; 1954 AC, p. 5207.

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R 431.111 Announcer; yearly license fee $1.00.

Rule 11. (1) The announcer shall announce the names of contestants, their correct weights, the decisions of the referee and judges, and other matters as directed by the board's representative in charge. Clubs shall provide proper facilities for announcing rounds.

(2) At the termination of each bout, announcers are to collect the decision slips from the judges and referee and hand same to the representative of the board at the ringside; after which said representative shall inform the announcer as to the decision. He shall announce the decision as indicated.

(3) The compensation of announcers shall be as follows:

$ 0—$ 3,000	$ 5.00
$ 3,001—$ 10,000	$10.00
$ 10,001—$ 50,000	$15.00
$ 50,001—$100,000	$20.00
$100,001—and over	$25.00

History: 1944 AC, p. 84; 1944 ACS 38, p. 11; 1954 AC, p. 5207.

R 431.112 Seconds; yearly license fee $2.00.

Rule 12. (1) Seconds and managers, acting as seconds, shall be neatly attired when in the ring and shall wear white jerseys or sweaters with sleeves.

(2) A second holding only a second's license shall not attempt to act as a manager or assist in any way in procuring matches. All seconds must pass written examination provided by board before being licensed.

(3) Seconds shall not be more than 3 in number and shall not coach or in any way assist their principal during a round or by word or action attempt to heckle or annoy his opponent. They shall remain seated in place and be silent. Before each contest, the referee shall be informed of the name and identity of each contestant's chief second.

(4) Seconds shall not enter the ring until the timekeeper indicates the termination of a round and are prohibited from spraying or forcefully throwing water on a contestant during a round. They shall leave the ring enclosure at the time of the timekeeper's whistle 10 seconds before the beginning of each round. They shall leave the ring platform and remove all obstructions, buckets, stools, etc., promptly when the gong sounds for the beginning of each round.

(5) Seconds shall see to it that their principals expectorate in the receptacle provided therefor and shall be careful so as not to splash water on those at the ringside.

(6) During the rest period between rounds a contestant or his chief second may request the referee to summon the physician for the purpose of advising as to the physical condition of the contestant, and in the event the physician determines the contestant should not continue the referee shall designate the other contestant the winner.

(7) In the event a contestant is knocked out or injured, it shall be the duty of the physician to immediately examine and administer aid to the contestant within the ring, and direct the procedure as to treatment, etc. Under no circumstances shall the referee or seconds handle the contestant without first being directed to do so by the physician.

(8) Seconds are prohibited from throwing a towel in the ring or by any other means indicate defeat of their principal.

(9) No relative of a contestant shall be allowed to act as his second unless special permission is obtained in writing from the board. In no case shall a woman be allowed to act as a second.

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(a) Every chief second working in a boxer's corner is to have the following first aid supplies:

(i) Two clean white towels.

(ii) Sterile gauze pads.

(iii) Sterile cotton.

(iv) Sterile cotton Q tips in container.

(v) Ammonia inhalants (not smelling salt bottle).

(vi) Bottle of adrenalin chloride.

(vii) Tube of vaseline (to be used over cuts only).

(viii) Ice bag with ice.

(ix) Sponge.

(b) During the 1-minute rest period the chief second shall advise and direct activities of the fighter. In order not to confuse the fighter during rounds, the remaining seconds in the corner should work quietly.

(c) A fighter should be seated on a stool with hands in lap, not on ropes, close enough to corner for support of back and head but leaning back slightly against ropes. Second should not permit fighter to slump body and impair breathing. A chief second directs the movements of his assistants in the corners at all times.

(d) In the event a boxer should become nauseated during the progress of the bout, the second should advise the physician in charge.

(e) A second who has been suspended may not officiate or assist in any way during time of suspension. It is necessary that the seconds have up-to-date licenses at all times before officiating.

(f) A second who breaks or displaces the padding in a glove so that the gloves will fit the contestants will be subject to indefinite suspension. A second when tying the gloves on a contestant must be sure that the knots are at the back of the hand, and laces secured.

(g) Seconds shall not assist a contestant who has been knocked through the ropes and over the ring's edge until the referee has completed his count or until the doctor has completed his examination.

(h) A second shall not administer alcoholic stimulants to a contestant during the progress of the bout. Seconds should remain seated and silent during the progress of a round.

(i) Any second who wilfully knows he is working with a suspended contestant will be subject to discipline by the board.

(10) Violations of the above provisions shall be followed by ejection of offenders from the ring corner and may result in the disqualification of their principal.

History: 1944 AC, p. 84; 1944 ACS 38, p. 11; 1954 AC, p. 5207.

R 431.113 Contestants; yearly license fee $3.00.

Rule 13. (1) Contestants shall sign full legal name to all contracts and papers filed with the board.

(2) Contestants may assume and use ring names, but the right to use any certain name is subject to the approval of the commissioner, and may be denied either at the time of granting license or later, should reason for such denial be brought before him.

(3) Contestants who have signed for matches are subject to examination at any time during training at the discretion of the commissioner.

(4) Contestants shall report to the inspector in the dressing room at least 1 hour before they are due in the ring.

(5) All contestants must wear the new type full protector in all contests in which they participate.

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(6) Contestants signed to engage in a contest shall appear equipped with 2 pairs of regulation trunks which shall be of different colors. These trunks shall be of solid colors, except that they may be ornamented with a stripe around the belt and down the sides of a color which contrasts with the trunks. Same may bear a suitable emblem or insignia, provided it is not of a commercial or advertising nature. The contestants shall not wear the same colors in the ring and the colors to be worn shall be allotted by the inspector at the time the contestant reports prior to the contest. The belt of the trunks shall not extend above the waistline.

(7) Shoes shall be of soft material and shall not be fitted with spikes, cleats, hard soles or heels. Socks, rolled down to the top of the shoes, may be of any color.

(8) No other apparel than above specified may be worn in the ring during a contest, unless otherwise permitted by the board.

(9) Contestants shall be clean and present a tidy appearance and be cleanly shaved. The use of grease or other substances that might handicap an opponent is prohibited.

(10) Any contestant absenting himself from a contest or exhibition in which he has signed or has been signed by his duly licensed manager to appear, without being previously excused by the commissioner or his representative, will be automatically suspended.

(11) A boxer competing in a contest of 4 rounds or less may box again after 48 hours have elapsed. A boxer competing in a contest of 6 rounds may box again after 4 days. A boxer competing in a contest of 8 rounds may box again after 5 days. A boxer competing in a contest of 10 rounds or more may box again after 6 days.

(12) No persons shall be permitted in contestants' dressing rooms except their managers, seconds and representatives of the board and press.

(13) Neither by word nor act shall a contestant at the termination of a bout indicate to the spectators his belief that he has won or lost. When the decision has been announced, both contestants and their seconds shall at once leave the ring and retire to their dressing rooms.

(14) A contestant shall be deemed "down" when any part of his body except his feet touches the ring floor or he is hanging helplessly over the ropes and the referee has begun to count over him.

(15) In the event a contestant, due to injuries or illness, is unable to take part in a contest or exhibition for which he is under contract, he, (or his manager) shall immediately forward to the office of the board a physician's report of same and shall also notify the board as to his whereabouts in order that a physician designated by the commissioner may examine him.

History: 1944 AC, p. 85; 1944 ACS 38, p. 13; 1954 AC, p. 5209.

R 431.114 Championships.

Rule 14. (1) Champions shall box only in decision contests but may be permitted to engage in non-title contests upon sanction of the board.

(2) The title of a champion shall be at stake in all cases where the official weighing-in indicates his opponent to be within the maximum weight limit of the class.

(3) Contestants prior to competing for a Michigan title shall have been bona fide residents of the state for at least 6 months.

(4) Belts presented to the state champions by the board remain the property of the board and shall be forwarded to the board's office by the holder thereof whenever the title is being defended.

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(5) State champions shall at all times, within a period of 30 days, be prepared to defend their titles against challengers recognized as such by the board.

History: 1944 AC, p. 85; 1944 ACS 38, p. 13; 1954 AC, p. 5209.

R 431.115 Managers; yearly license fee $15.00.

Rule 15. (1) All contracts between managers and contestants shall be in writing and true copies thereof shall be filed with the board. Should either party of the contract be a minor, same shall be executed by a duly appointed legal guardian. Managers who contract for bouts covering minors and who do not have power of attorney or guardianship approval will be suspended for an indefinite period.

(2) Managers shall not sign a contract for the appearance of any contestant with whom they have not a written contract on file with the board.

(3) A manager may not act as second for a contestant on whom he does not have a contract filed without obtaining a second's license.

History: 1944 AC, p. 86; 1944 ACS 38, p. 14; 1954 AC, p. 5210.

R 431.116 Matchmakers; yearly license fee $25.00.

Rule 16. (1) Matchmakers shall observe all rules and requirements with respect to weight agreements and weighing-in.

(2) Matchmakers will be held responsible by the board if they make matches in which 1 of the principals is out-classed. Persistent lack of judgment in this respect will be regarded as sufficient cause for the cancellation of a matchmaker's license. No matchmaker or promoter is to hold a contract or part thereof on any boxer.

(3) At least 10 days prior to the proposed date of every contest, the matchmaker for same shall file with the board a written request for permission to stage same. Said request shall indicate the names and records of the proposed contestants for the main bout. In the event the contest is approved by the board, the matchmaker shall, within 24 hours of notification of same, file with the board true copies of contracts for same. At least 7 days prior to the proposed date of every contest the matchmaker shall file with the board true copies of all contracts for the complete program.

(4) Under no circumstances shall promoters or matchmakers give publicity to a program unless same has been approved by the board.

(a) A telegram received from a manager or contestant acknowledging a contract will be construed by its wording to be legal, however, all contracts covering anticipated bouts must be in the commission office 7 days prior to the date of the contest. The commission will rule on any waiver in this case.

(b) The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension, fine, or both, of all parties thereto.

History: 1944 AC, p. 86; 1944 ACS 38, p. 14; 1954 AC, p. 5210.

R 431.117 Clubs; yearly license fee.

Rule 17. (1) It is unlawful for any person, club, corporation or association to hold or conduct boxing contests or wrestling exhibitions in this state without first obtaining a license and permit from the Michigan state athletic board of control.

(2) Applications for said license and permit shall be made on blank forms provided by the board. Said forms shall be completely and legibly filled in.

(3) No promoter's license shall be issued except to actual promoters. A license shall not be granted to the owner of a building in which boxing contests or wrestling exhibitions are to be held unless such owner is also the promoter of same.

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(4) No license shall be issued unless the application for same is accompanied by an approved surety bond. Said bond shall run to the Michigan state athletic board of control and shall contain the requirements specified in section 15 of Act No. 205 of the Public Acts of 1939, being §431.115 of the Michigan Compiled Laws and shall further guarantee the fulfillment of all contracts entered into by the licensee and the payment of all ring officials.

(5) The license certificate issued by the board shall be enclosed in a suitable frame and shall be posted up and at all times displayed in a conspicuous place in the box office on the premises covered by said license.

(6) All clubs are held responsible and must correct any violation of commission rules or board of health rules regarding the sanitary conditions in respect to dressing rooms, showers, water bottles, towels, etc. Club physicians and state inspectors are to make a particular examination at every boxing and wrestling show for violation of these rules and if any are discovered they must be reported to the commission immediately.

History: 1944 AC, p. 86; 1944 ACS 38, p. 14; 1954 AC, p. 5210.

R 431.118 Tickets.

Rule 18. (1) The printing of tickets for any proposed contest or exhibition under the jurisdiction of the board is prohibited until such time as the order for same has been submitted to and approved by the commissioner, or his authorized representative.

(2) All press tickets shall be marked "PRESS" in large letters; shall be consecutively numbered to correspond to the seats and shall not be issued to exceed the seating capacity of the press row.

(3) All complimentary tickets shall be marked "COMPLIMENTARY" in large letters; said tickets shall be limited to 2% of the seating capacity of the arena; provided, however, the board may authorize said percentage to be exceeded. In such event the state tax shall be collected on all complimentary tickets issued in excess of the stated 2%, tax to be computed on the value of such tickets according to their location.

(4) No "service" or other charges shall be assessed or collected on complimentary tickets unless otherwise approved by the board. Clubs may assess and collect a stated contribution for a stated charity provided same has been submitted to and approved by the commissioner, in which event said fund so collected shall be turned over to the board and by it forwarded to the charity.

(5) It shall be the duty of the club to instruct all ushers to see to it that spectators secure the seats to which their ticket stubs entitle them and that anyone occupying a seat unlawfully is directed to vacate and, if necessary, ejected therefrom.

(6) It shall be the duty of every club to have filed with the board or the chief inspector of the district in which the club is located, at least 24 hours prior to the date of every contest or exhibition a sworn manifest of its order to the printer, indicating the total number and description of all tickets printed.

(7) Clubs shall display in a conspicuous place in each of their box offices a diagram or chart which will readily acquaint all concerned with the location of all reserved seats.

(8) Any club doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

(9) Clubs are prohibited from selling any ticket for any price other than the price printed thereon, or to change the price of tickets at any time after the tickets for the contest or exhibition have been placed on sale, or to sell any ticket at any time during the exhibition or contest for less than tickets for similar seats were sold

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or offered for sale before the exhibition or contest without the consent of the board. Clubs shall exercise extraordinary caution to prevent speculation in tickets.

(10) Tickets for reserved seats shall be printed with the usual stub and there shall be a new set printed for every exhibition. General admission tickets shall be printed with a stub to be retained by the purchaser and shall be consecutively numbered. No exchange of tickets shall be made except at the box office. Tickets in the hands of agencies or branch box offices shall be returned to the principal box office not later than 1 hour after the contest has started. No tickets shall be redeemed after the contest has taken place.

(11) There shall be prominently displayed in at least 4 places in every building wherein wrestling and boxing contests and exhibitions are conducted, the following notice: "NO SMOKING." Failure on the part of clubs to strictly enforce compliance with such notice subjects them to disciplinary action by the board.

(12) A 4-round emergency bout shall be provided by the club, to be used at the discretion of the commissioner or his authorized representative. In the event said bout is used, the contestants of same shall be compensated at least $40.00 each. In the event said bout is not used, the contestants shall be paid their actual expenses.

History: 1944 AC, p. 86; 1944 ACS 38, p. 15; 1954 AC, p. 5211.

R 431.125 Inspectors (professional boxing).

Rule 25. (1) Upon entering the arena the inspector will acquaint himself with the promoter and all personnel associated with the show.

(2) Same as amateur boxing.

(3) Check to see that all liquid refreshments are sold only in paper containers.

(4) Check dressing rooms and wash rooms for cleanliness and sanitation. If not clean, order promoter to clean them.

(5) Advise promoter that ushers must enforce "no smoking" rule.

(6) The ring should be thoroughly checked. See that the ropes are tight enough and that the mat extends to the edge of the ring and is of sufficient thickness. See that the bell is in good working order and that it rings loudly. There must be a stretcher under the ring or beside it. Advise the referee and doctor of location of stretcher. Check aisle space.

(7) Assist the doctor in the examination of the contestants. The inspector in charge should weigh the contestants and should follow the rule book to prevent too great a discrepancy in weights between contestants in any bout. It is also the duty of the inspector to fill in figures on doctor's report as to physical condition (blood pressure, pulse, temperature, etc.). This report must be signed by the doctor.

(8) There must be at least 1 licensed second in each corner. Check licenses of contestants, seconds and officials, and if a license has expired, see that a new application is made and collect the proper fee. (See rule book.) In the event the required pictures are not presented by the applicant, take an additional $5.00 from the applicant and explain to him that the $5.00 will be returned to him upon receipt of his pictures by the athletic board office. Each second should be made to wear a clean white jersey or a clean white sweater. All applications must be completely filled in whether for new licenses or renewals.

(9) Each boxer must be equipped with a full cup and his trunks must be clean and in good condition. Tattered trunks shall not be permitted.

(10) Get all bouts out without delay and do not allow more than 1 intermission. Do not permit any bouts to begin unless there is a doctor at ringside. There shall be no shouting of instructions by seconds during progress of a round.

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(11) Check unsold tickets and prepare ticket report. The ticket report is prepared from printer's manifest and the unsold tickets on hand. From the manifest the inspector enters the number of tickets printed, the established price and the amount of state tax per ticket on the ticket report. The unsold tickets are then counted and entered on ticket report. Deducting the number of unsold tickets on hand from the number of tickets printed will result in the number of tickets sold, to be entered on ticket report. Compilation of report should be made from these figures.

(12) Collect state tax, officials' and contestants' pay. Pay contestants as called for in contracts.

(13) Prepare inspector's report and forward to board office. With ticket report include printer's manifest, doctor's report, receipted contracts and state tax.

(14) Be sure to make complete report of any infractions of rules or regulations or unusual happenings. If show was without incident, mention this fact.

History: 1944 ACS 38, p. 15; 1954 AC, p. 5211.

R 431.131 Amateur.

Rule 31. Unless otherwise specified or directed, all amateur boxing and wrestling contests or exhibitions shall be conducted under the rules and regulations of the Michigan state athletic board of control, and the rules and regulations of the amateur athletic union of the United States as approved by the board.

History: 1944 AC, p. 87; 1944 ACS 38, p. 16; 1954 AC, p. 5212.

R 431.132 Special amateur rules.

Rule 32. (1) As provided in Act No. 205 of the Public Acts of 1939, being §431.101 et seq. of the Michigan Compiled Laws, the Michigan state athletic board of control is charged with the sole direction, and control of all boxing and wrestling contests and exhibitions within the state; amateur clubs and contestants, must comply strictly with the law, rules and regulations of said board.

(2) Every club promoting amateur boxing shall secure a promoter's license for same, as required by section 17 of Act No. 205 of the Public Acts of 1939.

(3) All officials officiating at amateur boxing contests shall be licensed as required by section 13 of Act No. 205 of the Public Acts of 1939.

(4) At least 10 days prior to the proposed date of any amateur boxing program, a written request for sanction of same shall be filed with the Michigan state athletic board of control, and at least 5 days prior to the date of the contest the club promoting same shall file with the board the names of the contestants they intend to use in said program, together with their addresses and approximate weights.

(5) In the event the aforementioned request is granted by the board, the club requesting same shall be notified thereof and a referee, judges (if requested) and inspectors shall be assigned by the commissioner. The inspector in charge shall have complete supervision and control over the entire program.

(6) It shall be the duty of every promoter of amateur boxing, at its own expense, to have in attendance a physician licensed by the board. (The rules heretofore set forth pertaining to physicians shall apply to amateur contests.)

(7) All amateur boxers must be insured against possible injury through the Michigan association of the amateur athletic union. The insurance fee must be paid to the Michigan association of the amateur athletic union office prior to the date of the show.

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(8) Every club promoting amateur boxing or wrestling shall furnish the state inspector in charge a sworn statement indicating the total amount paid each contestant for expenses and all other expenses of the program.

(9) Contestants in all amateur contests and exhibitions shall weigh in stripped in the presence of an inspector and shall be examined by a physician licensed by the board on the day of the contest at a place and hour designated by the club—same to be done each day of tournament competition. The club shall notify the board of weighing-in time when filing the list of contestants.

(10) Only soft cotton or linen bandages are to be used for the protection of the hands. One roll of 2-inch cotton gauze or linen bandage, not to exceed 10 yards in length, may be used for each hand. The use of 1 thickness of soft surgeon's adhesive tape, 1 inch wide, which can be lapped over each other not more than 1 inch, sufficient to clinch same will be permitted only around the wrist. No tape, cotton, or other substance than the bandage herewith prescribed may be used between the fingers or over the knuckles.

(11) The 8-second count is mandatory in all amateur contests.

(12) All amateur boxers before turning professional must have clearance through the A.A.U.; otherwise they will be refused professional status by the athletic board of control.

(13) To participate in amateur boxing all individual boxers must be registered with the Michigan association of the amateur athletic union. It is the responsibility of the trainers and coaches to register their athletes with the Michigan association of the amateur athletic union. Each competitor must fill out and sign a white registration card with the 25 cent fee and send it to the Secretary of the Michigan Association of the Amateur Athletic Union, 3910 Livernois Avenue, Detroit 10, Michigan.

History: 1944 AC, p. 87; 1944 ACS 38, p. 16; 1954 AC, p. 5212.

R 431.133 Rules for inspectors (amateur boxing).

Rule 33. (1) Inspectors are to wear arm bands on left arm above the elbow with lettering to be clearly exposed to view.

(2) Check to see that all doormen know that boxing commission official cards are to be honored for admittance at all times.

(3) Check to see that all liquid refreshments are sold only in paper containers.

(4) Check dressing rooms and wash rooms for cleanliness and sanitation. If not clean, order promoter to clean them before letting show start.

(5) Advise promoter that ushers must enforce "no smoking" rule.

(6) The ring should be thoroughly checked. See that the ropes are tight enough and that the mat extends to the edge of the ring and is of sufficient thickness. See that the bell is in good working order and that it rings loudly. There must be a stretcher under the ring or beside it. Check aisle space.

(7) Assist the doctor in the examination of the contestants. The inspector in charge should weigh the contestants and should follow the green book to prevent too great a discrepancy in weights between contestants in any bout.

(8) Get all bouts out without delay and do not allow more than 1 intermission unless in the semi-finals or finals of a tournament. Do not permit any bouts to begin unless there is a doctor at the ringside.

(9) Give the doctor's report to the A.A.U. official who is present or mail it to the Michigan A.A.U., 3910 Livernois Avenue, Detroit 10, Michigan.

(10) Prepare inspector's report and forward to athletic board office. Be sure to make complete report of any infractions of rules or regulations or unusual happenings. If show was without incident mention this fact.

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(11) Inspectors should not leave the arena until all bouts are completed and in the event of injury, the inspector should not leave until the doctor has advised him that the injured man is all right.

Amateur Weights
Championship weights:

Flyweight	112 lbs.
Bantamweight	119 lbs.
Featherweight	125 lbs.
Lightweight	132 lbs.
Light welterweight	139 lbs.
Welterweight	147 lbs.
Light middleweight	156 lbs.
Middleweight	165 lbs.
Light heavyweight	178 lbs.
Heavyweight	over 178 lbs.

(12) The following limitations of weights are placed on boxing bouts other than championships and tournaments:

Between flyweights	(112 lbs.) 3 lbs.
Between bantamweights	(119 lbs.) 3 lbs.
Between featherweights	(125 lbs.) 5 lbs.
Between lightweights	(132 lbs.) 5 lbs.
Between light welterweights	(139 lbs.) 5 lbs.
Between welterweights	(147 lbs.) 6 lbs.
Between light middleweights	(156 lbs.) 6 lbs.
Between middleweights	(165 lbs.) 7 lbs.
Between light heavyweights	(178 lbs.) 7 lbs.
Between heavyweights	No limitation

For example: A flyweight weighing 110 lbs. could not box an opponent weighing over 113 lbs.; if he weighs 112 lbs., his opponent could not exceed 115 lbs., etc.

Pay Scale For Amateur Boxing Referees

Under $500 gross gate	$15.00
$ 501 to $ 750 gross gate	$17.50
$ 751 to $1,000 gross gate	$20.00
$1,001 to $1,500 gross gate	$22.50
$1,501 to $2,000 gross gate	$25.00
$2,001 to $2,500 gross gate	$30.00
Over $2,501 gross gate	$35.00

Plus 9 cents round trip per mile outside city limits.

(13) Licenses for amateur judges, doctors, announcers and timekeepers shall be issued by the athletic board of control. Fee for same will be $1.00.

(14) All amateur boxing and wrestling contests must be sanctioned by the Michigan association of the amateur athletic union. An application for sanction must be filed with the secretary of the Michigan association of the amateur athletic union at least 2 weeks prior to the contest.
Address correspondence to:

Secretary of Michigan A.A.U.
3910 Livernois Avenue
Detroit 10, Michigan

History: 1944 AC, p. 88; 1944 ACS 38, p. 17; 1954 AC, p. 5213.

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WRESTLING

R 431.141 Conduct of matches.

Rule 1. (1) All wrestling exhibitions are to be sanctioned by the Michigan athletic board of control. Exhibitions shall be conducted only by duly licensed promoters, or by promoters receiving special permission from the commissioner. (Charity shows, etc.)

(2) Length of matches shall be determined by agreement of promoter and contestant and approved by the board. Likewise the conditions of each match, i.e. number of falls, etc., shall be agreed upon by the principals involved.

(3) There shall be no interval between matches except before the main bout and intermission not to exceed 10 minutes shall be permitted.

Wrestlers shall not leave the ring between falls but will be given a rest period, not to exceed 5 minutes.

(4) The board shall appoint the referee and all other officials of contests and exhibitions.

History: 1944 AC, p. 88, superseded by R 431.141—R 431.147; 1944 ACS 38, p. 18; 1954 AC, p. 5214.

R 431.142 Ring and arena.

Rule 2. (1) The ring shall be constructed as described under rule 4 and padded to provide maximum protection to the wrestlers.

A mat cover of soft material is to be used. Such covers must be laundered after each program and must be free of any grit, dirt, or resin.

(2) The arena or auditorium shall be clean, well ventilated and properly lighted.

Proper toilet facilities are to be provided for both men and women.

Adequate police protection, where considered necessary, must be maintained for the public, officials and contestants.

The sale of beverages in bottles is strictly prohibited. The contents must be poured into a paper container by the vendor.

"No smoking" signs must be properly posted.

History: 1944 ACS 38, p. 18; 1954 AC, p. 5215.

R 431.143 Wrestlers.

Rule 3. (1) All wrestlers appearing in Michigan must apply for license to the board or its representatives, before their initial appearance. The license shall be valid for 1 year from date of issue and subject to revocation at the discretion of the board. Contestants shall be given a physical examination within 1 hour of their bout by a physician licensed by the board. The participants in all contests and exhibitions must be properly trained and in fit physical condition. The board and the attending physician are to be the sole judges of such condition and if any contestant is adjudged not physically fit or trained properly he shall be denied permission to participate until deemed fit.

(2) Contestants must be properly clothed in neat and clean athletic clothing that is in keeping with good public taste. Trunk and tights are to be well-fitted and whole, with a high waist band.

All contestants' skin must be clean and free of grease or any other sort of lotion or foreign substance. The fingernails must be trimmed well below the tips.

Shoes must be of soft tops with soft soles and laces with no metallic eyelets.

(3) Any hold, grip, lock or trip is allowed except: strangle hold, scratching, gouging the eyes, biting, striking with the knuckles of a closed fist, kicking, pulling hair, shutting off the breath by covering the nose and mouth at the same time or deliberately throwing an opponent out of the ring.

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Repeated use of the above foul methods by the wrestler after proper warning by the referee shall be a basis for disqualification and loss of a fall. Repeated use may be a basis for disqualification and loss of the bout and possible suspension.

The referee shall warn a contestant to break an illegal hold and then immediately begin to count in a clear voice. Failure by the offender to break by the count of 4 will constitute the loss of a fall.

Under no circumstances are wrestlers to contest outside the ring. Should they roll off the mat and under the ropes they shall be ordered to the middle of the mat by the referee and signalled to begin anew.

Upon ordering the contestants to return to the ring, the referee shall begin a count of 10. Failure of either or both to return by the end of the count constitutes the loss of a fall.

In the event a wrestler accidentally falls from the ring his opponent shall go to a neutral corner and remain until the contestant outside has returned or has been counted out. The referee shall not begin his count until the man in the ring is in a neutral corner. Should the referee be forced to stop his count and order him to the corner again, the count will begin anew. Failure of a wrestler to permit his opponent to reenter the ring may be a basis for disqualification.

The use of foul or vile language in the ring is strictly prohibited.

When a contestant has fallen or been thrown to the mat the referee shall at his discretion begin the count. His opponent must permit the fallen wrestler to regain his feet before closing with him. Failure to do so may be a basis for disqualification.

Any wrestler who deliberately molests, hits or physically abuses a spectator or uses foul language shall be suspended and his purse held up subject to action by the board.

The referee and/or the board physician alone shall have power to determine the necessity for the use of tape on the hands or any parts of the arm of a contestant.

Under no circumstances shall any wrestler lay his hands on a referee, and under no circumstances should the referee manhandle the wrestler unless in self protection.

The referee's instructions given before the bout must be complied with and his decisions are final. He represents the board and is given power in the ring to conduct the contests and exhibitions and to enforce the rules and regulations thereof. If circumstances arise concerning any contest or exhibition not covered by the rules, the referee shall have the discretion and authority to make a decision. He may recommend to the board, in writing, that the purse of either contestant be held up and/or that the license of either be suspended or revoked.

(4) Both shoulders of a contestant pinned to the mat for an audible count of 3 seconds by the referee constitutes a fall. Flying or rolling falls shall not count. Concession or submission as the result of punishment via a legitimate hold shall constitute a fall.

In the event neither contestant has scored more falls than his opponent at the conclusion of the time allotted for the contest, the referee shall call the bout a draw.

No contestant shall be permitted to grasp or hang on to the clothing, mats or ropes for support in gaining a fall or avoiding a fall. If after being warned by the referee either wrestler repeats this practice, he may be disqualified.

The referee may at his discretion declare any bout to be no contest.

The referee shall have the right to stop a bout at any time because of injury or weak physical condition of 1 of the contestants. He may request the board physician to examine the injured contestant and if deemed unable to continue, the bout shall be awarded to the other wrestler.

History: 1944 ACS 38, p. 19; 1954 AC, p. 5215.

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R 431.144 Referees.

Rule 4. (1) The referee shall be licensed by the board, said licenses to be good for 1 year from date of issue.

(2) Any applicant for a referee's license must present credentials to the board that he has had experience which qualifies him to be a referee.

(3) They shall be assigned by the board or its duly appointed representative and shall be responsible to the commissioner.

(4) The referee will have complete authority over the conduct of the contestants of each bout and shall have the power to disqualify, render decisions, and recommend suspension or holding up of a wrestler's purse. He will also work in close cooperation with the inspector assigned to each match. His recommendation for suspension and/or holding up of a wrestler's purse must be made in writing to the board within 3 days of the bout in question.

(5) The approved dress in the ring for referees is a white and clean tee shirt, white duck trousers and soft shoes.

(6) Referees shall be paid the following:

$25.00	for anything under $ 500
$30.00	from $ 501 to $ 750
$35.00	from $ 751 to $1,000
$45.00	from $1,001 to $1,500
$50.00	from $1,501 to $2,000
$60.00	from $2,001 to $2,500
$70.00	from $2,501 to $3,000

Maximum rate of $100.00

History: 1944 ACS 38, p. 20; 1954 AC, p. 5216.

R 431.145 Other officials.

Rule 5. (1) The inspector assigned by the board or its appointed representative shall be appointed by the commissioner. It is his responsibility to see that all wrestlers are examined by the board physician prior to the contest; that all are licensed; that the ring and arena meet the standards of the board; to examine the ticket manifest and to count all paid admissions; to collect the state tax; and see that all licensed state officials connected with the match are paid.

He will work in close cooperation with the referee to insure proper conduct of the match.

Any recommendations he may make for suspension or holding up of a wrestler's purse must be made, in writing, to the board within 3 days of the match in question. Any unusual circumstances that arise or events that occur at a duly sanctioned match must be reported to the board in writing.

(2) A physician licensed by the board must be in attendance at any sanctioned match. He shall determine the fitness of any wrestler to compete after a complete physical examination. If the referee requests, he must examine any injured wrestler to determine his condition to continue a bout. He will remain until all bouts are completed.

(3) Any announcer, second or timekeeper working at a duly sanctioned wrestling match must be licensed by the board and assigned by same.

History: 1944 ACS 38, p. 20; 1954 AC, p. 5217.

R 431.146 Tag team matches.

Rule 6. (1) A tag team match is a match between a team of 2 wrestlers against another team of 2 wrestlers with a 60 minute time limit or best 2 out of 3 team falls, with 2 minutes rest between team falls. Team falls occur only when both men from 1 team have lost a fall.

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(2) The match begins with 1 man from each team wrestling with each other while their respective team partners remain on the apron of the ring outside of the ring ropes. A man cannot enter the ring unless his partner is defeated or he is able to touch with partner's hand to relieve him. He must have hold of a regulation 3 foot double rope with a knot in 1 end and the other end looped over the ring post of his team's corner.

(3) At the time of a tag contact between partners, the man outside the ropes must have both feet on the apron floor and must reach over the top rope only to make the contact.

(4) The referee must see to it that the wrestler in the ring after tagging his partner, retires to the outside of the ring before his partner can enter the ring. During a team fall, partners may relieve each other as often as they desire, but when once pinned a contestant must leave the ring to return only when a new team fall begins. Not more than 2 wrestlers are permitted to be in the ring at the same time during the contest. The referee shall disqualify any wrestler who enters the ring during the contest without being tagged by his partner. If neither team has been able to win 2 falls at the expiration of the time limit, the team having the most falls to its credit is to be declared the winner.

(5) It shall be a foul for a contestant, while awaiting his turn on the apron, to assist his partner or to interfere with his opponent.

(6) It shall also be a foul for a contestant, while awaiting his turn, to release his hold on the rope in his corner for any reason whatsoever until officially relieved by his partner or the referee.

(7) After 1 warning of the above infractions, the referee is to disqualify the offender. In all other instances the rules governing wrestling exhibitions shall prevail.

History: 1944 ACS 38, p. 21; 1954 AC, p. 5217.

R 431.147 Miscellaneous.

Rule 7. (1) Special permission to stage battle-royals must be requested of the board.

(2) All wrestling contests or exhibitions (for prizes or purses or where an admission fee is charged or received) held or given in connection with any theatrical performance, carnival, side show, circus, picnic, at fairs, smokers or any other amusements, are strictly prohibited except by special permission of the board.

History: 1944 ACS 38, p. 21; 1954 AC, p. 5218.

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DEPARTMENT OF MANAGEMENT AND BUDGET

BUREAU OF STATE LOTTERY

LOTTERY RULES

(By authority of section 11 of Act No. 239 of the Public Acts of 1972, as amended, being §432.11 of the Michigan Compiled Laws)

R 432.1 Definitions.

Rule 1. (1) "Act" means Act No. 239 of the Public Acts of 1972, as amended, being §§432.1 to 432.47 of the Michigan Compiled Laws.

(2) "Agent" means a person who has been licensed to sell lottery tickets under the act.

(3) "Bank" means a bank, banking association or trust company organized under the authority of this state or the United States whose principal place of business is within the state.

(4) "Main bank" means the principal office of a bank or that bank designated as the principal contact with the bureau for subordinate banks.

(5) "Ticket" means a lottery ticket issued by the bureau for sale to the general public.

(6) The terms defined in the act have the same meanings when used in these rules.

History: 1954 ACS 79, p. 101, Eff. Apr. 2, 1974.

R 432.2 Deputies, employees, and contractors.

Rule 2. (1) There shall be a chief deputy commissioner who shall act on the commissioner's behalf in his absence.

(2) None of the individuals referred to in section 31 of the act may have any interest, direct or indirect, in dealing in the lottery or in the ownership or leasing of any property or premises used by or for the lottery.

(3) An individual or organization or employees of an organization under contract with the bureau is not eligible to win any prize in any lottery operated by the bureau during the period of the contract if the individual, organization or employee has access to any bureau data, books and records, electronic data processing programs, systems designs or other information which are not open to the general public.

History: 1954 ACS 79, p. 101, Eff. Apr. 2, 1974.

R 432.3 License eligibility; application.

Rule 3. (1) In addition to the requirements of section 23 of the act, the commissioner shall consider the following additional factors in determining the eligibility of any prospective licensee or renewal of a license as an agent:

(a) The honesty and integrity of the applicant.

(b) The veracity of the information supplied in the application for lottery sales agent's license.

(c) The applicant's indebtedness to the state or any local government.

(d) The business experience and general fitness of the applicant.

(2) Licenses shall be issued only to:

(a) Residents of this state.

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(b) Corporations incorporated in this state or authorized to do business in this state.

(c) Partnerships in which at least 1 of the partners resides in this state.

(d) Unincorporated businesses or other entities which are authorized to do business in this state.

(3) A person interested in obtaining a license as an agent shall file an application for lottery sales agent's license with the bureau on application forms which may be obtained from the bureau.

History: 1954 ACS 79, p. 101, Eff. Apr. 2, 1974.

R 432.4 License revocation.

Rule 4. (1) The license is evidence of an agency revocable at will by either the bureau or the agent. Revocation of the agency shall be effective 30 days after notice of the revocation has been mailed by the revoking party. On or before the thirtieth day following notice of revocation, the license shall be surrendered to the bureau.

(2) The agent's license also may be immediately suspended or revoked or its renewal rejected for any of the following causes, or any combination of the same:

(a) Whenever the agent's application for a license contains false or misleading information.

(b) Whenever the agent violates any of the provisions of the act or the rules, instructions and directives of the commissioner or bureau.

(c) Whenever the agent's business address is changed.

(d) Whenever an agent commits any act which seriously impairs his reputation for honesty and integrity.

(e) Whenever the agent does not display lottery point of sale material in a manner which can be readily seen by the public or fails to make handout materials readily available to the public.

(f) Whenever the agent is delinquent in making required accounting or fails to pay promptly all moneys owed the state.

(g) Whenever the agent has been convicted of a crime other than a traffic offense.

(h) Whenever the agent has been arrested for bookmaking or other form of illegal gambling, whether or not convicted of such in a court of law.

(i) Whenever the agent has been found guilty of any fraud or misrepresentation.

(j) Whenever the agent fails to take reasonable security precautions with regard to the handling of lottery tickets and other materials.

(k) Whenever the commissioner finds that the agent's experience, character and general fitness are such that his participation as an agent is inconsistent with the public interest, convenience and necessity, or for any other reason within the permissible discretion of the commissioner.

(3) Upon termination of an agent's license for any reason, the agent shall appear at his assigned bank on a date designated by the bureau for the purpose of rendering his final lottery accounting. Upon the failure of any agent to settle his account on or before the designated date, the bank shall immediately notify the bureau which shall take steps at once to impose such penalties and to exercise such enforcement powers as may be provided for by law.

(4) The agent shall surrender immediately to the appropriate bureau official his agent's license and other lottery materials supplied to him by the bureau.

History: 1954 ACS 79, p. 101, Eff. Apr. 2, 1974.

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R 432.5 License fee.

Rule 5. (1) The fee for a license as an agent shall be in an amount determined by the commissioner and is payable at the time of license issuance. The fee is intended to cover the cost of licensing and is not refundable.

(2) A license renewal fee may be charged annually in an amount determined by the commissioner. The fee is intended to cover the cost of the licensing renewal operation.

History: 1954 ACS 79, p. 102, Eff. Apr. 2, 1974.

R 432.6 Conditions of licensing.

Rule 6. Upon issuance of a license the agent agrees to the following conditions:

(a) To be bound by and comply with the act and any rules, instructions and directives of the bureau.

(b) To make tickets available for sale to the public during normal business hours.

(c) To refrain from purchasing any winning ticket from its original purchaser or from subsequent purchasers.

(d) To maintain authorized displays, notions, drop boxes and other material used in conjunction with sales in accordance with instructions issued by the bureau.

(e) To accept responsibility for all tickets accepted from the bureau or its authorized distributors. All unsold tickets and receipts from sales, less the appropriate commission, shall be returned to the bureau or an authorized depository by the stated deadline. Tickets not returned by the deadline shall be considered to have been purchased by the agent.

(f) To maintain current and accurate records of all operations in conjunction with sales in conformity with rules, instructions and directives of the bureau. The records shall be available to representatives of the bureau upon request for inspection and audit.

(g) That a person under 18 years of age shall not sell tickets.

(h) That tickets will not be sold at any price greater than that price stated on the ticket.

(i) That he shall hold the bureau and the state harmless from any liability arising in connection with sales.

History: 1954 ACS 79, p. 102, Eff. Apr. 2, 1974.

R 432.7 Nontransferability of license.

Rule 7. The commissioner shall be notified in writing at least 20 days prior to any proposed business change or substantial change in ownership thereof. A substantial change in ownership under this rule means a transfer of 50% or more of the equity of any business licensed pursuant to these rules. If the business to which a license is issued changes its business location, that license terminates as of the date of the change, and a new application for a license shall be made. Every change of business location shall be reported in writing to the commissioner at least 20 days prior to the change.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.8 Bonding of agents.

Rule 8. The bureau may require a surety bond from any agent in such amount as it may determine so as to avoid any monetary loss to the state because of an agent's activities in the sale of tickets. The bond is a condition of becoming or continuing as an agent. The bureau may require a financial statement revealing

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the financial condition of any person or organization seeking to become or continue as an agent. In lieu of any surety bond which the bureau may require, it may also seek any other guarantee or surety consistent with the act, including a blanket bond.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.9 License expiration and renewal.

Rule 9. An agent's license remains in full force and effect until the termination date indicated upon the license, but in no case more than 1 year from the date of issuance of the license. The license may be terminated before the expiration date by the commissioner in accordance with these rules.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.10 Special licenses.

Rule 10. (1) A special license may be issued subject to such special conditions or limitations as the commissioner deems prudent and determines to be consonant with the dignity of the state, the general welfare of the people and the dignity and integrity of the bureau. These limitations or conditions include, but are not limited to:

(a) License period.

(b) Hours or days of sale.

(c) Location of sale.

(d) Specific business or organization which may sell tickets.

(e) Specific sporting, charitable, social or other special events where lottery tickets may be sold.

(f) Special selling or dispensing methods.

(2) Agents holding special licenses are subject to all rules promulgated by the bureau.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.11 Sales by bureau directly.

Rule 11. The bureau may sell tickets at any central or branch office or selling point it establishes in the state.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.12 Stolen tickets.

Rule 12. An agent is responsible for all tickets consigned to him. If tickets are stolen, the agent shall report the theft to the bureau and to local or state police authorities before settlement day at the bank. The agent shall pay for the stolen tickets on the settlement date and subsequently file a notarized affidavit stating the facts of the case and ask for a refund in the amount he has paid to the bureau for the stolen tickets. He shall furnish a copy of the police report covering the theft. Following an investigation by the bureau and police authorities, the bureau shall issue a refund to the agent if his claim is verified.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.13 Sale, inspection, compensation, depositories, and ticket purchases.

Rule 13. (1) Tickets shall be sold only on the premises at the specific location named in the license or attachments thereto.

(2) An agent shall allow inspections of his premises at any time upon reasonable request of authorized inspectors of the bureau. The inspections may be made without prior notice to the agent.

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(3) An agent is entitled to a commission for tickets sold by him in an amount to be determined from time to time by the commissioner. Changes in the commission amount shall be announced by the commissioner at least 60 days before the effective date and included in a directive issued to all agents.

(4) The commissioner shall promulgate details of any bonus program for agents in directives which shall be distributed to all agents.

(5) An agent shall deposit to the credit of the state treasurer, in a bank designated by the commissioner, all moneys received by him from the sale of tickets, less the amount retained as compensation and shall file with the bureau, or its designated agents, reports of receipts and transactions in the sale of tickets in such form and containing such information as the bureau may require. In this connection, an agent shall refer to directives and instructions to authorized agents made available by the bureau.

(6) All tickets, accepted by an agent from the bureau or its authorized representatives, are deemed to have been purchased by the agent, unless returned to the bank from which they were obtained within the time specified and the purchase price paid to the state, less the appropriate commission. The agent is responsible for lost, stolen, missing or loose tickets not returned in undetached sequential order. If tickets are sold out of sequence, the agent shall pay for all tickets preceding the last ticket sold out of sequence.

(7) The agent or his authorized representative is restricted to his assigned bank and shall properly identify himself to the bank prior to the receipt of tickets. The bureau may disqualify any person authorized by the licensed agent as his representative.

(8) The bureau may distribute tickets direct to agents where, in the commissioner's opinion, it is necessary to maintain continued sales activity.

History: 1954 ACS 79, p. 103, Eff. Apr. 2, 1974.

R 432.14 Banks; agents; safekeeping.

Rule 14. (1) Designated banks shall be subject to the following procedure:

(a) The bureau shall make arrangements for safekeeping and record keeping activities with designated banks throughout the state.

(b) The bureau will deliver weekly to the banks, for safekeeping, tickets for the state lottery.

(c) Authorized agents of the bureau shall obtain lottery tickets from the banks.

(d) An agent shall deposit moneys in the designated bank for the account of the state treasurer. An agent shall deposit with the designated bank all unsold tickets and records of sales for the bureau.

(e) Claim centers shall deposit winner claim forms with the banks for transmittal to the bureau.

(f) The bank shall maintain records of deposit, custodial and safekeeping activities as required by the bureau.

(2) A bank is entitled to compensation as determined by the commissioner and designated in a directive distributed to all participating banks. Any change in the amount of compensation shall be announced at least 60 days in advance of the effective date in a directive issued to all banks.

(3) A bank shall not sell tickets or make payments to claimants.

(4) A bank shall not distribute tickets to an agent who has failed to clear his account with respect to tickets delivered to that agent for the preceding week.

(5) An agent shall be assigned a designated bank and the bank shall be notified of the agent's authorization.

(6) The bureau may act as a safekeeping depository for tickets and moneys.

History: 1954 ACS 79, p. 104, Eff. Apr. 2, 1974.

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R 432.15 Lottery tickets.

Rule 15. (1) Tickets shall be prepared for sale to the public by the bureau. The price of a ticket shall be determined from time to time by the commissioner and shall be announced by directives, advertising and other means calculated to give reasonable notice to the public.

(2) Upon instructions of the bureau, banks shall allocate tickets to agents and shall collect unsold tickets. When picking up or returning tickets, an agent shall complete all related agent forms as set forth in a directive. An agent shall sign for all consigned tickets, and prior to making deposits, shall complete agent forms supplied by the assigned bank.

(3) Tickets for a particular weekly lottery may not be sold after an agent has accounted to the bank for that particular week.

(4) The sale of a valid lottery ticket is final and ticket returns shall not be accepted by an agent.

(5) Tickets which are not accounted for by an agent on the settlement date, regardless of the reason, shall be deemed sold to the agent.

(6) The commissioner shall establish a schedule and procedure for disposition of unsold tickets.

(7) Tickets printed in error or mutilated by the bureau in any way shall be returned to the bureau for credit.

History: 1954 ACS 79, p. 104, Eff. Apr. 2, 1974.

R 432.16 Claiming of prizes.

Rule 16. (1) The commissioner shall designate claim centers for the lottery program and advertise their locations.

(2) Holders of winning lottery tickets for a minor prize may take their ticket to a claims center or directly to the bureau for processing. Ticket processing shall be in accordance with directives and instructions issued by the commissioner from time to time. If a special drawoff is required to determine the exact amount won, the bureau shall notify the claimant when and where to appear for the drawoff and where to present his winning ticket for validation.

(3) A claim shall be entered in the name of a single legal entity as claimant, either 1 individual or 1 organization. A claim may be entered in the name of an organization only if the organization possesses a federal employer's identification number (FEIN) issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations or clubs who do not possess a federal employer's identification number shall designate 1 individual in whose name the claim is to be entered.

(4) A claimant shall fill out a claim form, present the form with the winning ticket and receive a copy of the claim form as his receipt.

(5) When processing tickets for minor prizes, or for major prizes when especially authorized to do so by the bureau, the claims center shall retain 1 copy of the claim form and forward the winning ticket and 2 copies of the claim form to the bureau for validation. Upon validation a state treasurer's warrant shall be forwarded to the claimant in payment of the amount due. If a claim is not validated as proper, the claim shall be denied and the claimant promptly notified.

History: 1954 ACS 79, p. 105, Eff. Apr. 2, 1974.

R 432.17 Ownership of lottery tickets.

Rule 17. (1) A lottery ticket that has been legally issued initially by an authorized sale by a licensed agent is a bearer instrument. The person whose name is entered on the claim form is considered the bearer of the ticket, notwith-

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standing that the name of another person may appear on the ticket face or reverse side. Payment of any prize shall be made to the bearer, and all liability of the bureau, the state, their employees and agents terminates upon payment.

(2) At the commissioner's discretion, payment to the person whose name is entered on the claim form may be withheld pending investigation upon receipt of an assertion in writing and supported by proper evidence that another person is entitled to payment or upon assertion that the ticket was not legally issued initially.

(3) Payment of prizes shall be made only to the single claimant in whose name the claim was originally entered. Multiple payees are not permitted. If a claim is erroneously entered with multiple claimants, the claimants shall designate 1 of them as the individual recipient of the prize or, if they fail to designate an individual recipient, the bureau may designate any 1 of the claimants as the sole recipient. In either case, the claim shall then be considered as originally entered in the name of the designated individual and payment of any prize won shall be made only to that single individual.

(4) Upon the death of a prize winner who has not yet collected the full amount of his prize, the bureau shall continue payment to the estate of the winner until the full amount is paid unless instructed by an appropriate court order to make payment to another recipient. Payment of prize money shall not be accelerated before its normal date of payment because of the death of the prize winner.

(5) Mutilated tickets shall be validated only if adequate portions of the ticket remain intact reasonably to insure the authenticity of the ticket.

(6) A ticket holder may not assign or sell his ticket or right to any prize to another party once he has identified himself to the bureau as a prize winner or potential prize winner.

(7) The prize on a winning ticket may be claimed at any time within 1 year from the drawing date shown on the ticket. However, the prize awarded shall be in accordance with the prize structure in effect at the time the claim is approved for payment, regardless of what prize structure may have been in effect on the date the ticket was purchased or on the drawing date indicated thereon.

History: 1954 ACS 79, p. 105, Eff. Apr. 2, 1974.

R 432.18 Payment of prizes.

Rule 18. (1) Payment of prizes shall be made as soon as reasonably possible after the claim has been filed, verified and the claimant has been identified to the satisfaction of the commissioner.

(2) The commissioner shall establish a schedule for payment of certain major prizes in installments, rather than a lump sum.

(3) Payment of prizes by mail, when applicable, shall be made to the claimant at the address that the claimant makes available to the bureau on the claim form.

(4) When a drawing or ceremony is conducted, winners shall receive payment in full, or, if applicable, the first installment of a prize, at the drawing or ceremony. Payment shall be made by state treasurer's warrant or by special check.

(5) The state, its agents, officers and employees, the bureau, its agents, officers and employees are discharged of all liability upon payment of a prize to the bearer of a winning lottery ticket.

History: 1954 ACS 79, p. 106, Eff. Apr. 2, 1974.

R 432.19 Disposition of funds from sale of tickets.

Rule 19. (1) Weekly, the bureau shall receipt into the central accounting division of the department of management and budget the gross amount resulting

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from sales, the selling commissions, the bank fees, the net income generated and the amount to be restricted for payment of prizes. Prize payments shall be made from such restricted moneys as authorized by vouchers issued by the bureau. All moneys remaining after payment of sales commissions, bank fees and prize allocations become part of the general fund of the state.

(2) All moneys received by the bureau from the licensing of agents shall be deposited into the account of the state treasurer. The bureau shall receipt into central accounting each week the amount received from licensing operations.

(3) The commissioner shall specify the frequency of the transfer of net revenue designated for the general fund and the amount to be so transferred. The transfer shall be made quarterly when practicable, but at least annually. The final transfer for each fiscal year shall cover the period through June 30 and shall be completed before the close of the state's books for that fiscal year.

History: 1954 ACS 79, p. 106, Eff. Apr. 2, 1974.

R 432.20 Drawings.

Rule 20. (1) The commissioner shall detail the types of drawings and drawing procedures in a directive. All drawings shall be conducted in a public place and selection of winners shall be based on chance. Any new drawings or changes in drawing procedures shall be included in the directives or amendments thereto. The commissioner shall make every attempt to keep the public informed of drawing procedures and changes in the procedures.

(2) All drawings to determine the awarding of prizes shall be open to the public. The time and place of drawings shall be made known to the public in advance to the extent practicable.

(3) Information regarding the time and place of future drawings, the winning numbers in previous drawings and other information of public interest, including descriptive information regarding current games, shall be disseminated to agents, interested parties and the public through brochures, pamphlets, newsletters, reports and other means to the extent practicable.

(4) When a determining drawing is to be held, ticket holders or those otherwise qualified for the drawing shall be asked to attend in person. If qualified contestants cannot or do not choose to attend in person, the following options shall be made available:

(a) A qualified contestant may authorize a representative to stand in for him at a drawing, so long as validation and identification requirements for that drawing are satisfied.

(b) A bureau employee may represent a qualified contestant at a drawing. Any prize won shall be presented to the original qualifier upon satisfaction of validation and identification requirements for that drawing.

(c) In the case of questionable qualification or representation, the commissioner may determine whether withholding of payment of any prize won or assignment to another drawing is appropriate.

(5) When the number of contestants in a determining drawing is variable, the commissioner may limit the number of contestants in any particular drawing for administrative or practical reasons.

History: 1954 ACS 79, p. 106, Eff. Apr. 2, 1974.

R 432.21 Prize structure.

Rule 21. (1) The prize structure shall be determined by the commissioner from time to time and shall be consistent with the act. Every attempt shall be made to inform the public, agents and interested parties of the existing prize

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structure of any lottery game, and reasonable notice shall be given in advance of any changes in the prize structure. When possible, the current prize structure shall be listed on the ticket itself or in informational materials available at sales locations.

(2) Periodic bonus promotions offering special prizes shall be detailed in special directives. Information regarding bonuses shall be disseminated to the extent possible through the news media, advertising, point of sale materials and other practicable means. The time of announcement of promotions shall be determined by the commissioner.

(3) The commissioner may award prizes of cash or merchandise as door prizes at drawings or special events. Numbers shall be drawn at random to determine door prize winners according to procedures determined by the commissioner from time to time and announced in appropriate directives.

History: 1954 ACS 79, p. 107, Eff. Apr. 2, 1974.

R 432.22 Subscription program.

Sec. 22. (1) The subscription program offers an alternate method for participation in the lottery through the advance payment for 1 set of numbers eligible to win all prizes as outlined in the bureau's prize structure. At the time of application, subscribers can indicate a choice of 1 set of numbers which shall be assigned to them if available. If not available, an alternate choice or the closest available set of numbers shall be assigned.

(2) Membership in the subscription program may be secured for varying periods of time as specified by the commissioner in appropriate directives. All funds paid for memberships shall be in United States currency or at an equivalent exchange rate. The subscription program is subject to all rules of the bureau except for the following:

(a) Regardless of when a membership application and payment is submitted, a membership is not effective until processing is complete and a membership card is sent to the member. Failure to receive a membership card does not affect the effective date of membership. Undeliverable membership cards shall be retained by the bureau and shall represent active memberships.

(b) The member shall retain his membership card and present it to the bureau upon request.

(c) The membership shall be owned and prizes awarded to the individual or organization designated on the membership card.

(d) A membership in the subscription program is nontransferable. Once an application has been processed by the bureau, changes in ownership are not permitted other than to correct administrative errors made in processing the application or to reflect a legal name change of a member.

(3) Bureau records shall be used in the official determination of lottery numbers issued to members and all prizes awarded shall be based on such records.

(4) Once a membership card has been issued to a subscriber, funds remitted to the bureau as payment for the membership are not refundable. When refunds are made prior to the issuance of a membership card, a $1.00 fee shall be deducted for handling.

(5) Checks remitted to the bureau as payment for membership which are dishonored for any reason shall result in immediate cancellation of the membership.

(6) A membership shall be issued only in the name of an individual or single legal organizational entity. The bureau shall hold applications filed for multiple

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ownership until the name of an individual is obtained. Applications in the names of multiple owners are not acceptable unless the legal status of the multiple owners or organization is evidenced by a federal employer's identification number at the time the application is submitted.

(7) Following each weekly drawing the bureau shall notify subscription plan winners in the following manner:

(a) Checks shall be mailed to the winners in the amount of the prize to which they are entitled unless a drawoff is necessary to determine the amount of the prize.

(b) The bureau shall notify winners by telephone or certified mail of their eligibility for participation in a drawoff and which specific drawoff they are to attend.

(8) The rules of the bureau pertaining to agent and bank transactions shall not apply to the subscription program.

(9) Subscription program application forms are available from the bureau and at licensed agents throughout the state. There is no charge for the subscription application form, nor shall anyone offer them for sale at any price or for any valuable consideration.

(10) A licensed agent is entitled to a commission for subscription system memberships issued when the applications for membership received by the bureau contain an agent's lottery number. A licensed agent is entitled to a commission for renewals of the original memberships processed under his agent's number. Payments shall be made on a quarterly basis and shall be based on the data recorded by the bureau regarding membership applications received and processed during the period.

History: 1954 ACS 79, p. 107, Eff. Apr. 2, 1974.

BINGO RULES

(By authority conferred on the commissioner of state lottery by section 13 of Act No. 382 of the Public Acts of 1972, being §432.113 of the Michigan Compiled Laws)

R 432.101 Definitions.

Rule 101. (1) "Act" means Act No. 382 of the Public Acts of 1972, as amended, being §§432.101 to 432.120 of the Michigan Compiled Laws.

(2) "Bingo card" means a card bearing numbers or other designations, 5 or more in 1 line.

(3) "Regular bingo game" means game played with permanent cards.

(4) "Special bingo game" is played with disposable cards or regular cards.

(5) "Regular cards" means hard cards used to play regular bingo games or designated special bingo games.

(6) "Extra regular cards" means such cards as afford additional opportunities to play in regular bingo games.

(7) "Gross receipts" means all moneys connected with participation in bingo games, the sale of supplies and other miscellaneous receipts.

(8) "Operator" means a person in charge of the bingo game, listed on the application for license or on the amended statement.

(9) "Worker" means a person 18 years of age and over and a member of the organization participating in the operation of bingo games, not listed on the license, including, but not limited to, sellers and callers, but not players.

(10) "Door fee" or "admission fee" means the charge for entering a bingo hall in which a player receives at least 1 regular bingo card.

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(11) "Special cards" means cards which players use for any game designated as a special bingo game.

(12) "Operator bingo license" means a valid operator's license.

(13) "Vendor bingo license" means a valid supplier's license.

(14) "Licensee" means an organization holding either a valid operator or vendor bingo license.

(15) "Receptacle" means a container, such as blower and cage, which holds the balls or objects used in bingo games.

(16) "Master board" means a board with holes numbered 1 to 75. As the numbers are drawn and announced by the caller, they are placed on the board, the number on the ball matching the numbered hole on the board.

(17) "To bingo" means that a player has the winning combination required to win the game.

(18) "Call" means announcement of numbers on balls or objects drawn from the receptacle.

(19) "Premises" means any land, building, enclosure or part thereof used for the purpose of conducting bingo games.

(20) "Directive" means the instructional and procedural statements which the commissioner has the authority to issue and shall issue to bingo vendors, operators or affected parties from time to time.

(21) The terms defined in the act have the same meanings when used in these rules.

History: 1954 ACS 80, p. 68, Eff. July 11, 1974.

R 432.102 Employees and contractors.

Rule 102. (1) Employees of the bureau shall not have any interest, direct or indirect, in dealing in bingo games or the ownership or leasing of any property or premises used by or for bingo games.

(2) A consultant or person under contract with the bureau shall not have any interest in the ownership or leasing of any property or premise used by or for bingo.

History: 1954 ACS 80, p. 69, Eff. July 11, 1974.

R 432.103 License eligibility; application.

Rule 103. (1) In addition to the requirements of section 4 of the act, the commissioner shall consider the following additional factors in determining the eligibility of a prospective licensee or renewal of a licensee as an operator:

(a) The honesty and integrity of the applicant.

(b) The veracity and accuracy of the information on the application.

(c) The applicant's indebtedness to the state or a local government.

(2) A person interested in obtaining a bingo license as an operator shall file an application for a bingo license with the bureau. Applications may be obtained from the bingo division of the bureau.

(3) The fee for becoming licensed as a bingo operator shall be paid by check or money order. All fees are refundable if the application is rejected or denied.

History: 1954 ACS 80, p. 69, Eff. July 11, 1974.

R 432.104 Conditions of licensing of an operator.

Rule 104. Upon issuance of a license, the licensee agrees to the following conditions:

(a) To be bound by and comply with the act and the rules, instructions and directives of the bureau.

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(b) To maintain current and accurate records of all operations in conjunction with bingo games in conformity with rules, instructions and directives of the bureau. The records shall be available to representatives of the bureau upon request for inspection or audit.

(c) Regular bingo license holders shall file a financial statement monthly on a form provided by the bureau. This form shall be signed by the person in charge of bookkeeping, the organization secretary or bingo chairman and shall be notarized. Statements shall be mailed by the tenth of each month. Special bingo license holders shall file a financial statement on a form provided by the bureau. This form shall be signed by the person in charge of bookkeeping, the organization secretary or bingo chairman and shall be notarized. Statements shall be filed within 30 days of the last authorized bingo day.

(d) That a license may be revoked, suspended or its renewal rejected for the use of false or misleading information in obtaining a license.

(e) To conduct the games at the specific location designated on the license and on the days and hours approved by the bureau.

(f) To secure a bond if required by the bureau.

(g) To hold the bureau and the state harmless from any liability, including but not limited to taxes and legal expenses arising in connection with the operation and conduct of bingo games.

(h) To deposit all moneys derived from the conduct of bingo in banks located within the state. When moneys are deposited into a checking account, the account shall be designated "special bingo checking account" and when deposited into an interest bearing account, the account shall be designated "special bingo savings account."

(i) To notify the bureau in writing within 20 days of changes respecting facts set forth in an application. If a change in any fact set forth in an application occurs after the issuance of a license, the change shall be reported to the bureau within 10 days after the date of change.

History: 1954 ACS 80, p. 69, Eff. July 11, 1974.

R 432.105 Gaming activity.

Rule 105. A bona fide member of a licensed organization may not participate in the management or operation of bingo games if he has been a professional gambler or gambling promoter, indicted or convicted for any illegal gambling activity, or has paid tax under the internal revenue code for wagering or gambling activity.

History: 1954 ACS 80, p. 69, Eff. July 11, 1974.

R 432.106 Regular licenses.

Rule 106. (1) Jointly held licenses shall not be issued.

(2) Upon application, the commissioner may issue a regular bingo license entitling the licensee to conduct bingo once a week for a $100.00 fee, and 12 times a year for a $10.00 fee. All licenses expire on the last day of February.

(3) An organization may not be granted both a $100.00 and $10.00 regular license. An organization holding a $100.00 or $10.00 regular license may not be granted a $5.00 special license. If granted a $100.00 or $10.00 regular bingo license, an organization may obtain in addition 2 special $50.00 licenses.

History: 1954 ACS 80, p. 70, Eff. July 11, 1974.

R 432.107 Special licenses.

Rule 107. (1) Upon application, the commissioner may issue a special bingo license entitling the licensee to conduct bingo on 1 occasion for a $5.00 fee and up to 7 consecutive days for a $50.00 fee.

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(2) If a special bingo game cannot be held on the date approved by the bureau because of weather conditions or any other emergency conditions, the organization may fix a new date for the game within a 48-hour period. The new date shall be scheduled within 7 days of the original date. Written notification of the new date shall be filed with the bureau immediately.

(3) Two special licenses may be granted annually. At least a 30-day interval shall elapse before a second special license may be granted.

(4) Organizations granted a $5.00 special license may not hold a regular license during a calendar year.

History: 1954 ACS 80, p. 70, Eff. July 11, 1974.

R 432.108 Conduct during games.

Rule 108. (1) Authorized equipment, including all bingo related paraphernalia, used in the conduct of bingo, shall be maintained in good repair and sound working condition.

(2) The utilization of equipment and the methods of play shall be such that each player is afforded an equal opportunity to win.

(3) All objects or balls used during the game shall be present in the receptacle before each game is begun, and shall be verified by 2 bingo players before the occasion starts.

(4) All numbers and letters announced shall be clearly audible to all players present.

(5) Once removed, an object or ball may not be returned to the receptacle until the conclusion of the game.

(6) When more than 1 room is used for any 1 game, the receptacle and the caller shall be in the room where the greatest number of players are present, and all numbers shall be clearly audible to the players in all rooms.

(7) A licensee, its members or agents, shall not accept in payment for a bingo game, a check or money order, nor tender other than cash legal tender nor cash any checks out of bingo funds.

(8) The officers of a licensed organization shall designate an official to be in full charge of and primarily responsible for the proper utilization of all moneys derived from the conduct of bingo in accordance with the bingo act and rules. The person shall be listed on the bingo application. The member in charge shall be familiar with the act, the ordinances of the local government agency, the rules of the bureau and the terms of the license. He shall be present on the premises continuously during all bingo games.

(9) All bingo players at regular licensed bingo games shall have an admission card to be eligible to play.

(10) Bingo admission cards, regular hard cards or special bingo cards may not be given to a bingo worker for service rendered.

(11) Bingo games may not be held between the hours of 12 midnight and 10:00 a.m.

(12) The master board is the only official scorer. A light board may be used but is not official.

History: 1954 ACS 80, p. 70, Eff. July 11, 1974.

R 432.109 Vendor bingo license.

Rule 109. (1) The commissioner shall consider the following factors in determining the eligibility of a prospective licensee or for renewal of a license as a vendor:

(a) The honesty and integrity of the applicant.

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(b) The veracity and accuracy of the information supplied in the application for a vendor's license.

(c) The applicant's indebtedness to the state or any local government.

(d) The business experience of the applicant and general fitness of the applicant.

(2) Licenses shall be issued only to:

(a) Corporations incorporated in this state or authorized to do business in this state.

(b) Partnerships in which at least one of the partners resides in this state.

(c) Unincorporated businesses or other entities which are authorized to do business in this state.

(3) A vendor desiring a vendor's license shall file an application for a bingo vendor's license with the bureau on application forms which may be obtained from the bureau.

(4) Any subsequent changes in the information given in the application shall be furnished immediately to the bureau.

History: 1954 ACS 80, p. 71, Eff. July 11, 1974.

R 432.110 Authorized sales representatives.

Rule 110. (1) A list of authorized representatives shall be furnished to the bureau containing the following information:

(a) Names of sales representatives.

(b) Home and business addresses of sales representatives.

(c) Dates of birth and social security numbers of sales representatives.

(d) Sales territories.

(2) An itemized list of all products offered or to be offered for sale or lease to licensed bingo operators shall be filed with the bureau, including, but not limited to the following:

(a) Catalogs, brochures, advertising copy.

(b) Retail and sale price at which merchandise is offered.

(c) All information regarding any changes in personnel or equipment shall be submitted to the bureau within 20 days from the time of change.

History: 1954 ACS 80, p. 71, Eff. July 11, 1974.

R 432.111 Payment of fees.

Rule 111. The fee for bingo vendor's license shall be paid at the time the license application is submitted. If the application is rejected, the fee shall be refunded. A license renewal fee is charged annually, payable on or before the license expiration date on the last day of February.

History: 1954 ACS 80, p. 71, Eff. July 11, 1974.

R 432.112 Conditions of licensing of a vendor.

Rule 112. (1) Upon issuance of a license, the applicant agrees to the following conditions:

(a) To maintain current and accurate records of all operations in conjunction with selling bingo equipment in conformity with the act, rules and directives of the bureau. The records shall be available to representatives of the bureau upon request for inspection or audit.

(b) That the vendor bingo license may be revoked, suspended or its renewal rejected whenever the applicant knowingly uses false or misleading information in obtaining a license.

(c) That he shall not attempt to assign or transfer the license.

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(d) That all bingo equipment will be sold only at the prices approved by the bureau.

(e) That a person who is directly or indirectly connected with the manufacture, sale or distribution of bingo equipment or supplies, or his agents, servants or employees shall not conduct, participate, advise or assist in the conduct of bingo or render any service to anyone conducting, participating or assisting in the conduct of bingo.

(f) To report any change in the information given in the application occurring after the issuance of the license to the bureau within 20 days of the date of the change. Failure to report any change constitutes sufficient cause for denial of a pending license or suspension or revocation of a license which has been granted.

(g) To keep his books and records in up-to-date and adequate condition at all times to enable the bureau to determine the gross sale of all bingo equipment to licensed organizations.

(h) A licensed bingo vendor or authorized representative, during the term of a license, shall not sell or distribute bingo equipment to other than organizations licensed to conduct bingo, except by special permission of the commissioner.

(i) A licensed bingo vendor or authorized representative may not be present during the conduct of bingo for the purpose of transacting business, or demonstrating equipment, for up to ½ hour before and ½ hour after the bingo games.

(j) A report of all bingo transactions shall be filed upon notification and on forms provided by the bureau, except when otherwise specified by the commissioner.

(2) A bingo vendor license shall be prominently displayed on the licensee's premise and made immediately accessible to authorized representatives of the bureau or law enforcers.

(3) The form of vendor license and vendor report forms shall be prescribed by the bureau.

History: 1954 ACS 80, p. 71, Eff. July 11, 1974.

R 432.113 Bingo equipment.

Rule 113. (1) Authorized equipment.

(a) Hand operated or blower type bingo cage.

(b) Master board with holes numbered 1 to 75.

(c) Hard cards, with bingo numbers printed on 1 side only.

(d) Disposable cards, with bingo numbers printed on 1 side only.

(e) Bingo balls of the same type, weight, color and size.

(f) Automatic fingertip or shutter cards.

(g) Authorized bingo equipment shall be purchased from licensed bingo vendors and must be maintained in good working condition.

(2) Unauthorized equipment.

(a) Push-out cards.

(b) Raffle drums.

(c) Poker chips and slugs.

(d) Roll tickets and roll ticket holders.

(e) Multi-colored, striped, two-tone or any other assortment of colored balls.

(f) Cash books.

(g) Bingo legal forms.

(h) Tip books.

(i) Jar tickets.

(3) The licensee shall not conduct any bingo game with equipment which it does not own absolutely, or for which it pays any consideration directly or

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indirectly, or under the guise of a service charge, except that a licensee shall not agree to purchase its supplies in consideration of receiving the use of any equipment, goods or supplies without charge, except as provided in these rules; nor shall he agree to pay a percentage of the receipts or net profits from the game for the use of the equipment.

(4) Licensed organizations may loan other licensed organizations their facilities and equipment free of charge, if this arrangement is in the form of a written agreement approved by the commissioner.

History: 1954 ACS 80, p. 72, Eff. July 11, 1974.

R 432.114 Bingo operation.

Rule 114. (1) Hard bingo cards, used in regular games, may be sold for not more than 25¢ each. Disposable cards, used in special games may be sold for not more than 25¢ for 1 card.

(2) At least 1 hard card shall be given to a player when he pays admission. The admission charge may not exceed $1.00. No more than 4 hard cards may be given to a player paying the admission fee. Admission cards shall be a different color than regular extra cards. The right to participate in a bingo game is sold by the sponsor.

(3) Licensees holding a $100.00 license may conduct an unlimited number of games on each authorized date. Those holding a $10.00 license may not hold over 25 games on 1 date.

(4) Licensees holding a $50.00 or $5.00 license may conduct an unlimited number of games on each authorized date, except when restricted by the commissioner.

(5) A person shall not solicit or receive any gift or donation on the premises during the conduct of an occasion of bingo.

(6) Lottery tickets may be sold before, after and during bingo games if the organization is licensed to sell tickets on the premise where bingo is being conducted.

(7) Games of chance other than bingo and sale of Michigan lottery tickets shall not be conducted or allowed on any occasion when bingo is played, whether lawful or unlawful, whether any separate or additional charge or wager is required or not.

(8) Concession items and items pertaining to playing bingo may be sold during the bingo occasion.

(9) When a bingo licensee conducts bingo on a premise licensed by the liquor control commission, dispensing of alcoholic beverages and use of the property is under the jurisdiction of the liquor control commission.

(10) Concession workers may be under 18 years of age.

(11) Persons under 18 years of age shall not be permitted to participate in bingo as a player, or permitted to operate or assist in the conduct of a game of bingo.

(12) Organizations shall prominently display bingo rules and prize structure during all games, by means of a display poster or by means of a program that is distributed to the player.

(13) When bingo is played, all cards shall be purchased, all winners determined and all prizes awarded within the same day.

(14) Bingo cards for regular or special games may be selected only by the player who is to use the cards.

(15) A player may switch cards between games; however, a player may not switch during any bingo game being called. Cards may never be switched or transferred between players.

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(16) The bingo operator may show the face of the hard or disposable cards to the player when they are being sold. Opportunities shall be printed only on one side of the card.

(17) Bingo cards not being played should be turned in.

(18) Bingo workers and operators may not play in games of bingo in which they are working or assisting. Workers who wish to play may work only until game time and then play if they pay admission the same as all other players.

(19) Numbered balls or objects shall be drawn from a receptacle and called. The caller and receptacle shall be located so that 2 players or more can observe the number that is drawn from the receptacle before the number is called. Card holders shall cover the numbers called and the game is won by the person who first covers a previously designated arrangement of numbers on a card.

(20) Designated floor men shall check the winning cards on all bingos, including coveralls, jackpots and special games. Players at another table may act as witnesses to the verification of the winning numbers on all coverall games.

(21) Members of auxiliaries of licensed organizations may assist in the conduct of bingo games.

History: 1954 ACS 80, p. 72, Eff. July 11, 1974.

R 432.115 Prizes.

Rule 115. (1) Winning numbers.

(a) The combinations required to win a game shall be clearly announced before each game is begun.

(b) Each player is entitled to call for a verification of all numbers drawn at the time a winner is announced.

(c) A verification of the numbers appearing on the winning card at the time a winner is determined shall be made in the immediate presence of 1 or more disinterested players. Any disinterested player shall be permitted to observe the verification.

(d) A player must bingo on the last number called.

(2) In games divided into multiple prizes, the winning arrangements and the amount of each prize shall be audibly announced to the players immediately prior to each multiple game.

(3) When more than 1 player is found to be the winner on the call of the same number in the same game, the designated prize shall be divided as announced by the operator prior to the start of play.

(4) Prizes shall not exceed the sum or value of $500.00 in any single game of bingo, and the aggregate amount of all prizes offered or given on all games played on a single occasion cannot exceed $2,000.00. Prizes in a single game may be paid in steps, but not to exceed the $500.00 aggregate amount. For licenses holding a $10.00 regular license, the prizes may not exceed a $10.00 value per game.

(5) When a merchandise prize is awarded in a game of bingo, for auditing purposes, its value is the cost to the licensee, or if donated, its current retail price. The retail value of all prizes shall be included in the $2,000.00 maximum prize value for each occasion of bingo.

(6) The current retail price of merchandise prizes donated to the licensee cannot be reported as an expenditure in the financial statement of the bingo operation. Such prizes shall be reported as donations on the financial statements.

(7) Merchandise prizes may not be redeemable or convertible into cash directly or indirectly by the licensee.

(8) Alcoholic beverages may not be awarded as prizes.

History: 1954 ACS 80, p. 73, Eff. July 11, 1974.

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R 432.116 Advertising.

Rule 116. (1) A bingo game may not be advertised by means of commercial newspaper, radio, television, sound truck or by means of billboards, posters, handbills or other means addressed to the general public except by special permission of the commissioner. Signs not exceeding 60 square feet each may be displayed on or adjacent to the premise where the games are to be held.

(2) If special permission is granted to advertise, the advertisement shall include the purpose for which net proceeds will be used by the licensee, and also the time and location of the game.

(3) Newspaper bingo directory. To provide the player with information about bingo games, this type of advertising is permitted with the following restrictions:

Size Restriction	Contents Restriction
1 column—1 inch	Name of organization
Type size—6 or 9 point	Address, Street and City of game
No more than 5 lines	Day of the week and time

History: 1954 ACS 80, p. 74, Eff. July 11, 1974.

R 432.117 Locations.

Rule 117. (1) Licensees may conduct bingo only on the premises named on the license.

(2) Premises may not be rented or allowed to be used unless all of the terms and conditions of rental or use, including the rental of chairs, tables, and janitor service, are set forth in a written agreement submitted, approved, and on file with the bureau.

(3) A renter or owner of premises, used for the conduct of bingo, shall not use the word "Bingo," "Keno," "Lotto," "Skillo," or other words whose meaning is capable of conveying the suggestion that bingo is or will be conducted or played either as part of the name of the renter or as the name of the premises or place within the premises to be rented or used for the conduct or playing of bingo.

(4) A fee beyond that which is normally charged for rental in the written agreement may not be charged, and under no circumstances shall a hall be rented to a licensed organization on a percentage basis.

(5) A payment may not be made to the renter or owner except by check, drawn on a special bingo checking account, and the licensee shall pay within 48 hours after holding the bingo.

(6) Licensees cannot lend money to or borrow money from any lessor or any person who is connected with the lessor either directly or indirectly.

(7) A single premise shall not be used for more than 5 regular bingo occasions each week. A single premise includes all components or buildings comprising 1 architectural entity or serving a unified functional purpose.

History: 1954 ACS 80, p. 74, Eff. July 11, 1974; 1954 ACS 86, p. 96, Eff. Feb. 6, 1976.

R 432.118 Books of accounts; receipts; disbursements.

Rule 118. (1) Moneys deposited in the special bingo checking account may be used only for the following purposes:

(a) The payment of necessary and reasonable bingo expenses incurred in connection with the conduct of bingo, which consists of bingo supplies and equipment, rent, bookkeeping or accounting services according to the schedule of compensation prescribed by the bureau, janitorial services and utility supplies, license fees, cash prizes and the purchase of merchandise prizes.

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(b) The disbursement or transfer of net proceeds derived from the conduct of bingo into 1 or more special bingo savings accounts, pending a disbursement for 1 or more of the lawful purposes of the licensed organization.

(c) The transfer of net proceeds derived from the conduct of bingo into the accounts of the organization. The holding of profits for more than 1 year without transfer is prohibited.

(2) All moneys withdrawn from the special bingo checking account shall be only by checks having preprinted consecutive numbers, signed by the duly authorized person or persons and made payable to a specific person, firm, partnership, corporation or account. A check shall not be made payable to cash or bearer, or drawn in blank.

(3) Funds on deposit in a special bingo savings account may be disbursed only by transfer back into the special bingo checking account.

(4) The books of account shall be kept up to date. Deposit books, savings account pass books, canceled checks, checkbooks, deposit slips, bank statements, and all other books of account shall be available at all bingo occasions and other times as required by and for examination by the bureau.

(5) All documents supporting the entries made in the books of account shall be kept by the licensee for not less than 6 years. These documents include, but are not limited to, bank statements, canceled checks, deposit slips, and invoices for all expenditures.

(6) Payments for services may not exceed these amounts:

(a) Preparing and mailing monthly financial statements, $5.00 per month.

(b) Opening books for bingo game account, $15.00.

(c) Supervising bookkeeping and accounting system without making entries or preparing reports, $5.00 per month.

(d) Bona fide members of a licensed organization, serving as bingo operators and workers, may be paid up to $5.00 for their services per occasion. Any larger payment for services shall receive special approval by the commissioner. The payments shall be shown on the financial statement.

History: 1954 ACS 80, p. 74, Eff. July 11, 1974.

MILLIONAIRE PARTY RULES

(By authority conferred on the commissioner of state lottery by section 13 of Act No. 382 of the Public Acts of 1972, as amended, being §432.113 of the Michigan Compiled Laws)

R 432.201 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 382 of the Public Acts of 1972, as amended, being §432.101 et seq. of the Michigan Compiled Laws.

(b) "Bureau" means the bureau of state lottery, as created by Act No. 239 of the Public Acts of 1972, as amended, being §432.1 et seq. of the Michigan Compiled Laws.

(c) "Commissioner" means the commissioner of state lottery, as defined by section 3 of Act No. 239 of the Public Acts of 1972, being §432.3 of the Michigan Compiled Laws.

(d) "Concession" means a business which is limited to the sale of food and beverages for human consumption.

(e) "Directive" means the instructional and procedural statements which the commissioner shall issue periodically to suppliers, operators, or affected parties.

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(f) "Imitation money" means play money which has a nominal value that is greater than the value of the currency for which it was exchanged or is exchangeable.

(g) "Licensee" means an organization holding either a valid operator's license or valid supplier's license.

(h) "Millionaire party" means an event at which wagers are placed with imitation money upon games of chance customarily associated with a gambling casino.

(i) "Millionaire party license" means a valid operator's license.

(j) "Premises" means any land, building enclosure, or part thereof used for the purpose of conducting a millionaire party. The term also means all components or buildings comprising 1 architectural entity or serving a unified functional purpose.

(k) "Operator" means the person in charge of the millionaire party listed on the license application.

(l) "Raffle" means a drawing conducted by the licensee held in conjunction with a millionaire party, at which preannounced prizes are awarded.

(m) "Supplier's license" means a valid supplier's license for either bingo equipment or millionaire party equipment.

(n) "Worker" means a person not less than 18 years of age and a member, for not less than 6 months, of the organization participating in the millionaire party and not listed on the license.

History: 1954 ACS 94, p. 103. Eff. Jan. 19, 1978.

R 432.202 Conflict of interest.

Rule 2. (1) Employees of the bureau of state lottery shall not have an interest, direct or indirect, in dealing in millionaire party games or in the ownership or leasing of any property or premises used by or for millionaire party games.

(2) A consultant, or person under contract with the bureau, shall not have an interest in the ownership or leasing of any property or premises used by or for millionaire parties.

History: 1954 ACS 94, p. 103. Eff. Jan. 19, 1978.

R 432.203 Millionaire party license; eligibility; application; fee.

Rule 3. (1) In addition to the requirements of section 4 of the act, the commissioner shall consider the following additional factors in determining the eligibility of an applicant for a millionaire party license.

(a) The reputed honesty and integrity of the applicant.

(b) The veracity and accuracy of the information on the application.

(c) The applicant's indebtedness to the state or a local government.

(d) Any pending lawsuit or bankruptcy proceeding involving or affecting the applicant.

(2) A person interested in obtaining a millionaire party license shall file an application for such license with the bureau on an application form obtained from the bingo division of the bureau.

(3) The fee for a millionaire party license is $50.00 per 1 day occasion or $100.00 for 3 consecutive days, which shall be paid by check or money order. Fees are refundable if the application is rejected or denied.

History: 1954 ACS 94, p. 103. Eff. Jan. 19, 1978.

R 432.204 Millionaire party license; conditions.

Rule 4. Upon issuance of a millionaire party license, the licensee agrees to the following conditions:

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(a) To be bound by, and comply with, the act and with the rules, instructions, and directives of the bureau.

(b) To maintain current and accurate records of all operations in conjunction with millionaire party games in conformity with bureau rules, instructions, and directives.

History: 1954 ACS 94, p. 104, Eff. Jan. 19, 1978.

R 432.205 Millionaire party license; granting; display.

Rule 5. (1) Two $50.00 1-day millionaire party licenses or 1 $100.00 3-consecutive-day millionaire party license may be granted to an applicant annually. Upon application, the commissioner may issue a license for a period which exceeds the 3-day license. In the event that an extension is granted, it shall not exceed 24 hours. A fee of $50.00 shall be charged for the additional 24-hour period. In all other cases, at least a 30-day interval shall elapse from the date of a license before a second license may be granted. Only 1 3-day license shall be issued at the same location in a 7-day period.

(2) A millionaire party license shall be displayed at a conspicuous location upon the premises.

History: 1954 ACS 94, p. 104, Eff. Jan. 19, 1978.

R 432.206 Maintenance and utilization of equipment; official in charge; prohibited hours.

Rule 6. (1) Authorized equipment, including paraphernalia used in the conduct of millionaire parties, shall be maintained in good repair and sound working condition.

(2) The utilization of equipment and the methods of play shall be such that each player is afforded an equal opportunity to win.

(3) The officers of a licensed organization shall designate at least 1 official in full charge of, and primarily responsible for, the proper utilization of all moneys derived from the conduct of a millionaire party in accordance with the act and these rules. The official in charge shall be named on the millionaire party application. The official shall be familiar with the act, local ordinances, the rules of the bureau, and the terms of the license. The official shall be present on the premises continuously during the millionaire party.

(4) Millionaire parties may not be conducted between the hours of 2 a.m. and 12 noon, or during hours prohibited by local ordinance.

History: 1954 ACS 94, p. 104, Eff. Jan. 19, 1978.

R 432.207 Games and equipment generally.

Rule 7. (1) Only games of chance in which participants compete against the licensee are permitted.

(2) All equipment used and games played at a millionaire party shall be approved by the commissioner.

(3) Approved millionaire party equipment shall be purchased or rented from licensed suppliers and shall be maintained in good working condition.

(4) Approved party equipment and games include, but are not limited to, the following:

(a) All wheels.

(b) Roulette.

(c) All dice games.

(d) Twenty-one or blackjack.

(e) Raffle conducted by the millionaire party licensee as prescribed by subrule (10) of this rule.

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(5) The following equipment and games shall not be used at a millionaire party:
(a) Horse race films.
(b) Jar tickets, jarco tickets, break open tickets, or other illegal lottery.
(c) Slot machines.
(d) The game of bingo or bingo equipment.
(e) Poker.

(6) The licensee shall not conduct a millionaire party game with equipment which the licensee does not own or does not rent from a licensed supplier. The licensee shall not pay any consideration for the rental of equipment above and beyond the agreed rental price, directly or indirectly, or under the guise of a service charge. A charge for the delivery of millionaire party equipment may be made not to exceed the fee charged by commercial carriers. A licensee shall not agree to purchase its supplies in consideration of receiving the use of any equipment, goods, or supplies, without charge, except as provided in these rules; nor shall the licensee agree to pay to anyone a percentage of the receipts or net profits from the game for the use of the equipment.

(7) The licensee shall notify the player either by posted rule, with letters a minimum 1 inch in size, or by program, of the method of playing millionaire party games.

(8) In all dice games, the size of the dice shall be a minimum of ¾ inch.

(9) The dealer shall stand on 17 and shall draw to 16 when dealing twenty-one or blackjack.

(10) When a raffle is conducted in conjunction with the millionaire party, the price of the raffle ticket shall not exceed $1.00. All tickets shall be preprinted, giving the name of the organization, prizes to be awarded, and date and location of the drawing. It shall include a place to record the name and address of the purchaser.

(11) The name of the owner shall be affixed to all gambling paraphernalia.

(12) The bureau of state lottery inspection label shall be affixed to all approved equipment.

History: 1954 ACS 94, p. 104, Eff. Jan. 19, 1978.

R 432.208 Millionaire party operation.

Rule 8. (1) Licensees holding a millionaire party license shall conduct only the type of games and use only the equipment authorized by rule of the commissioner.

(2) State lottery tickets may be sold before, after, and during millionaire party games if the organization is licensed to sell tickets on the premises where the millionaire party is being conducted.

(3) Only imitation money shall be used by the participants of a millionaire party. Chips may also be used as imitation money.

(4) When a millionaire party is conducted on premises licensed by the liquor control commission, the dispensing of alcoholic beverages and the use of property relative to the dispensing of alcoholic beverages are under the jurisdiction of the liquor control commission.

(5) Concession workers may be nonmembers of the licensed organization.

(6) Persons under 18 years of age shall not be permitted to wager.

(7) Organizations shall prominently display the notice that a person participating in the millionaire party games may not receive prizes having an aggregate value greater than $500.00 per occasion.

(8) When a millionaire party is conducted, all winners shall be determined, and all prizes awarded, within the time specified on the license.

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(9) A wager may not be placed upon an athletic event or upon a game involving personal skill.

(10) A wager may not be placed on a contest other than a game of chance taking place at the location during the time approved for the event.

(11) Players in the game shall not be permitted to directly compete against each other, other than as participants in an auction sale or a raffle.

(12) Workers and operators may not play in millionaire party games in which they are working or assisting. Workers may play when not working, after paying admission fees and all other fees in the same manner as other players.

(13) Members of auxiliaries of licensed organizations may assist in the conduct of millionaire party games. An organization may use workers of another organization by special permission from the commissioner. This request shall be submitted in writing. Reimbursement for these workers shall not exceed the provision specified in R 432.212(3).

(14) A player shall not be permitted to sell or exchange imitation money for legal currency with another player.

History: 1954 ACS 94, p. 105, Eff. Jan. 19, 1978.

R 432.209 Prizes.

Rule 9. (1) Prizes may be distributed by participation in an auction sale or by placing a play money value on prizes that are displayed.

(2) The total value of all prizes offered or given on all games played on a single millionaire party occasion shall not exceed $2,000.00, excluding the cost of raffle prizes. A person participating in the event may not be awarded prizes having an aggregate value greater than $500.00. This limitation does not preclude another person or persons receiving a similar prize. Raffle prizes are not included in this restriction.

(3) For auditing purposes, the value of merchandise prizes awarded in a millionaire party is the cost to the licensee, or, if donated, its current cost price. The value of all prizes shall be included in the $2,000.00 maximum prize value for each occasion of a millionaire party.

(4) The current price of merchandise prizes donated to the licensee shall not be reported as an expenditure in the financial statement of the millionaire party operation. Such prizes shall be reported as donations on the financial report.

(5) Cash prizes shall not be awarded except as raffle prizes.

(6) State lottery tickets may be used as prizes.

History: 1954 ACS 94, p. 105, Eff. Jan. 19, 1978.

R 432.210 Advertising.

Rule 10. (1) Advertising shall include the complete name of the licensee and the purpose for which the net proceeds will be used, and shall give notice of the personal limitation of $500.00 in winnings.

(2) The millionaire party may be described in the licensee's advertisement as a Las Vegas party.

History: 1954 ACS 94, p. 106, Eff. Jan. 19, 1978.

R 432.211 Locations; rentals.

Rule 11. (1) Licensees may conduct a millionaire party only on the premises named on the license.

(2) Premises may not be rented or allowed to be used unless all of the terms and conditions of rental or use, including the rental of chairs, tables, janitor service, and security guard, are set forth in a written agreement submitted to, and approved by, the bureau.

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(3) A fee beyond that which is the normal charge for rental of the premises, as set forth in the written agreement, shall not be charged, and a hall shall not be rented to a licensed organization on a percentage basis.

(4) A hall or premises owner, or an employee of the hall where the millionaire party is being conducted, shall not participate in the game as a worker or operator.

(5) A licensee shall not lend money to, or borrow money from, a landlord, or from a person who is connected with the landlord, either directly or indirectly.

(6) A landlord shall be paid only by check drawn on the checking account of the licensee. The payment shall be made within 48 hours following the party.

(7) Millionaire party equipment shall not be included in the rental of the premises.

History: 1954 ACS 94, p. 106, Eff. Jan. 19, 1978.

R 432.212 Disposition of proceeds; retention of documents; payment of operators and workers.

Rule 12. (1) The entire net proceeds of a millionaire party shall be devoted exclusively to the lawful purposes of the licensee. The following necessary and reasonable expenses incurred in connection with the conduct of the party may be paid:

(a) Rental of premises.
(b) Purchase or rental of supplies and equipment.
(c) Workers services, not to exceed $8.00 per occasion per worker.
(d) Janitorial services.
(e) Security services.
(f) License fee.
(g) Merchandise prizes.
(h) Advertising expenses.
(i) Miscellaneous supplies and any other related expenses.

(2) A report of all millionaire party transactions shall be filed on forms provided by the bureau by the fifteenth of the month following the month during which the party was held, and shall be kept by the licensee for not less than 6 years. All documents supporting the entries made in the report include, but are not limited to, canceled checks, deposit slips, and invoices for all expenditures.

(3) Bona fide members of a licensed organization, serving as millionaire party operators and workers, may be paid up to $8.00 for their services per occasion. Additional gratuities, such as free admission or extra play money shall not be granted.

History: 1954 ACS 94, p. 106, Eff. Jan. 19, 1978.

R 432.213 Supplier's license; eligibility; issuance; application; changes in information.

Rule 13. (1) The commissioner shall consider the following factors in determining the eligibility of an applicant for a supplier's license or for renewal of a supplier's license.

(a) The reputed honesty and integrity of the applicant.

(b) The veracity and accuracy of the information supplied in the application for a supplier's license.

(c) The applicant's indebtedness to the state or a local government.

(d) The business experience of the applicant and general fitness of the applicant.

(e) A pending lawsuit or bankruptcy proceeding involving or affecting the applicant.

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(2) Supplier's licenses shall be issued only to:

(a) Corporations incorporated in this state or authorized to do business in this state.

(b) Partnerships in which at least 1 of the partners resides in this state.

(c) Unincorporated businesses or other entities which are authorized to do business in this state.

(3) Applicants for a supplier's license shall file an application for such license with the bureau on application forms which may be obtained from the bureau.

(4) Subsequent changes in the information given in the application shall be furnished immediately to the bureau.

History: 1954 ACS 94, p. 106, Eff. Jan. 19, 1978.

R 432.214 List of authorized representatives; list of products; information as to changes in personnel or equipment.

Rule 14. (1) A list of authorized representatives shall be furnished to the bureau, containing the following information:

(a) Names of sales representatives.

(b) Home and business addresses of sales representatives.

(c) Dates of birth and social security numbers of sales representatives.

(2) An itemized list of all products offered, or to be offered, for sale or rent to licensed millionaire party operators shall be filed with the bureau, including, but not limited to, the following:

(a) Catalogs, brochures, and advertising copy.

(b) Sale price or rental price at which merchandise is offered.

(3) All information regarding any changes in personnel or equipment shall be submitted to the bureau prior to change.

History: 1954 ACS 94, p. 107, Eff. Jan. 19, 1978.

R 432.215 Supplier's license; payment or refund of fee.

Rule 15. The fee for a bingo and millionaire party supplier's license shall be paid at the time the license application is submitted. If the application is rejected, the fee shall be refunded. A license renewal fee is charged annually, payable on or before the license expiration date on the last day of February.

History: 1954 ACS 94, p. 107, Eff. Jan. 19, 1978.

R 432.216 Supplier's license; conditions; display; forms.

Rule 16. (1) Upon issuance of a supplier's license, the licensee agrees to the following conditions:

(a) To maintain current and accurate records of all operations in conjunction with selling or renting bingo and millionaire party equipment in conformity with the act, and with the rules and directives of the bureau. The records shall be available to representatives of the bureau, upon request, for inspection or audit.

(b) That the supplier's license may be revoked or suspended, or its renewal rejected, whenever the applicant uses false or misleading information in obtaining a license, violates the act, or violates a rule or directive of the bureau.

(c) That he shall not attempt to assign or actually transfer the license.

(d) That all bureau-approved equipment shall be sold or rented only at the prices submitted to the bureau by the supplier. The name of the supplier shall be affixed to all gambling devices.

(e) To report any change in the information given in the application occurring after the issuance of the license to the bureau prior to change. Failure to report any change constitutes sufficient cause for denial of a pending license, or for suspension or revocation of a license which has been granted.

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(f) To keep his books and records in up-to-date and adequate condition at all times to enable the bureau to determine the sale price and rental consideration of bingo and millionaire party equipment to licensed organizations, and any other information requested by the bureau.

(g) A licensed supplier or the authorized representative of a licensed supplier, during the term of a license, shall not sell or distribute equipment to other than organizations licensed to conduct bingo or millionaire parties, except by special permission of the commissioner.

(h) A licensed supplier or the authorized representative of a licensed supplier may not be present during the conduct of a millionaire party for the purpose of transacting business or demonstrating equipment for up to 1 hour before, and 1 hour after, the millionaire party games.

(i) A report of all millionaire party transactions shall be filed on forms provided by the bureau and submitted quarterly on the fifteenth day of the months of March, June, September, and December.

(2) The supplier's license shall be prominently displayed on the licensee's premises and made immediately accessible to authorized representatives of the bureau or to law enforcement personnel.

(3) The form of the supplier's license and supplier report forms shall be prescribed by the bureau.

(4) The supplier's license shall cover 1 specific business location. The location is determined by the address from which equipment is delivered or billed.

History: 1954 ACS 94, p. 107, Eff. Jan. 19, 1978.

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DEPARTMENT OF COMMERCE

LIQUOR CONTROL COMMISSION

RETAIL LICENSEES SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.7 of the Michigan Compiled Laws)

R 436.1 Minors.

Rule 1. (1) A licensee shall not allow any person under the age of 18 years to purchase, sell, serve, consume or have alcoholic liquor in his possession.

(2) A licensee shall not allow any person under the age of 18 years to work or entertain on a paid or voluntary basis on the licensed premises where alcoholic liquor is being served. This rule shall not apply where the person is under the direct supervision and control of his parent or guardian.

History: 1944 AC, p. 432; 1954 AC, p. 5301; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972.

R 436.2 Intoxicated persons.

Rule 2. No licensee shall sell or serve any alcoholic liquor to any person in an intoxicated condition. No licensee shall permit any person in an intoxicated condition to consume any alcoholic liquor upon the licensed premises.

No licensee shall be in an intoxicated condition upon the licensed premises or allow an intoxicated person to frequent, loiter or be employed upon the licensed premises.

History: 1944 AC, p. 432; 1944 ACS 30, p. 8; 1954 AC, p. 5301.

R 436.3 Improper conduct.

Rule 3. No licensee, his agent, or employee shall engage in any illegal occupation or illegal act on or beyond his licensed premises.

(a) No licensee, his agent, or employee shall refuse, fail or neglect to cooperate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and the rules promulgated thereunder.

(b) No licensee, his agent, or employee shall allow in or upon his licensed premises any improper conduct, disturbances, lewdness, immoral activities, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising material, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures or advertising material.

(c) No licensee, his agent or employee shall suffer or allow in or upon his licensed premises the annoying or molesting of patrons or employees by other patrons or employees, nor any accosting and/or soliciting for immoral purposes.

(d) No licensee, his agent, or employee shall permit his licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for known prostitutes, homosexuals, vagrants, or those who are known to engage in the use, sale or distribution of narcotics or in any other illegal occupation or business: provided, that no licensee shall be disciplined hereunder until he has been warned by the commission or the law enforcing agency having jurisdiction thereof, and has failed for a period of not more than 5 days to comply with the requirements of this rule.

History: 1944 AC, p. 432; 1944 ACS 14, p. 7; 1944 ACS 30, p. 8; 1954 AC, p. 5301; 1954 ACS 72, p. 77, Eff. Aug. 2, 1972.

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R 436.4 Gambling and gaming.

Rule 4. (1) A licensee shall not allow unlawful gambling on the licensed premises.

(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of the state of Michigan.

History: 1944 AC, p. 432; 1944 ACS 5, p. 16; 1944 ACS 5, p. 19; 1944 ACS 12, p. 24; 1954 AC, p. 5301; 1954 ACS 23, p. 26, Eff. Aug. 12, 1960; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972; 1954 ACS 97, p. 82, Eff. Oct. 12, 1978.

R 436.5 Rescinded.

History: 1944 AC, p. 432; 1944 ACS 5, p. 17; 1944 ACS 12, p. 24; 1954 AC, p. 5302; rescinded 1954 ACS 87, p. 71, Eff. May 29, 1976.

R 436.6 Sanitation.

Rule 6. (1) All licensed establishments shall be equipped with hot and cold running water from a source approved by an authorized health department.

(2) General cleanliness:

(a) All bars, tables, counters, coolers, extra beer tap rods, refrigerators, and all other fixtures or equipment, and all basements, rooms or other places used to serve or store beer, wine or liquor, shall be kept in a clean and sanitary manner at all times.

(b) All beer coils, lines, barrels, tubes and any other draught beer equipment shall be thoroughly cleansed as often as may be necessary to keep them in a clean and sanitary condition. Beer shall not be drawn through tubes with rubber inner linings.

(c) All air intakes on pressure pumps used in drawing of draught beer shall be piped in such a manner that only clean air will be used.

(d) All open windows, doors and other openings to the outside shall be screened and protected against flies.

(3) Licensees and employees shall wear clean clothing and be clean about their person. No person who has an infectious disease in a communicable form, or who is a carrier of such an infectious disease, shall be employed where food or beverages are prepared, handled, stored, or served. (See section 470 of Act No. 328 of the Public Acts of 1931, being §750.470 of the Michigan Compiled Laws).

(4) Utensil cleansing:

(a) Equipment: All licensed establishments shall be equipped with 2 tanks and 1 power spray or 3 tanks for the purpose of washing, rinsing, disinfecting and sterilizing all bar and table service.

(b) All dishes, glasses, mugs, steins, cups and table service used in the serving of food or beverages shall be effectively washed and cleansed in clean hot water of not less than 110 degrees Fahrenheit. Such wash water shall contain an effective detergent or cleansing agent. Immediately after washing and before using, the dishes, glasses and other utensils shall be effectively sanitized.

(i) Effectively washed and cleansed dishes, glasses, and silverware or utensils shall be interpreted to mean that the dish, glass, silverware, or utensil is free of film and foreign material including lipstick, lipmarks and fingerprints on the food and lip contact areas. Discolorations, due to water spots, are considered undesirable, but do not constitute a violation of this rule.

(ii) Effectively sanitized dishes, glasses, silverware, or cooking utensils shall not exceed a bacterial count of 100 per unit, based upon the average count of at least 4 dishes, glasses, or other representative utensils. The bacterial count shall be determined by the standard plate count and swab method.

(c) Following sanitizing, all dishes, glasses, silverware, and utensils shall be drained in an inverted position on sanitary drain racks, trays or boards, with protection from flies, dust, and other contamination during storage.

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(5) Toilets:

(a) All licensed establishments dispensing alcoholic beverages shall provide properly designated flush toilets for each sex. Such toilets shall be so constructed as to assure complete privacy as to segregation of sexes. Toilets shall be easily accessible, with no entrance through a kitchen or living quarters. Each toilet shall have outside ventilation, or be vented thereto (vents to be 6 inches in diameter).

(b) The minimum floor space of each toilet shall be 5 feet by 7 feet or 35 square feet. The floor of each toilet shall be made of a nonabsorbent material which shall extend 8 inches on the walls above the floor level and be equipped with a drain.

(c) Toilets for men shall have the following equipment: One wash bowl with running water, 1 intermittent or flush type wall urinal (minimum length 3 feet), 1 flush stool complete with cover (same to be segregated from urinal by a partition) for each 100 patrons based on seating capacity of establishment, individual sanitary towels, plenty of soap, sanitary toilet paper and a metal receptacle for accumulated waste.

(d) Toilets for women shall have the same equipment as for men except urinal, the amount of equipment to be determined the same as for men.

(e) All toilets and wash rooms, including walls, floors, ceilings and fixtures shall be kept in a clean and sanitary condition; walls and ceilings shall be painted with a light colored waterproof oil paint or enamel.

(6) The foregoing rules shall in no way be construed as to prevent any county, township, city or village from setting up by ordinance, more restrictive regulations governing such establishments within their jurisdiction.

(7) The sentences, sections and provisions of these rules are declared to be severable, and any portion which is declared inoperative for any reason by a court of competent jurisdiction shall in no way affect the remaining sentences, sections, or provisions of these rules.

History: 1944 AC, p. 432; 1944 ACS 5, p. 16; 1944 ACS 25, p. 8; 1954 AC, p. 5302.

R 436.7 Display of license, permit, and signs.

Rule 7. (1) All licenses, permits, and signs issued by the Michigan liquor control commission must be framed under glass and shall be prominently displayed in full view of the licensed premises.

(2) The licensee shall sign all licenses required to be signed by him before placing same on display as required herein.

History: 1944 AC, p. 432; 1954 AC, p. 5303.

R 436.8 Sale, possession, or consumption only of liquor covered by license.

Rule 8. (1) No licensee shall sell, offer or keep for sale, furnish or possess or permit any patron upon his premises to consume any alcoholic liquor except that which he is authorized to sell by his license.

(2) No licensee shall sell any alcoholic liquor for consumption off the premises unless he has been issued a license permitting such sale by the Michigan liquor control commission.

History: 1944 AC, p. 432; 1944 ACS 30, p. 9; 1954 AC, p. 5303.

R 436.9 Removal of liquor from premises.

Rule 9. No licensee shall permit alcoholic liquor sold for consumption on the premises to be removed therefrom. (Section 28 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended.)

History: 1944 AC, p. 433; 1954 AC, p. 5303.

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R 436.10 Hours and days of operation.

Rule 10. (1) No licensee shall sell or serve any alcoholic beverages between the hours of 2:00 a.m. and 12:00 noon, on any Sunday, and no licensee shall sell or serve any alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m., on any other day, and the time herein specified shall be the legally established time for municipal affairs of the local community in which the licensed establishment is located.

(2) No licensee shall permit his premises to be occupied by persons other than himself or his bona fide employees from 2:30 a.m. to 12:00 noon on any Sunday or from 2:30 a.m. to 7:00 a.m. on any other day, unless such licensee shall first obtain a permit approved by the chief of police, sheriff or other chief law enforcing officer in his community and the liquor control commission authorizing such licensee to remain open for a stated specific purpose for such other hours and during such periods of time as the commission may determine. Such permit must be displayed adjacent to the liquor license. In the case of class "A" hotels, class "B" hotels, and clubs this section shall apply only to that portion of the premises wherein alcoholic beverages are served.

(3) No licensee shall sell, give away or furnish and no person shall knowingly and wilfully buy any spirits between the hours of 2:00 a.m. and 12:00 midnight on any Sunday, nor on any primary election day, general election day or municipal election day until after the polls are closed, or at any other time when sale of such spirits is prohibited in conformity with the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, or the rules promulgated thereunder. The legislative body of any city, village or township may prohibit the sale of all alcoholic beverages on any Sunday, legal holiday, primary election day, general election day or municipal election day. (Also see referendum provision section 18a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and see section 19, subsection 18, of the law for hours of operation at Christmastime.)

(4) No licensee shall accept the delivery of alcoholic liquor or permit the loading and removal of empty cases, kegs, barrels or bottles at his licensed premises on any Sunday.

(5) No licensee shall permit the consumption of spirits on his licensed premises between 2:30 a.m. and 12:00 midnight on any Sunday, nor the consumption of beer or wine under 16% alcohol by volume between the hours of 2:30 a.m. and 12:00 noon on any Sunday. No licensee shall permit the consumption of any alcoholic beverages upon his licensed premises between the hours of 2:30 a.m. and 7:00 a.m. on any other day. Further, no licensee shall permit the consumption of any alcoholic beverages upon his licensed premises at any other time when sale of such alcoholic beverages is prohibited in conformity with the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, or the rules promulgated thereunder.

(6) The provisions of this rule do not apply to consumption of alcoholic beverages in the bedrooms of bona fide guests of licensed hotels or in the bedrooms of bona fide members of licensed clubs.

History: 1944 AC, p. 433; 1944 ACS 3, p. 19; 1944 ACS 12, p. 24; 1944 ACS 30, p. 9; 1944 ACS 36, p. 29; 1954 AC, p. 5303; 1954 ACS 10, p. 228, Eff. June 14, 1957.

R 436.11 Back rooms.

Rule 11. No licensee other than a hotel or club shall have or maintain any rooms in connection with his licensed premises not open to the public or to observation from the main portion of his premises excepting rooms used for

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toilets and kitchens. Further, no licensee shall have or permit any inside connection, entrance, doorway or aperture between his licensed premises and the premises of any other person, except where prior written approval for such connection, entrance, doorway or aperture has been granted by the liquor control commission in its discretion.

History: 1944 AC, p. 433; 1944 ACS 30, p. 10; 1944 ACS 36, p. 29; 1954 AC, p. 5304; 1954 ACS 9, p. 14, Eff. Feb. 14, 1957; 1954 ACS 23, p. 26, Eff. Aug. 12, 1960.

R 436.12 Living quarters.

Rule 12. No licensee other than a class "A" hotel, class "B" hotel or club licensee shall have living quarters or any room containing any equipment for living quarters connected with his licensed premises, and all entrances, doorways and other apertures between said licensed premises and living quarters must be securely and permanently sealed, unless permission is specifically granted by the liquor control commission in the form of a living quarters permit.

History: 1944 AC, p. 433; 1944 ACS 12, p. 25; 1944 ACS 25, p. 7; 1954 AC, p. 5304; 1954 ACS 23, p. 26, Eff. Aug. 12, 1960.

R 436.13 Illumination.

Rule 13. The minimum intensity of illumination prevailing in all parts of licensed establishments, at table-top level, shall be 1 footcandle; provided, however, that said rule shall not apply to cabarets during the actual floor shows or stage performances, and provided that during such floor shows or stage performances lights shall not be dimmed more than a total of 2 hours between 8:00 p.m. and 2:00 a.m.

History: 1944 AC, p. 433; 1944 ACS 5, p. 18; 1954 AC, p. 5304; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.14 Dancing, entertainment, and dance-entertainment permits.

Rule 14. (1) A licensee shall not permit or allow dancing upon the licensed premises unless the licensee shall have first obtained a dance permit. A licensee shall not permit or allow entertainment upon the licensed premises unless the licensee shall have first obtained an entertainment permit. Such permits shall be approved by the chief of police, sheriff, or other chief law enforcing officer in the local community, the local governing body, and the liquor control commission. Local governing body approval is not required in cities of 1,000,000 population or more. Dancing shall not be allowed under a dance permit unless there shall be a minimum floor space of 100 square feet in the establishment. Such dance space shall be well marked and defined and no tables or chairs or other obstacles shall be allowed during the time that dancing is permitted thereon. Dance or entertainment permits shall be displayed adjacent to the liquor license.

(2) Entertainment, such as dancing, monologues, dialogues, or other types of performing shall not be allowed in any licensed establishment unless the licensee shall have obtained an entertainment permit, except for orchestras, piano playing, and the playing of any other type of musical instruments or singers, or both.

(3) All entertainers shall comply with the labor laws of the state of Michigan.

(4) Disorderly conduct or lewd, obscene, or immoral language or exhibitions, dancing, or entertainment shall not be permitted.

(5) A licensee shall not allow smoking or drinking on the dance floor.

(6) If the licensee offers entertainment wherein performers are required to change costumes or attire, the licensee shall provide and make use of separate dressing facilities set aside for use of male and female performers. Public restrooms on the licensed premises shall not be used as the separate dressing facilities required by this subrule.

History: 1944 AC, p. 433; 1944 ACS 5, p. 17; 1944 ACS 12, p. 25; 1944 ACS 28, p. 16; 1944 ACS 32, p. 5; 1954 AC, p. 5304; 1954 ACS 97, p. 83, Eff. Oct. 12, 1978.

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R 436.15 Employees mingling with patrons.

Rule 15. No licensee shall permit any person engaged in the serving of food or alcoholic liquor in his establishment to eat, drink, or mingle with the patrons.

History: 1944 AC, p. 433; 1954 AC, p. 5305.

R 436.16 Outdoor service.

Rule 16. Any licensee having tables out-of-doors may serve the type of alcoholic liquor permitted by his license at such tables, provided that such tables are immediately adjacent to the indoor premises.

History: 1944 AC, p. 433; 1954 AC, p. 5305.

R 436.17 Licensee only to operate under license.

Rule 17. No licensee shall permit the sale of alcoholic liquor upon any portion of his premises for which he may have leased, sold, or transferred the right of possession to another person not licensed by this commission.

History: 1944 AC, p. 433; 1954 AC, p. 5305.

R 436.18 Sale, possession, or consumption only of alcoholic liquor legally purchased.

Rule 18. (1) No licensee shall accept an original package of alcoholic liquor nor purchase or possess any alcoholic liquor which does not bear Michigan liquor control commission stamps.

(2) No licensee shall sell, offer or keep for sale, furnish or possess or permit any person upon his licensed premises to consume any spirits which have not been purchased by him or his authorized agent at his authorized state liquor store or any beer or wine which has not been purchased from a wholesaler, brewery or winery licensed by the Michigan liquor control commission, provided that the provision of this rule shall not apply to B-hotel licensees.

History: 1944 AC, p. 433; 1944 ACS 30, p. 10; 1954 AC, p. 5305; 1954 ACS 20, p. 15, Eff. Nov. 14, 1959.

R 436.19 Rescinded.

History: 1944 AC, p. 434; 1944 ACS 30, p. 10; 1954 AC, p. 5306; rescinded 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

R 436.19(1) Sales for cash only.

Rule 19(1). Every sale of alcoholic liquor made by licensee shall be for cash only, except customers' charge accounts with specially designated merchants, bona fide registered guests of hotels, passengers holding authorized credit cards from railroads or railroad credit bureaus, industrial accounts of class "C's" and taverns, whose major business is food, such credit not to exceed 30 days, and sales by private clubs to bona fide members thereof.

History: 1944 ACS 12, p. 25; 1954 AC, p. 5306; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.20 Reuse of bottles or containers.

Rule 20. No licensee shall use or allow the use of any bottle or container other than the original bottle or container in which alcoholic liquor was purchased, nor allow the use of any mark or label which does not clearly and truthfully represent the contents of said bottle or container.

History: 1944 AC, p. 434; 1954 AC, p. 5306.

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R 436.21 Price list.

Rule 21. Every licensee shall have on his licensed premises, a printed list or menu showing the various types of alcoholic drinks which he offers for sale and the prices of such drinks shall be indicated thereon.

History: 1944 AC, p. 434; 1944 ACS 12, p. 25; 1944 ACS 30, p. 10; 1954 AC, p. 5306.

R 436.22 Beer on tap.

Rule 22. (1) All licensees shall place an unilluminated sign not less than 6 by 15 inches nor more than 22 by 28 inches in plain view on the premises stating the brands of beer on draught, and licensees shall serve only such brands as are requested by patrons.

(2) Brands of beer on draught shall also be indicated by tap markers, and no licensee shall draw from any tap any other brand of beer than that designated by the marker.

History: 1944 AC, p. 434; 1954 AC, p. 5306.

R 436.23 Advertising on licensed premises.

Rule 23. (1) No signs or other matter advertising any brand of alcoholic liquor shall be erected or placed upon the outside of any building occupied by any licensee licensed to sell alcoholic liquor at retail.

(2) The advertising of any particular brand of alcoholic liquor within the licensed premises of a retailer shall be limited to unilluminated signs of not to exceed 22 by 28 inches.

(3) Advertising of spirits on the premises of a retail licensee is prohibited.

History: 1944 AC, p. 434; 1954 AC, p. 5306.

R 436.24 Political advertising.

Rule 24. All political advertising designed to advance or promote the candidacy of any individual seeking public office at the hands of the electorate, such as posters, signs, placards, handbills, or any other matter purporting to bring the public's attention to such candidacy, except nominating petitions, is prohibited in licensed establishments.

History: 1944 AC, p. 434; 1954 AC, p. 5306.

R 436.25 Advertising by licensees.

Rule 25. (1) Any licensee may advertise the sale of alcoholic liquor sold by that licensee, but such advertising shall not specify or include the price at which any alcoholic liquor may be obtained at retail or the various brands sold.

(2) A retail licensee of the liquor control commission shall not advertise upon any article which has a utility or secondary use or purpose aside from its actual advertising value, nor shall any retail licensee give away any article or thing of value as advertising or in connection with the licensed business, except as provided in R 436.41. This rule does not apply to book matches, nor does it apply to ordinary calendars which can be used only for calendars and to which no article or thing of value is attached.

History: 1944 AC, p. 434; 1954 AC, p. 5306; 1954 ACS 97, p. 83, Eff. Oct. 12, 1978.

R 436.26 Assistance from other licensees.

Rule 26. No licensee or any agent or employee thereof shall accept any aid or assistance by gifts, loan or money, free merchandise, treats, discounts, premiums or rebates or property of any description or other valuable things, from any manufacturer, wholesaler, warehouseman, or their agents.

History: 1944 AC, p. 434; 1954 AC, p. 5307.

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R 436.27 Contributions.

Rule 27. No manufacturer, wholesaler, warehouseman, specially designated distributor or any other licensee shall directly or indirectly make any contribution or donation of any kind to any other licensee or specially designated distributor, nor to any club, lodge, order, or any fraternal, social, patriotic or religious organization for tickets, grand openings, anniversaries or otherwise, and no licensee or specially designated distributor shall directly or indirectly solicit or accept any such contribution or donation.

History: 1944 AC, p. 434; 1954 AC, p. 5307.

R 436.28 Sales to registered truck drivers.

Rule 28. No licensee shall sell, give or furnish any alcoholic beverage to a registered truck driver employed by a licensed manufacturer, wholesaler or importer while such truck driver is on duty or in the course of his employment.

History: 1944 AC, p. 434; 1954 AC, p. 5307.

R 436.29 Transfer of license.

Rule 29. (1) No licensee shall sell or transfer his license, or any interest therein, without the consent of the liquor control commission. Nor shall any person or persons obtain a license in his or their name for the use and benefit of another person whose name does not appear on the license.

(2) No licensee shall transfer location of his license, nor make any alterations in the physical structure of his licensed premises, nor install any additional bars, without the consent of the liquor control commission being first duly obtained.

History: 1944 AC, p. 435; 1944 ACS 12, p. 25; 1954 AC, p. 5307.

R 436.30 Licensed premises.

Rule 30. Licensed premises shall be construed to mean any and all portions of any building or structure, rooms or enclosures therein, or real estate leased, used, controlled and/or operated by a licensee in the conduct of the business for which he is licensed by the commission at the address for which the license is issued.

History: 1944 ACS 12, p. 25; 1954 AC, p. 5307.

R 436.31 Storage of alcoholic beverages off the licensed premises prohibited.

Rule 31. No licensee shall permit alcoholic beverages to be kept or stored upon any premises other than those licensed and under the control of the Michigan liquor control commission without the consent of said commission being first duly obtained in writing.

History: 1944 ACS 12, p. 25; 1944 ACS 30, p. 10; 1954 AC, p. 5307.

R 436.32 Inspections and audits.

Rule 32. The premises of any licensee shall be open at all reasonable times for the inspection of auditors, accountants, inspectors and other law enforcement agencies, and all stocks and books and records appertaining to the business of the licensee shall likewise be available for examination and inspection by such officers and agents at all reasonable times.

History: 1944 ACS 12, p. 25; 1954 AC, p. 5307.

R 436.33 Orders of commission.

Rule 33. No licensee shall fail, refuse or neglect to obey any written order of the commission issued relative to the operation of his licensed establishment.

History: 1944 ACS 30, p. 10; 1954 AC, p. 5308.

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R 436.34 Public notice of suspension.

Rule 34. At the time of the suspension of any license by the commission there shall be placed in a conspicuous place in the front door or window of the licensed establishment, a placard furnished by the commission showing that the license of that establishment has been suspended by the commission and such placard shall also show the number of days and the reason for the suspension. No licensee shall remove, alter, obscure or destroy said placard.

History: 1944 ACS 30, p. 10; 1954 AC, p. 5308.

R 436.35 Sales prohibited during period of suspension.

Rule 35. No licensee shall sell, serve, or allow consumption of any alcoholic beverages upon the licensed premises during the period his license is suspended by the commission.

History: 1944 ACS 30, p. 11; 1954 AC, p. 5308.

R 436.36 Capacity of establishments.

Rule 36. (1) A licensee shall post in a conspicuous place a sign stating the total capacity of each public room of the licensed establishment.

(2) Total capacity of each public room shall be determined by the following method:

(a) Where tables or booths are provided, there shall be no more than 1 customer for each 15 square feet of total area.

(b) Where tables or booths are not used, there shall be no more than 1 customer for each 6 square feet of total area.

(c) Where there is a combination of tables or booths and an open area, the provisions of both subdivisions (a) and (b) shall be used.

(d) Where seating is provided at a bar, there shall be no more than 1 seat for each 20 inches of bar length.

History: 1954 ACS 87, p. 71, Eff. May 29, 1976.

R 436.37 Nudity prohibited; applicability to electronic reproduction.

Rule 37. (1) An on-premise licensee shall not suffer or allow in or upon the licensed premises a person who exposes to public view the pubic region, anus, or genitals, as well as other types of nudity prohibited by statute or local ordinance.

(2) An on-premise licensee shall not suffer or allow in or upon the licensed premises the showing of films, television, slides, or other electronic reproduction depicting scenes wherein any person exposes to public view the pubic region, anus, or genitals, as well as other types of nudity prohibited by statute or local ordinance. This prohibition shall not apply to any publicly broadcast television transmission from a federally licensed station.

History: 1954 ACS 93, p. 43, Eff. Nov. 15, 1977.

R 436.39 Explicit sexual activity prohibited; applicability to electronic reproduction.

Rule 39. (1) An on-premise licensee shall not suffer or allow in or upon the licensed premises a person who performs, or simulates performance of, the following explicit sexual activities: sexual intercourse, masturbation, sodomy, bestiality, fellatio, or cunnilingus.

(2) An on-premise licensee shall not suffer or allow in or upon the licensed premises the showing of films, television, slides, or other electronic reproduction depicting scenes wherein a person performs, or simulates performance of, the following explicit sexual activities: sexual intercourse, masturbation, sodomy,

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bestiality, fellatio, or cunnilingus. This prohibition shall not apply to any publicly broadcast television transmission from a federally licensed station.

History: 1954 ACS 93, p. 43, Eff. Nov. 15, 1977.

R 436.41 Contests; tournaments.

Rule 41. (1) An on-premise licensee shall not do any of the following:

(a) Allow contests in conjunction with dancing or entertainment in which the licensee gives away anything of value in excess of $50.00 per day, except upon written order of the commission.

(b) Accept or retain anything of value from a person in exchange for sponsoring or promoting a contest or tournament.

(2) An on-premise licensee shall not allow any of the following:

(a) A contest or tournament of any kind in which the sale, use, or consumption of alcoholic liquor is a necessary part of the contest or tournament.

(b) A contest or tournament of any kind in which alcoholic liquor is given as a prize to the participants of the contest or tournament.

History: 1954 ACS 97, p. 83, Eff. Oct. 12, 1978.

R 436.50 Rescinded.

History: 1944 AC, p. 435; 1944 ACS 12, p. 28; 1944 ACS 30, p. 11; 1954 AC, p. 5308; rescinded 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

RETAIL LICENSEES SELLING BEER AND WINE FOR CONSUMPTION OFF PREMISES

(By authority of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws)

R 436.51 Explanation of duties of licensee.

Rule 1. (1) Definition: "Specially designated merchant" to mean any person to whom the commission grants a license to sell beer and/or wine containing not more than 16% of alcohol by volume at retail for consumption off the premises.

(2) Sale and delivery only from licensed premises: No specially designated merchant may take orders for beer or wine and have delivery of same made to the purchaser by the wholesaler or brewery. All alcoholic beverages must be sold and/or delivered from the stock carried on his licensed premises.

(3) Size of containers permitted: No specially designated merchant shall have on his licensed premises, quarter barrels, half barrels or barrels of beer, unless such specially designated merchant shall have installed in his licensed establishment proper cooling equipment for the storage of such quarter barrels, half barrels or barrels of beer. No specially designated merchant shall have bottles or containers of wine of a capacity of greater than 1 gallon on his licensed premises.

(4) Open bottles of beer or wine: Specially designated merchants shall not permit on their licensed premises, any bottles of beer or wine which have been opened; nor shall such licensees open or uncap bottles for purchasers.

(5) Consumption on licensed premises forbidden: Specially designated merchants shall not permit the consumption of beer and/or wine on their licensed premises.

(6) Licenses for the sale of beer and wine for consumption off the premises are intended to be retail outlets for persons desiring to purchase beer and wine for home consumption. The law does not intend that these licensees should provide places on their premises for customers to drink beer and/or wine, nor that such liquor should be consumed on the public highways or adjacent property. Therefore, it is regarded as evidence of a violation of the provisions of these licenses for the retailer to furnish bottle openers, or to uncap bottles for purchasers, or to permit the consumption of the alcoholic liquor purchased, on or adjacent to the premises of the licensee.

History: 1944 AC, p. 435; 1944 ACS 12, p. 28; 1944 ACS 38, p. 33; 1954 AC, p. 5308; 1954 ACS 9, p. 14, Eff. Feb. 14, 1957.

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R 436.52 Minors.

Rule 2. (1) A licensee shall not allow any person under the age of 18 years to purchase, sell, serve, consume or have alcoholic liquor in his possession.

(2) A licensee shall not allow any person under the age of 18 years to work or entertain on a paid or voluntary basis on the licensed premises where alcoholic liquor is being served. This rule shall not apply where the person is under the direct supervision and control of his parent or guardian.

History: 1944 AC, p. 435; 1954 AC, p. 5309; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972.

R 436.53 Intoxicated persons.

Rule 3. (1) No licensee shall sell any alcoholic liquor to any person in an intoxicated condition.

(2) No licensee shall be in an intoxicated condition upon the licensed premises or allow an intoxicated person to frequent, loiter, or be employed on the licensed premises.

History: 1944 AC, p. 435; 1944 ACS 30, p. 14; 1954 AC, p. 5309.

R 436.54 Improper conduct.

Rule 4. (1) No licensee, his agent, or employee shall engage in any illegal occupation or illegal act on or beyond his licensed premises.

(2) No licensee, his agent, or employee shall refuse, fail or neglect to cooperate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and the rules promulgated thereunder.

(3) No licensee, his agent, or employee shall allow in or upon his licensed premises any improper conduct, disturbances, lewdness, immoral activities, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising material, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures or advertising material.

(4) No licensee, his agent or employee shall suffer or allow in or upon his licensed premises the annoying or molesting of patrons or employees by other patrons or employees, nor any accosting and/or soliciting for immoral purposes.

(5) No licensee, his agent, or employee shall permit his licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for known prostitutes, homosexuals, vagrants, or those who are known to engage in the use, sale or distribution of narcotics or in any other illegal occupation or business, provided, that no licensee shall be disciplined hereunder until he has been warned by the commission or the law enforcing agency having jurisdiction thereof, and has failed for a period of not more than 5 days to comply with the requirements of this rule.

History: 1944 AC, p. 435; 1944 ACS 14, p. 8; 1944 ACS 30, p. 14; 1954 AC, p. 5309.

R 436.55 Gambling and gaming.

Rule 5. A licensee shall not allow in the licensed premises slot machines, baffle boards, punch or pull boards or dice games or gambling or gaming devices or paraphernalia of any kind or gambling or gaming of any kind.

History: 1944 AC, p. 435; 1944 ACS 5, p. 18; 1944 ACS 5, p. 19; 1944 ACS 12, p. 28; 1954 AC, p. 5309; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972.

R 436.56 Display of license, permit, and signs.

Rule 6. (1) All licenses, permits, and signs issued by the Michigan liquor control commission must be framed under glass and shall be prominently displayed in full view of the licensed premises.

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(2) The licensee shall sign all licenses required to be signed by him before placing same on display as required herein.

History: 1944 AC, p. 435; 1954 AC, p. 5309.

R 436.57 Sale, possession only of liquor covered by license.

Rule 7. No licensee shall sell, offer or keep for sale, furnish or possess any alcoholic liquor except that which he is authorized to sell by his license.

History: 1944 AC, p. 436; 1954 AC, p. 5310.

R 436.58 Hours and days of operation.

Rule 8. (1) No licensee shall sell, make delivery or transfer possession of any alcoholic beverages between the hours of 2:00 a.m. and 12:00 noon, on any Sunday, or between the hours of 2:00 a.m. and 7:00 a.m., on any other day. Further, no licensee shall sell, make delivery or transfer possession of any alcoholic beverages at any other time when sale of such alcoholic beverages is prohibited in conformity with the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws, or the rules promulgated thereunder.

(2) The legislative body of any city, village or township may, by resolution or ordinance, prohibit the sale of alcoholic beverages on any Sunday, legal holiday, primary election day, general election day or municipal election day. (For referendum provision see section 18a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.18a of the Michigan Compiled Laws. See section 19e of the law for hours of operation at Christmastime.)

History: 1944 AC, p. 436; 1944 ACS 12, p. 27; 1944 ACS 15, p. 7; 1944 ACS 30, p. 14; 1954 AC, p. 5310; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.59 Deliveries on Sunday.

Rule 9. No licensee shall accept the delivery of alcoholic liquor or permit the loading and removal of empty cases, kegs, barrels or bottles at his licensed premises on Sunday.

History: 1944 AC, p. 436; 1954 AC, p. 5310.

R 436.60 Connection with premises of another person.

Rule 10. No licensee shall have or permit any inside connection, entrance, doorway or aperture between his licensed premises and the premises of any other person, except where prior written approval for such connection, entrance, doorway or aperture has been granted by the liquor control commission.

History: 1944 AC, p. 436; 1944 ACS 30, p. 14; 1944 ACS 39, p. 13; 1954 AC, p. 5310; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.61 Living quarters.

Rule 11. No licensee shall have living quarters or any room containing any equipment for living quarters connected with his licensed premises, and all entrances, doorways and other apertures between said licensed premises and living quarters must be securely and permanently sealed, unless permission is specifically granted by the liquor control commission in the form of a living quarters permit.

History: 1944 AC, p. 436; 1944 ACS 12, p. 27; 1954 AC, p. 5310; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.63 Licensee only to operate under license.

Rule 13. No licensee shall permit the sale of alcoholic liquor upon any portion of his premises for which he may have leased, sold, or transferred the right of possession to another person not licensed by this commision.

History: 1944 AC, p. 436; 1954 AC, p. 5310.

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R 436.64 Sale or possession only of alcoholic liquor legally purchased.

Rule 14. (1) No licensee shall accept an original package of alcoholic liquor nor purchase or possess any alcoholic liquor which does not bear Michigan liquor control commission stamps.

(2) No licensee shall sell, offer or keep for sale, furnish or possess any alcoholic liquor which has not been purchased by him or his authorized agent from a wholesaler, brewery or winery licensed by the Michigan liquor control commission.

History: 1944 AC, p. 436; 1944 ACS 30, p. 15; 1954 AC, p. 5310.

R 436.65 Rescinded.

History: 1944 AC, p. 436; 1944 ACS 30, p. 15; 1954 AC, p. 5310; rescinded 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

R 436.66 Reuse of bottles or containers.

Rule 16. No licensee shall use or allow the use of any bottle or container other than the original bottle or container in which alcoholic liquor was purchased, nor allow the use of any mark or label which does not clearly and truthfully represent the contents of said bottle or container.

History: 1944 AC, p. 436; 1954 AC, p. 5311.

R 436.67(1) Sales for cash only.

Rule 17(1). Every sale of alcoholic liquor made by a licensee shall be for cash only, except customers' charge accounts with specially designated merchants.

History: 1944 ACS 12, p. 27; 1954 AC, p. 5311.

R 436.67(2) Political advertising.

Rule 17(2). All political advertising designed to advance or promote the candidacy of any individual seeking public office at the hands of the electorate, such as posters, signs, placards, handbills, or any other matter purporting to bring the public's attention to such candidacy, except nominating petitions, is prohibited in licensed establishments.

History: 1944 ACS 12, p. 27; 1954 AC, p. 5311.

R 436.68 Advertising on licensed premises.

Rule 18. (1) No signs or other matter advertising any brand of alcoholic liquor shall be erected or placed upon the outside of any building occupied by any licensee licensed to sell alcoholic liquor at retail.

(2) The advertising of any particular brand of beer or wine within the licensed premises of a retailer shall be limited to unilluminated signs of not to exceed 22 by 28 inches. Advertising of spirits on the premises of a retail licensee is prohibited.

(3) Retail licensees selling beer and/or wine of an alcoholic content of less than 16% by volume, for consumption off the premises may display such beer and/or wine within their licensed premises, but no beer or wine may be displayed in the windows of such premises.

History: 1944 AC, p. 436; 1954 AC, p. 5311.

R 436.69 Advertising by licensees.

Rule 19. (1) Any licensee may advertise the sale of alcoholic liquor sold by him but such advertising shall not specify or include the price, or any reference thereto, at which any alcoholic liquor may be obtained at retail nor the various brands sold. Such advertising shall not offer any prize for the completion of any contest.

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(2) No retail licensee of the liquor control commission shall advertise upon any article which has a utility or secondary use or purpose aside from its actual advertising value, nor shall any retail licensee give away any article or thing of value as advertising or in connection with his business if the purpose of such advertising or merchandising is designed to stimulate or increase the sale of alcoholic liquors; provided, however, that this rule shall not apply to book matches, nor to ordinary calendars which can be used only for calendars and to which no article or thing of value is attached.

History: 1944 AC, p. 436; 1944 ACS 28, p. 16; 1954 AC, p. 5311.

R 436.70 Assistance from other licensees.

Rule 20. No licensee shall accept any aid or assistance by gifts, loan of money, free merchandise, treats, discounts, premiums or rebates or property of any description or other valuable things, from any manufacturer, wholesaler, or warehouseman.

History: 1944 AC, p. 437; 1944 ACS 30, p. 15; 1954 AC, p. 5312.

R 436.71 Contributions.

Rule 21. No manufacturer, wholesaler, warehouseman, specially designated distributor or any other licensee shall directly or indirectly make any contribution or donation of any kind to any other licensee or specially designated distributor, nor to any club, lodge, order, or any fraternal, social, patriotic or religious organization for tickets, grand openings, anniversaries or otherwise, and no licensee or specially designated distributor shall directly or indirectly solicit or accept any such contribution or donation.

History: 1944 AC, p. 437; 1954 AC, p. 5312.

R 436.73 Transfer of license.

Rule 23. No licensee shall sell or transfer his license, or any interest therein, without the consent of the liquor control commission; nor shall any person or persons obtain a license in his or their name for the use and benefit of another person whose name does not appear on the license. No licensee shall transfer location of his license, make any alterations in the physical structure of his licensed premises, or change the character of the business for which the license was granted without the consent of the commission being first duly obtained.

History: 1944 AC, p. 437; 1944 ACS 12, p. 27; 1944 ACS 30, p. 15; 1954 AC, p. 5312.

R 436.74 Licensed premises.

Rule 24. Licensed premises shall be construed to mean any and all portions of any building or structure, rooms or enclosures therein, or real estate leased, used, controlled and/or operated by a licensee in the conduct of the business for which he is licensed by the commission at the address for which the license is issued.

History: 1944 ACS 12, p. 27; 1954 AC, p. 5312.

R 436.75 Storage of alcoholic beverages off the licensed premises prohibited.

Rule 25. No licensee shall permit alcoholic beverages to be kept or stored upon any premises other than those licensed and under the control of the Michigan liquor control commission without the consent of said commission being first duly obtained in writing; nor shall any licensee store empty or full cases or containers in front of his licensed establishment.

History: 1944 ACS 12, p. 27; 1944 ACS 30, p. 15; 1954 AC, p. 5312.

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R 436.76 Inspections and audits.

Rule 26. The premises of any licensee shall be open at all reasonable times for the inspection of auditors, accountants, inspectors and other law enforcement agencies, and all stocks and books and records appertaining to the business of the licensee shall likewise be available for examination and inspection by such officers and agents at all reasonable times.

History: 1944 ACS 12, p. 28; 1954 AC, p. 5312.

R 436.77 Delivery to purchaser.

Rule 27. Specially designated merchants may make deliveries of the alcoholic liquors permitted to be sold under the terms of their license from their stores to the residence or other location of a purchaser; provided, however, that no such delivery shall be made into the hands of a person less than 21 years of age nor payment therefor accepted from such a person.

History: 1944 ACS 12, p. 28; 1954 AC, p. 5312.

R 436.78 Orders of commission.

Rule 28. No licensee shall fail, refuse or neglect to obey any written order of the commission issued relative to the operation of his licensed establishment.

History: 1944 ACS 30, p. 15; 1954 AC, p. 5312.

R 436.79 Public notice of suspension.

Rule 29. At the time of the suspension of any license by the commission there shall be placed in a conspicuous place in the front door or window of the licensed establishment, a placard furnished by the commission showing that the license of that establishment has been suspended by the commission and such placard shall also show the number of days and the reason for the suspension. No licensee shall remove, alter, obscure or destroy said placard.

History: 1944 ACS 30, p. 15; 1954 AC, p. 5313.

R 436.80 Sales prohibited during period of suspension.

Rule 30. No licensee shall sell any alcoholic beverages during the period his license is suspended by the commission.

History: 1944 ACS 30, p. 16; 1954 AC, p. 5313.

R 436.81 Containers or carriers.

Rule 31. No licensee shall permit any alcoholic beverage to be removed from his licensed premises in any container or carrier other than those provided by the manufacturer for such alcoholic beverage. This prohibition shall not apply to paper bags customarily furnished by the retailer.

History: 1954 ACS 28, p. 37, Eff. May 15, 1961.

R 436.90 Rescinded.

History: 1944 AC, p. 437; 1944 ACS 12, p. 28; 1944 ACS 30, p. 16; 1954 AC, p. 5313; rescinded 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

SPECIALLY DESIGNATED DISTRIBUTORS SELLING SPIRITS FOR CONSUMPTION OFF PREMISES

(By authority of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws)

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R 436.91 Definition.

Rule 1. "Specially designated distributor" to mean a person engaged in an established business licensed by the commission to distribute alcoholic liquor other than wine under 16% alcohol by volume and beer in the original package for the commission for consumption off the premises.

History: 1944 ACS 12, p. 19; 1954 AC, p. 5313.

R 436.92 Purchase of liquor from commission only.

Rule 2. All liquors must be purchased from state liquor stores for cash and on such purchases specially designated distributors shall be allowed a discount of 10% deducted from the sale price as established by the commission.

History: 1944 ACS 12, p. 19; 1954 AC, p. 5313.

R 436.93 Prices fixed by commission.

Rule 3. (1) A specially designated distributor must sell alcoholic liquor at a price fixed by the commission and in accordance with the rules of the commission.

(2) The prices of alcoholic liquor sold at retail in state liquor stores and by specially designated distributors shall be uniform.

History: 1944 ACS 12, p. 19; 1954 AC, p. 5313.

R 436.94 Transportation of liquor.

Rule 4. Specially designated distributors shall transport their liquor from the state stores to their establishments either personally or by a delivery service designated by the commission.

History: 1944 ACS 12, p. 19; 1954 AC, p. 5313.

R 436.95 Sales for cash.

Rule 5. All alcoholic liquor shall be sold for cash only.

History: 1944 ACS 12, p. 19; 1954 AC, p. 5314.

R 436.96 Sale and delivery only from licensed premises.

Rule 6. No specially designated distributor may take orders for alcoholic liquor and have delivery of same made to the purchaser from the state liquor store. All alcoholic liquor sold and/or delivered must be from the stock carried on his licensed premises.

History: 1944 ACS 12, p. 19; 1944 ACS 38, p. 33; 1954 AC, p. 5314.

R 436.97 Delivery to purchaser.

Rule 7. Specially designated distributors shall make no deliveries of alcoholic spirits from their stores to the residence or other location of a purchaser, unless the purchaser thereof shall have appeared and placed such order in person and made payment for same at the licensee's establishment. Deliveries shall not be made into the hands of a person less than 21 years of age.

History: 1944 ACS 12, p. 19; 1944 ACS 30, p. 11; 1954 AC, p. 5314.

R 436.98 Sale, possession only of liquor covered by license.

Rule 8. No specially designated distributor shall sell or have in his possession on the licensed premises any alcoholic liquors except those purchased from the liquor control commission for resale unless such specially designated distributor is also a specially designated merchant, in which case he may sell and display beer

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and wine having an alcoholic content of 16% by volume or less in accordance with the rules governing specially designated merchants.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5314.

R 436.99 Stock of liquors.

Rule 9. Specially designated distributors shall carry a representative stock of all types of alcoholic liquor sold by the commission.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5314.

R 436.100 Storage of liquor off the licensed premises prohibited.

Rule 10. No licensee shall permit alcoholic beverages to be kept or stored upon any premises other than those licensed and under the control of the liquor control commission without the consent of said commission being first duly obtained in writing.

History: 1944 ACS 12, p. 20; 1944 ACS 30, p. 11; 1954 AC, p. 5314.

R 436.101 Displays of liquor.

Rule 11. Specially designated distributors may place only 1 bottle of each brand and size on display. Where space is limited, reserve stock may be placed in line directly in back of the front display bottle, so that just 1 bottle of each size and brand is in view of the customers. Displays of alcoholic liquor in the window or in back of a soda bar are prohibited.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5314; 1954 ACS 23, p. 27, Eff. Aug. 12, 1960.

R 436.102 Open bottles of liquor.

Rule 12. Specially designated distributors shall not permit on their licensed premises any bottles of alcoholic liquor on which the seal has been broken.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5314.

R 436.103 Reuse of bottles or containers.

Rule 13. No specially designated distributor shall use or allow the use of any bottle or container other than the original bottle or container in which alcoholic liquor was purchased, nor allow the use of any mark or label which does not clearly and truthfully represent the contents of said bottle or container.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5314.

R 436.104 Display of license; permit.

Rule 14. (1) All licenses and permits issued by the Michigan liquor control commission must be framed under glass and shall be prominently displayed in full view on the licensed premises.

(2) The licensee shall sign all licenses required to be signed by him before placing same on display as required herein.

History: 1944 ACS 12, p. 20; 1954 AC, p. 5315.

R 436.105 Price list.

Rule 15. Specially designated distributors shall place conspicuously upon their licensed premises, the current printed price book furnished by the liquor control commission in which all alcoholic liquors sold by state liquor stores and by specially designated distributors and the prices thereof are indicated.

History: 1944 ACS 12, p. 20; 1944 ACS 30, p. 11; 1954 AC, p. 5315.

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R 436.106 Advertising by licensees.

Rule 16. (1) No specially designated distributor shall display or distribute any reading matter not furnished or authorized by the commission, nor any sample labels, packages, novelties or other advertising matter or equipment relating to any alcoholic liquors.

(2) No liquor advertising signs shall be displayed by a specially designated distributor on the exterior of his establishment except those signs which are furnished or approved by the commission. No such signs approved by the commission may be used in conjunction with any other outside sign.

(3) The only signs allowed to be displayed on the inside of the establishment of a specially designated distributor are those furnished or approved by the commission, which may be placed in the display window or door glass of the establishment.

(4) Any licensee may advertise the sale of alcoholic liquor sold by him, but such advertising shall not specify or include the price, or any reference thereto, at which any alcoholic liquor may be obtained at retail nor the various brands sold. Such advertising shall not offer any prize for the completion of any contest.

(5) No retail licensee of the liquor control commission shall advertise upon any article which has a utility or secondary use or purpose aside from its actual advertising value, nor shall any retail licensee give away any article or thing of value as advertising or in connection with his business if the purpose of such advertising or merchandising is designed to stimulate or increase the sale of alcoholic liquors; provided, however, that this regulation shall not apply to book matches, nor to ordinary calendars which can be used only for calendars and to which no article or thing of value is attached.

(6) No type of seasonal advertising of alcoholic liquor nor any decorative carton, container, wrapper, tag or similar accessory for alcoholic liquor shall use as part of its copy or subject matter any reference to holy days, nor any religious picture or religious symbol commonly associated with such day. No such advertising, carton, container, wrapper, tag or similar accessory shall depict the decorated Christmas tree, reindeer, Santa Claus or gifts at a fireplace, nor shall the words: "Easter, Christmas, Noel, Yule, Santa Claus or St. Nicholas" or derivations or contractions thereof be used in connection therewith.

(7) Advertising material which in any way associates juveniles with alcoholic liquor is prohibited.

History: 1944 ACS 12, p. 20; 1944 ACS 25, p. 6; 1944 ACS 28, p. 16; 1944 ACS 39, p. 12; 1954 AC, p. 5315.

R 436.107 Political advertising.

Rule 17. All political advertising designed to advance or promote the candidacy of any individual seeking public office at the hands of the electorate, such as posters, signs, placards, handbills, or any other matter purporting to bring the public's attention to such candidacy, except nominating petitions, is prohibited in licensed establishments.

History: 1944 ACS 12, p. 21; 1954 AC, p. 5315.

R 436.108 Definition of licensed premises.

Rule 18. Licensed premises shall be construed to mean any and all portions of any building or structure, rooms or enclosures therein, or real estate leased, used, controlled and/or operated by a licensee in the conduct of the business for which he is licensed by the commission at the address for which the license is issued.

History: 1944 ACS 12, p. 21; 1954 AC, p. 5315.

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R 436.109 Living quarters.

Rule 19. No licensee shall have rooms or equipment for living quarters connected with his licensed establishment and all entrances, doorways and other apertures between said licensed premises and living quarters must be securely and permanently sealed, unless permission is specifically granted by the liquor control commission in the form of a living quarters permit.

History: 1944 ACS 12, p. 21; 1954 AC, p. 5316; 1954 ACS 23, p. 28, Eff. Aug. 12, 1960.

R 436.110 Connection with premises of another person.

Rule 20. No licensee shall have or permit any inside connection, entrance, doorway or aperture between his licensed premises and the premises of any other person, except where prior written approval for such connection, entrance, doorway or aperture has been granted by the liquor control commission.

History: 1944 ACS 12, p. 21; 1944 ACS 30, p. 11; 1944 ACS 39, p. 13, 1954 AC, p. 5316; 1954 ACS 23, p. 28, Eff. Aug. 12, 1960.

R 436.111 Hours and days of operation.

Rule 21. No specially designated distributor shall sell at retail, give away, furnish or transfer possession of any spirits between the hours of 11:00 p.m. and 7:00 a.m. on any day; provided that spirits shall not be sold at retail, given away or furnished on any Sunday, nor on any primary election day, general election day or municipal election day until after the polls are closed; and provided further that spirits shall not be sold at any other time when the sale of such spirits is prohibited in conformity with the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, or the rules promulgated thereunder. (See section 19, subsection 18 of the liquor control act for hours of operation at Christmastime.)

History: 1944 ACS 12, p. 21; 1944 ACS 30, p. 12; 1954 AC, p. 5316.

R 436.112 Minors.

Rule 22. (1) A licensee shall not allow any person under the age of 18 years to purchase, sell, serve, consume or have alcoholic liquor in his possession.

(2) A licensee shall not allow any person under the age of 18 years to work or entertain on a paid or voluntary basis on the licensed premises where alcoholic liquor is being served. This rule shall not apply where the person is under the direct supervision and control of his parent or guardian.

History: 1944 ACS 12, p. 21, 1954 AC, p. 5316; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972.

R 436.113 Intoxicated persons.

Rule 23. (1) No specially designated distributor shall sell any alcoholic liquor to any person in an intoxicated condition.

(2) No licensee shall be in an intoxicated condition upon the licensed premises or allow an intoxicated person to frequent, loiter or be employed upon the licensed premises.

History: 1944 ACS 12, p. 21; 1944 ACS 30, p. 12; 1954 AC, p. 5316.

R 436.114 Liability of licensee for sale to minors or intoxicated persons.

Rule 24. In connection with R 436.112 and R 436.113 above set forth, the liability of the licensee as set forth in section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, should be carefully noted.

History: 1944 ACS 12, p. 21; 1954 AC, p. 5316.

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R 436.115 Improper conduct.

Rule 25. (1) No licensee, his agent, or employee shall engage in any illegal occupation or illegal act on or beyond his licensed premises.

(2) No licensee, his agent, or employee shall refuse, fail or neglect to cooperate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and the rules promulgated thereunder.

(3) No licensee, his agent, or employee shall allow in or upon his licensed premises any improper conduct, disturbances, lewdness, immoral activities, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising material, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures or advertising material.

(4) No licensee, his agent, or employee shall suffer or allow in or upon his licensed premises the annoying or molesting of patrons or employees by other patrons or employees, nor any accosting and/or soliciting for immoral purposes.

(5) No licensee, his agent, or employee shall permit his licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for known prostitutes, homosexuals, vagrants, or those who are known to engage in the use, sale or distribution or narcotics or in any other illegal occupation or business, provided that no licensee shall be disciplined hereunder until he has been warned by the commission or the law enforcing agency having jurisdiction thereof, and has failed for a period of not more than 5 days to comply with the requirements of this rule.

History: 1944 ACS 12, p. 22; 1944 ACS 14, p. 8; 1944 ACS 30, p. 12; 1954 AC, p. 5317.

R 436.116 Gambling and gaming.

Rule 26. A licensee shall not allow in the licensed premises slot machines, baffle boards, punch or pull boards or dice games or gambling or gaming devices or paraphernalia of any kind or gambling or gaming of any kind.

History: 1944 ACS 12, p. 22; 1954 AC, p. 5317; 1954 ACS 23, p. 28, Eff. Aug. 12, 1960; 1954 ACS 73, p. 59, Eff. Oct. 31, 1972.

R 436.117 Assistance or subsidies forbidden.

Rule 27. No specially designated distributor shall solicit, accept or receive either directly or indirectly, any rebate, special discount, premium, gratuity or anything of value from any distillery, winery, wholesaler, jobber, agent or any representative thereof, or from any other person, in consideration of said distributor giving special consideration of any description to any particular brand or kind of wine or other spirits; nor shall he solicit, accept or receive any rebates, refunds or adjustments for any broken or damaged bottles or cases from any vendors or vendors' representatives.

History: 1944 ACS 12, p. 22; 1944 ACS 30, p. 12; 1954 AC, p. 5317.

R 436.118 Interest in business of vendor.

Rule 28. No manufacturer, warehouseman or wholesaler shall have any financial interest, directly or indirectly, in the establishment, maintenance, operation or promotion of the business of any other vendor. No manufacturer, warehouseman or wholesaler, nor any stockholder thereof shall have any interest by ownership in fee, leasehold, mortgage or otherwise, directly or indirectly, in the establishment, maintenance, operation or promotion of the business of any other vendor. No manufacturer, warehouseman or wholesaler shall have any interest directly or indirectly by interlocking directors in a corporation or by interlocking stock ownership in a corporation in the establishment, maintenance, operation, or promotion of the business of any other vendor.

History: 1944 ACS 12, p. 22; 1954 AC, p. 5317.

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R 436.119 Contributions.

Rule 29. No manufacturer, wholesaler, warehouseman or any other licensee shall directly or indirectly make any contribution or donation of any kind to any other licensee, nor to any club, lodge, order, or any fraternal, social, patriotic or religious organization for tickets, grand openings, anniversaries or otherwise, and no licensee shall directly or indirectly solicit or accept any such contribution or donation.

History: 1944 ACS 12, p. 22; 1954 AC, p. 5318.

R 436.120 Inspections and audits.

Rule 30. The premises of a specially designated distributor shall be open at all reasonable times for the inspection of auditors, accountants, inspectors and other agents or employees of the commission, and of members of state and local law enforcement agencies, and all stocks and books and records appertaining to the business of a specially designated distributor shall likewise be available for examination and inspection by such officers and agents at all reasonable times.

History: 1944 ACS 12, p. 22; 1954 AC, p. 5318.

R 436.121 Licensee only to operate under license.

Rule 31. No licensee shall permit the sale of alcoholic liquor upon any portion of his premises for which he may have leased, sold, or transferred the right of possession to another person not licensed by this commission.

History: 1944 ACS 12, p. 22; 1954 AC, p. 5318.

R 436.122 Transfer of license.

Rule 32. (1) No licensee shall sell or transfer his license, or any interest therein, without the consent of the liquor control commission; nor shall any person or persons obtain a license in his or their name for the use and benefit of another person whose name does not appear on the license.

(2) No licensee shall transfer location of his license, make any alterations in the physical structure of his licensed premises, or change the character of the business for which the license was granted without the consent of the commission being first duly obtained.

History: 1944 ACS 12, p. 22; 1944 ACS 30, p. 12; 1954 AC, p. 5318.

R 436.123 Orders of commission.

Rule 33. No licensee shall fail, refuse or neglect to obey any written order of the commission issued relative to the operation of his licensed establishment.

History: 1944 ACS 30, p. 12; 1954 AC, p. 5318.

R 436.124 Public notice of suspension.

Rule 34. At the time of the suspension of any license by the commission there shall be placed in a conspicuous place in the front door or window of the licensed establishment, a placard furnished by the commission showing that the license of that establishment has been suspended by the commission and such placard shall also show the number of days and the reason for the suspension. No licensee shall remove, alter, obscure or destroy said placard.

History: 1944 ACS 30, p. 13; 1954 AC, p. 5318.

R 436.125 Sales prohibited during period of suspension.

Rule 35. No licensee shall sell any alcoholic beverages during the period his license is suspended by the commission.

History: 1944 ACS 30, p. 13; 1954 AC, p. 5318.

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R 436.126 Containers or carriers.

Rule 36. No licensee shall permit any alcoholic beverage to be removed from his licensed premises in any container or carrier other than those provided by the manufacturer for such alcoholic beverage. This prohibition shall not apply to paper bags customarily furnished by the retailer.

History: 1954 ACS 28, p. 37, Eff. May 15, 1961.

R 436.130 Rescinded.

History: 1944 ACS 12, p. 23; 1944 ACS 30, p. 13; 1954 AC, p. 5318; rescinded 1954 ACS 23, p. 28, Eff. Aug. 12, 1960.

VENDORS AND AGENTS ENGAGED IN PROMOTING SALE OF DISTILLED SPIRITS

R 436.131—R 436.141 Rescinded.

History: 1944 AC, p. 439; 1954 AC, p. 5319; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

MANUFACTURE AND SALE OF BEER AND/OR MALT BEVERAGES

R 436.150—R 436.250 Rescinded.

History: 1944 AC, pp. 440-446; 1944 ACS 11, pp. 21-24; 1944 ACS 15, p. 6; 1944 ACS 18, pp. 42-44; 1944 ACS 34, p. 17; 1944 ACS 39, pp. 14, 15; 1954 AC, pp. 5320-5333; 1954 ACS 3, p. 12, Eff. Aug. 15, 1955; 1954 ACS 23, p. 28, Eff. Aug. 12, 1960; rescinded 1954 ACS 72, p. 81, Eff. Aug. 2, 1972.

MANUFACTURE, IMPORTATION, TRANSPORTATION, STANDARDS OF IDENTITY AND QUALITY, LABELING, POSSESSION, AND SALE OF WINES

R 436.251—R 436.422 Rescinded.

History: 1944 ACS 11, pp. 29-60; 1954 AC, pp. 5333-5370; rescinded 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

SALE AND CONTROL OF ALCOHOL, SPIRITS, COLOGNE SPIRITS, WHISKIES, BRANDIES, HIGH WINES, LOW WINES FOR BEVERAGE, NONBEVERAGE, INDUSTRIAL, MEDICINAL, MECHANICAL, CHEMICAL, SCIENTIFIC, AND TAX FREE PURPOSES

R 436.431—R 436.439 Rescinded.

History: 1944 AC, pp. 465-469; 1954 AC, pp. 5371-5374; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.450 Rescinded.

History: 1944 AC, p. 469; 1954 AC, p. 5375; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

BARTENDERS

R 436.451 Rescinded.

History: 1944 ACS 10, p. 20; 1944 ACS 30, p. 17; 1954 AC, p. 5375; rescinded 1954 ACS 7, p. 24, Eff. Aug. 14, 1956.

R 436.452 Rescinded.

History: 1944 ACS 10, p. 20; 1954 AC, p. 5376; rescinded 1954 ACS 7, p. 24, Eff. Aug. 14, 1956.

R 436.453 Rescinded.

History: 1944 ACS 10, p. 21; 1954 AC, p. 5376; rescinded 1954 ACS 8, p. 33, Eff. Nov. 14, 1956.

R 436.454 Rescinded.

History: 1944 ACS 10, p. 21; 1944 ACS 30, p. 17; 1954 AC, p. 5376; rescinded 1954 ACS 8, p. 33, Eff. Nov. 14, 1956.

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RULES OF PRACTICE AND HEARING PROCEDURE UPON VIOLATIONS

R 436.461—R 436.481 Rescinded.

History: 1944 ACS 11, pp. 25-29; 1944 ACS 14, p. 6; 1954 AC, pp. 5376-5381; rescinded 1954 ACS 23, p. 28, Eff. Aug. 12, 1960.

RULES OF PROCEDURE ON APPEAL

R 436.501—R 436.512 Rescinded.

History: 1944 ACS 11, pp. 20, 21; 1944 ACS 14, p. 7; 1954 AC, pp. 5381, 5382; rescinded 1954 ACS 23, p. 28, Eff. Aug. 12, 1960.

LICENSED MANUFACTURERS, WHOLESALERS, SALES REPRESENTATIVES, AND RETAIL LICENSEES

(By authority of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws)

R 436.521 Rescinded.

History: 1944 ACS 12, p. 16; 1944 ACS 38, p. 32; 1954 AC, p. 5383; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.522—R 436.532 Rescinded.

History: 1944 ACS 12, p. 16; 1954 AC, pp. 5383, 5384; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.533 Rescinded.

History: 1944 ACS 12, p. 16; 1944 ACS 28, p. 17; 1954 AC, p. 5384; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.534 Rescinded.

History: 1944 ACS 12, p. 16; 1954 AC, p. 5384; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.535, R 436.536 Rescinded.

History: 1944 ACS 12, p. 17; 1944 ACS 28, p. 18; 1954 AC, p. 5384; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.537—R 436.542 Rescinded.

History: 1944 ACS 12, p. 17; 1954 AC, p. 5385; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.543 Rescinded.

History: 1944 ACS 12, p. 17; 1944 ACS 25, p. 6; 1954 AC, p. 5385; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.544 Selling, giving, or furnishing articles.

Rule 24. No manufacturer, wholesaler, distributor or retailer of alcoholic liquors or their clerks, agents or employees, may sell, give, or furnish any article, particularly dispensing equipment, furniture and/or fixtures.

History: 1944 ACS 12, p. 17; 1954 AC, p. 5386.

R 436.545, R 436.546 Rescinded.

History: 1944 ACS 12, p. 17; 1954 AC, p. 5386; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.547 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 30, p. 16; 1954 AC, p. 5386; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.548 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5386; rescinded 1954 ACS 84, p. 71, Eff. Oct. 3, 1975.

R 436.549 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 28, p. 18; 1954 AC, p. 5386; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.550 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5386; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

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R 436.551 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 28, p. 18; 1954 AC, p. 5386; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.552, R 436.553 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5387; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.554 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 28, p. 18; 1954 AC, p. 5387; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.555 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5387; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.556, R 436.557 Rescinded.

History: 1944 AC, p. 18; 1954 AC, p. 5387; rescinded 1954 ACS 72, p. 81, Eff. Aug. 2, 1972.

R 436.558 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5387; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.559 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 15, p. 7; 1954 AC, p. 5388; rescinded 1954 ACS 72, p. 81, Eff. Aug. 2, 1972.

R 436.560 Rescinded.

History: 1944 ACS 12, p. 18; 1954 AC, p. 5388; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.570 Rescinded.

History: 1944 ACS 12, p. 18; 1944 ACS 30, p. 17; 1954 AC, p. 5388; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

SPECIAL LICENSES FOR SALE OF BEER AND WINE AT RETAIL FOR CONSUMPTION ON PREMISES

(By authority of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws)

R 436.571 Applicability.

Rule 1. The commission's rules governing retail licensees selling alcoholic beverages for consumption on the premises, as heretofore promulgated and as revised on the 6th day of October, 1947, are hereby made applicable to special licenses for the sale of beer and wine at retail for consumption on the premises.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5388.

R 436.572 Definition.

Rule 2. A special beer and wine license is a license for the sale of beer and wine at retail not exceeding 16% alcoholic content by volume for consumption on the premises only, for a specific occasion and a limited period of time.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5388.

R 436.573 Fee.

Rule 3. The fee for a special beer and wine license is $25.00 per day, except that the fee for such license issued to any bona fide nonprofit association, duly organized and in continuous existence for 1 year prior to the filing of its application, shall be $15.00.

History: 1944 ACS 12, p. 23; 1944 ACS 30, p. 13; 1954 AC, p. 5388.

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R 436.574 Qualifications.

Rule 4. Only nonprofit, religious, fraternal, civic or patriotic organizations may make application for such license and all profits derived from the sale of beer and/or wine must go to the organization itself and not to any individual.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5388.

R 436.575 Applications.

Rule 5. All applications for special beer and wine licenses must be received in the offices of the Michigan liquor control commission, Lansing, Michigan, at least 10 days prior to the date the license is desired. All applications must be signed by both the president and secretary of the organization making application and their respective signatures must be affixed thereto in the presence of 2 witnesses and notarized. Further, a sworn affidavit showing the length of time said organization has been in existence must accompany the application.

History: 1944 ACS 12, p. 23; 1944 ACS 30, p. 13; 1954 AC, p. 5389.

R 436.576 Resolution.

Rule 6. A certified copy of the resolution of the membership or board of directors authorizing the application must accompany the application to the commission.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5389.

R 436.577 Approval of sheriff or chief of police required.

Rule 7. The written approval of the sheriff or chief of police under whose jurisdiction the premises proposed to be licensed are located must be obtained upon the application before having the bond executed.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5389.

R 436.578 Bond.

Rule 8. A surety bond of $1,000.00 must be furnished with each application. The bond must remain in effect for 60 days after the expiration of the special license.

History: 1944 ACS 12, p. 23; 1954 AC, p. 5389.

R 436.579 Place and time of operation.

Rule 9. The special license may be used only at the premises for which issued and only during the time stipulated on the license.

History: 1944 ACS 12, p. 24; 1954 AC, p. 5389.

R 436.580 Return of license.

Rule 10. The license must be returned to the Michigan liquor control commission at Lansing within 48 hours after its expiration date or no further licenses will be issued to the organization.

History: 1944 ACS 12, p. 24; 1954 AC, p. 5389.

R 436.581 Number of licenses permitted each year.

Rule 11. Not in excess of 5 such special licenses may be granted to any organization, including any women's auxiliary thereof, in any 1 calendar year.

History: 1944 ACS 12, p. 24; 1944 ACS 30, p. 13; 1954 AC, p. 5389.

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PURCHASES OF ALCOHOLIC SPIRITS BY HOSPITALS, CHARITABLE INSTITUTIONS, AND MILITARY ESTABLISHMENTS WITHIN STATE

(By authority of section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.7 of the Michigan Compiled Laws)

R 436.601 Special permit.

Rule 1. The liquor control commission may issue special permits to hospitals, charitable institutions, and military establishments within the state of Michigan, for the purchase of alcoholic spirits for their own use from a designated state liquor store at a discount of 22% from the retail prices established by the liquor control commission.

History: 1944 ACS 38, p. 32; 1954 AC, p. 5389.

RULES OF PROCEDURE ON APPEAL TO APPEAL BOARD

R 436.701—R 436.711 Rescinded.

History: 1954 ACS 23, p. 28, Eff. Aug. 12, 1960; rescinded 1954 ACS 90, p. 48, Eff. Jan. 25, 1977.

RULES OF PRACTICE AND HEARING PROCEDURE UPON VIOLATIONS

R 436.751—R 436.767 Rescinded.

History: 1954 ACS 23, pp. 30-33, Eff. Aug. 12, 1960; rescinded 1954 ACS 90, p. 48, Eff. Jan. 25, 1977.

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DEPARTMENT OF PUBLIC HEALTH

STATE BOARD OF ALCOHOLISM

R 436.901—R 436.906 Rescinded.

History: 1954 ACS 3, pp. 13, 14, Eff. Aug. 15, 1955; rescinded 1954 ACS 80, p. 20, Eff. July 10, 1974.

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DEPARTMENT OF COMMERCE

LIQUOR CONTROL COMMISSION

LICENSING QUALIFICATIONS

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.7 of the Michigan Compiled Laws)

R 436.1101 Definitions.

Rule 1. As used in these rules:

(a) "Established merchant" means a person who owns or who has owned a drugstore, patent medicine store, supermarket, grocery store, delicatessen store, party store, meat market, or a department store which includes 1 or more of the aforementioned businesses, and who has owned that business for 1 year at some location.

(b) "Neighborhood shopping center" means 1 commercial establishment, or a group of commercial establishments organized or operated as a unit, related in location, size, and type of shop to the trade area that the unit serves, and which provides not less than 50,000 square feet of gross leasable retail space and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(c) "Privately held corporation" means a corporation whose stock is not traded on a stock exchange or in over-the-counter transactions. A subsidiary of a corporation whose stock is traded on a stock exchange or in over-the-counter transactions is not a privately held corporation.

History: 1954 ACS 94, p. 108, Eff. Mar. 15, 1978.

R 436.1103 Application for license; forms; required information.

Rule 3. (1) An application for a license shall be made to the commission in Lansing on forms approved by the commission.

(2) An applicant for a license shall provide to the commission, or representatives of the commission, all information necessary for investigation and processing of the application.

History: 1954 ACS 94, p. 109, Eff. Mar. 15, 1978.

R 436.1105 Application for license; denial; grounds.

Rule 5. (1) An applicant for a license shall provide in the application or demonstrate at a hearing all of the following:

(a) If an individual, that the applicant is the legal age for consumption of alcoholic liquor in this state; if a partnership, that all partners are the legal age for consumption of alcoholic liquor in this state; or if a privately held corporation, that all stockholders are the legal age for consumption of alcoholic liquor in this state, unless the stock of such stockholders is held in a fiduciary relationship.

(b) The existence of adequate financial resources for establishment and operation of the proposed licensed business in proportion to the type and size of the proposed licensed business.

(c) The existence of an adequate physical plant or plans for an adequate physical plant appropriate for the type and size of the proposed licensed business.

(d) That the location of the proposed licensed business shall adequately service the public.

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(2) The commission shall consider the following factors in determining whether an applicant may be issued a license:

(a) The applicant's management experience in the alcoholic liquor business.

(b) The applicant's general management experience.

(c) The applicant's general business reputation.

(d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business.

(e) The applicant's moral character.

(f) The order in which the competing initial application forms are submitted to the commission.

(g) Past criminal convictions of the applicant for crimes involving moral turpitude, violence, or alcoholic liquor.

(h) The applicant's excessive use of alcoholic liquor.

(i) The effects that the issuance of a license would have on the economic development of the area.

(j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

(3) An applicant for a new license, or for a transfer of location of an existing license, shall be denied if the commission is notified in writing that the applicant does not meet all appropriate state and local building, plumbing, zoning, fire, sanitation, and health laws and ordinances as certified to the commission by the appropriate law enforcement officials.

(4) The commission shall not issue a license to a municipally owned facility except where the municipality is a co-licensee, or where the license is issued to a concessionaire of the municipality.

History: 1954 ACS 94, p. 109, Eff. Mar. 15, 1978.

R 436.1107 Renewal of license.

Rule 7. (1) A license, which is not in active operation, shall be placed in escrow with the commission. The commission shall not renew a license placed in escrow until such time as the license is put into active operation.

(2) A licensee shall have only 1 year after the expiration of the license to renew the license and put the license into active operation, except upon written order of the commission after a showing of good cause. If the licensee fails to renew the license within 1 year after its expiration, and the commission does not extend the length of time for renewal, all rights to the license shall terminate.

(3) If the commission extends the length of time for which a licensee may renew the license, the licensee shall pay the required license fee for each elapsed licensing year prior to placing the license in active operation.

(4) A licensee shall pay the required license fee prior to the commission's renewal of the license.

History: 1954 ACS 94, p. 109, Eff. Mar. 15, 1978.

R 436.1109 Application for license by corporation; requirements.

Rule 9. (1) A corporation applying for a license shall file with the commission all of the following:

(a) If incorporated outside of this state, a copy of its current articles of incorporation and a current certificate of good standing from the state of incorporation.

(b) If a Michigan corporation, a copy of the current articles of incorporation as approved by the corporation and securities bureau.

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(c) A certified copy of the minutes of a meeting of its board of directors which named the persons authorized to sign the application, bond, and other papers required by the commission.

(d) An affidavit stating the identity of its current corporate officers and the members of the board of directors.

(e) An affidavit stating whether or not the corporation is a privately held corporation. If the corporation is a privately held corporation, it shall also file with the commission an affidavit stating the number of shares of stock which it has issued, to whom the stock was issued, the amount of stock issued to each stockholder, the date of the issuance of the stock and the individual certificate numbers of the stock issued.

(2) The commission shall not renew a license of a corporation unless the corporate charter is current.

(3) A corporate licensee making application for another license is required to meet the provisions of this rule only once, provided it amends its filing to keep it current under this rule.

History: 1954 ACS 94, p. 110, Eff. Mar. 15, 1978.

R 436.1111 Application for license by partnership; requirements.

Rule 11. (1) Each general partner of a partnership shall sign the application, bond, and other papers filed in connection with securing a new license or transferring an existing license. This requirement may be waived by the commission upon a showing of good cause.

(2) A limited partnership applying for a license shall furnish a copy of the partnership agreement.

History: 1954 ACS 94, p. 110, Eff. Mar. 15, 1978.

R 436.1113 Wholesale license; minimum qualifications; corporate stock transfer.

Rule 13. (1) Prior to the issuance of a wholesale license, an applicant shall meet all of the following minimum qualifications:

(a) The applicant shall be the holder of the required basic permit issued under the federal alcohol administration act.

(b) If an individual, the applicant shall be of good moral character; if a partnership, each partner shall be of good moral character; or if a privately held corporation, all stockholders, officers, and members of the board of directors shall be of good moral character.

(c) The applicant shall have facilities in which to store beer and wine on the licensed premises.

(d) If an individual, submit his or her fingerprints; if a partnership, submit the fingerprints of each partner; or if a privately held corporation, submit the fingerprints of stockholders who own 10% or more of the corporate stock, and the fingerprints of all officers.

(2) If a person who has not been fingerprinted by the commission applies to transfer to himself or herself 10% or more of the corporate stock, in the aggregate, of a privately held licensed wholesale corporation, the person shall be investigated and fingerprinted prior to the commission approving the stock transfer.

History: 1954 ACS 94, p. 110, Eff. Mar. 15, 1978.

R 436.1115 Retail license; minimum qualifications; corporate stock transfer.

Rule 15. (1) Prior to the issuance of a retail license, an applicant shall meet all of the following minimum qualifications:

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(a) If an individual, the applicant shall be of good moral character; if a partnership, each partner shall be of good moral character; or if a privately held corporation, all stockholders, officers and members of the board of directors shall be of good moral character.

(b) If an individual, submit his or her fingerprints; if a partnership, submit the fingerprints of each partner; or if a privately held corporation, submit the fingerprints of those stockholders who own 10% or more of the corporate stock and the fingerprints of all officers.

(2) If a person who has not been fingerprinted by the commission applies to transfer to himself or herself 10% or more of the corporate stock, in the aggregate, of a privately held licensed retail corporation, the person shall be fingerprinted and investigated prior to the commission approving the stock transfer.

History: 1954 ACS 94, p. 110, Eff. Mar. 15, 1978.

R 436.1117 Retail license; participating agreement.

Rule 17. An applicant for a retail license shall not enter into a participating agreement, except in either of the following situations:

(a) Where the commission approves the participating agreement after a showing of good cause by the applicant.

(b) Where the nonlicensee receives not more than 10% of the gross sales of the proposed licensed business.

History: 1954 ACS 94, p. 111, Eff. Mar. 15, 1978.

R 436.1119 Retail license; agreements or contracts.

Rule 19. (1) Preliminary agreements, leases, security agreements, or land contracts between an applicant for a retail license and a secured party or landlord shall not contain restrictive clauses which prohibit the license from being transferred to another location, or which dictate the disposition of the license upon the expiration of the lease.

(2) An agreement to buy and sell a business licensed to sell alcoholic liquor at retail, wherein there is not a total cash transaction, and which includes both the personal property and the real estate, shall include a separate statement listing the personal property and the real estate, and the terms and price of each.

(3) A security agreement between a buyer and a seller of a licensed retail business, or between a debtor and a secured party, shall not include the license or alcoholic liquor.

History: 1954 ACS 94, p. 111, Eff. Mar. 15, 1978.

R 436.1121 On-premise license; requirements.

Rule 21. (1) An applicant for an on-premise license, except for a special license, shall have a minimum down payment of 25% of the purchase price of the proposed licensed business, excluding the real estate and any alcoholic liquor. The commission may waive this requirement upon a showing of good cause.

(2) All funds used in purchasing the proposed licensed business shall belong to the applicant individually, and shall come from any of the following approved sources:

(a) Money accumulated by the applicant from legitimate and verifiable sources.

(b) Money derived from government-chartered lending institutions, whether personal or secured, so long as the security is not the proposed license.

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(c) Gifts or loans, or both, derived from members of the applicant's immediate family, provided such gifts or loans have come from other approved sources and the family member giving the gift or loan is of good moral character.

(d) Loans derived from the federal veterans administration.

(e) Any combination of the above sources of funds.

(f) Any other source approved by the commission after a showing of good cause by the applicant.

History: 1954 ACS 94, p. 111, Eff. Mar. 15, 1978.

R 436.1123 Resort license; minimum qualifications.

Rule 23. (1) An applicant for a resort license shall meet all of the following minimum qualifications:

(a) The proposed licensed establishment shall serve food and have dining facilities to seat not less than 100 persons.

(b) The proposed licensed establishment shall offer 1 of the following:

(i) Some type of recreational or entertainment activity on the premises or, in the alternative, some type of recreational or entertainment activity shall be available to the public in close proximity to the proposed licensed establishment.

(ii) Sleeping facilities, meeting or conference rooms, or convention facilities.

(2) An applicant for a resort license shall submit 2 pictures, measuring 5 inches by 7 inches, to the commission if the application is for a completed building. One picture shall show the interior of the proposed licensed establishment and 1 picture shall show the exterior of the proposed licensed establishment. If the application is made for a proposed licensed establishment which is still to be constructed, the applicant shall submit 1 copy of the floor plan of the proposed licensed establishment.

History: 1954 ACS 94, p. 111, Eff. Mar. 15, 1978.

R 436.1125 Resort license; limitation.

Rule 25. The commission shall not consider issuing a resort license where an on-premise license is available under the quota provisions of the act. The commission may waive this rule upon a showing of good cause.

History: 1954 ACS 94, p. 111, Eff. Mar. 15, 1978.

R 436.1127 Club license; requirements.

Rule 27. (1) An applicant for a club license shall file with the commission all of the following:

(a) A certified copy of the resolution requesting a license adopted at a bona fide club meeting.

(b) A copy of the constitution, charter, and bylaws of the club.

(c) An affidavit certifying that there are no racial disqualifications for membership or guest privileges contained in the charter, constitution, franchise, bylaws, membership application, or related documents under which the club operates.

(2) An applicant for a club license shall have its minutes recorded in English and available for inspection.

History: 1954 ACS 94, p. 112, Eff. Mar. 15, 1978.

R 436.1129 SDM license; issuance and transfer; limitation; waiver; applicability.

Rule 29. (1) For the issuance of a new, or the transfer of location of an existing, specially designated merchant license, the following are approved types of businesses: a grocery store, party store, food specialty store, meat market,

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delicatessen store, drugstore, patent medicine store, marina, or department store which includes 1 or more of the aforementioned stores, specially designated distributor, class C, B-hotel, club, tavern, and A-hotel licensed establishments.

(2) The commission shall not issue a new, or transfer location of an existing, specially designated merchant license to an applicant operating an approved type of business who also holds, or a partner or stockholder thereof who holds, interest, directly or indirectly, in a nonapproved type of business on, or contiguous to, the proposed licensed premises, unless 50% or more of the combined monthly gross sales of the approved and nonapproved businesses are of goods and services customarily marketed by the approved type of business. For the purposes of this subrule, combined monthly gross sales shall be sales exclusive of all taxes collected by a retailer on sales and shall be computed for an accounting period of not less than 180 consecutive days. The commission may approve an application under this rule subject to the condition that compliance with the rule shall be demonstrated at the end of the 180-day accounting period. Failure to comply with the provisions of this subrule at the end of the 180-day accounting period shall result in a cancellation of the license.

(3) The commission shall not issue a specially designated merchant license, nor allow a change in the nature of an existing business licensed with a specially designated merchant license to either of the following:

(a) An applicant who has gasoline pumps in operation on, or adjacent to, the proposed licensed premises.

(b) An applicant who holds any interest in gasoline pumps in operation on, or adjacent to, the proposed licensed premises.

(4) In cities, incorporated villages, or townships of 3,000 population or less, the commission may, in its discretion, waive the provisions of subrule (1), subrule (2), and subrule (3), if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than $10,000.00 at cost, of those goods and services customarily marketed by approved types of businesses. The commission shall accept as a method for determining the population of a city, incorporated village, or township, those means prescribed in R 436.1141(1).

(5) This rule does not apply to the renewal of an existing specially designated merchant license in operation, nor to a new specially designated merchant license or the transfer of location of a specially designated merchant license conditionally approved by the commission, prior to the effective date of this rule.

History: 1954 ACS 94, p. 112, Eff. Mar. 15, 1978; 1954 ACS 96, p. 104, Eff. June 23, 1978.

R 436.1131 SDM license; photographs.

Rule 31. An applicant for a new specially designated merchant license shall submit 2 pictures, measuring 5 inches by 7 inches, to the commission if the application is for a completed building. One picture shall show the interior of the proposed licensed establishment and 1 picture shall show the exterior of the proposed licensed establishment.

History: 1954 ACS 94, p. 112, Eff. Mar. 15, 1978.

R 436.1133 SDD license; prohibited issuance or transfer.

Rule 33. An application for a new specially designated distributor license, or for the transfer of location of an existing specially designated distributor license, shall not be approved by the commission where there is an existing specially designated distributor licensed located within 2,640 feet. The method of measure-

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ment shall be as prescribed in section 17a of the act. This rule may be waived by the commission for 1 of the following:

(a) Where the existing specially designated distributor has purchased less than $10,000.00 in spirits from the commission during the last full calendar year.

(b) Where the existing specially designated distributor has a B-hotel or A-hotel license.

(c) Where the proposed location and the existing specially designated distributor's licensed establishment are separated by a major thoroughfare of not less than 4 lanes of traffic.

(d) Where the proposed licensed establishment is located in a neighborhood shopping center, wherein no existing specially designated distributor license is located and where the proposed location is located not less than 1,000 feet from any existing specially designated distributor license. The method of measurement shall be as prescribed in section 17a of the act.

History: 1954 ACS 94, p. 112, Eff. Mar. 15, 1978; 1954 ACS 96, p. 105, Eff. June 23, 1978

R 436.1135 SDD license; limitations upon issuance or transfer; waiver; applicability.

Rule 35. (1) The commission shall not issue a new, or transfer location of an existing, specially designated distributor license to an applicant who is an established merchant who also holds, or a partner or stockholder thereof who holds, interest, directly or indirectly, in a business on, or contiguous to, the proposed licensed premises which is not included in the definition of established merchant, unless 60% or more of the combined monthly gross sales of the approved and nonapproved businesses are of goods and services customarily marketed by the established merchant's type of business. For the purposes of this subrule, combined monthly gross sales shall be exclusive of all taxes collected by a retailer on sales and shall be computed for an accounting period of not less than 180 consecutive days. The commission may approve an application under this rule subject to the condition that compliance with the rule shall be demonstrated at the end of the 180-day accounting period. Failure to comply with the provisions of this subrule at the end of the 180-day accounting period shall result in cancellation of the license.

(2) The commission shall not issue a specially designated distributor license, nor allow a change in the nature of an existing business licensed with a specially designated distributor license to either of the following:

(a) An applicant who has gasoline pumps in operation on, or adjacent to, the proposed licensed premises.

(b) An applicant who holds any interest in gasoline pumps in operation on , or adjacent to, the proposed licensed premises.

(3) In cities, incorporated villages, or townships of 3,000 population or less, the commission may, in its discretion, waive the provisions of subrule (1) and subrule (2), if the applicant for license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than $12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses. The commission shall accept as a method for determining the population of a city, incorporated village, or township, those means prescribed in R 436.1141(1).

(4) Subrule (1), subrule (2), and subrule (3) do not apply to the renewal of an existing specially designated distributor license in operation, nor to a new specially designated distributor license or the transfer of location of a specially designated distributor license conditionally approved by the commission, prior to the effective date of this rule.

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(5) The commission shall not approve the transfer of location of a specially designated distributor license outside of the governmental unit for which it was issued, except upon a showing of good cause.

(6) Upon a showing of good cause, the commission may, in its discretion, waive the quota restrictions of R 436.1141 provided all of the following conditions are met:

(a) The applicant is in a city, incorporated village, or township of 3,000 population or less. The commission shall accept as a method for determining the population of a city, incorporated village, or township, those means prescribed in R 436.1141(1).

(b) The only existing specially designated distributor license is held in conjunction with an A-hotel or B-hotel license.

(c) Only 1 such waiver may be granted by the commission in the city, incorporated village, or township.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978; 1954 ACS 96, p. 105, Eff. June 23, 1978.

R 436.1137 SDD license; photographs.

Rule 37. An applicant for a specially designated distributor license shall submit 2 pictures, measuring 5 inches by 7 inches, to the commission if the application is for a completed building. One picture shall show the interior of the proposed licensed establishment and 1 picture shall show the exterior of the proposed licensed establishment.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978.

R 436.1139 SDD license; initial minimum purchase.

Rule 39. An applicant for a new specially designated distributor license shall agree to purchase an initial minimum order of $5,000.00 of spirits divided among not less than 50 brands as a condition precedent to receiving a license.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978.

R 436.1141 SDD license; population requirement.

Rule 41. (1) In cities, incorporated villages, or townships, only 1 specially designated distributor license shall be issued by the commission for every 3,000 population, or fraction thereof. The commission shall accept any 1 of the following means of determining the population of a city, incorporated village, or township:

(a) Federal decennial census.

(b) Special census taken pursuant to section 6 of Act No. 279 of the Public Acts of 1909, being §117.6 of the Michigan Compiled Laws.

(c) Special census taken pursuant to section 7 of Act No. 245 of the Public Acts of 1975, being §141.907 of the Michigan Compiled Laws.

(d) Latest population estimates and projections prepared by the United States department of commerce, social and economic statistics administration, bureau of the census.

(2) The quota requirement may be waived at the discretion of the commission if there is no existing specially designated distributor licensee within 2 miles, measured along the nearest traffic route, of the applicant.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978.

R 436.1143 SDD license; transfer of location.

Rule 43. An applicant who requests a transfer of location of an existing specially designated distributor license into an area in which there are applications

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for new specially designated distributor licenses on file with the commission shall not be given priority if the proposed transfer of location is within 2,640 feet of the location of the establishments proposed by the new applicants. The method of measurement shall be as prescribed in section 17a of the act.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978; 1954 ACS 96, p. 106, Eff. June 23, 1978.

R 436.1145 Watercraft license; minimum qualifications.

Rule 45. An applicant for a watercraft license shall meet all of the following minimum qualifications before being granted a license:

(a) The watercraft shall have a current certificate of inspection issued by either the state waterways commission or the United States coast guard under title 46 of the United States Code.

(b) The watercraft carries paying passengers on regularly scheduled routes between predetermined geographical points.

(c) The license shall only be used to service paying passengers on regularly scheduled routes between predetermined geographical points.

History: 1954 ACS 94, p. 113, Eff. Mar. 15, 1978.

R 436.1147 Aircraft license; minimum qualifications.

Rule 47. An applicant for an aircraft license shall meet all of the following minimum qualifications before being granted a license:

(a) The aircraft shall be approved by the civil aeronautics board for carrying paying passengers on regularly scheduled routes or on charter routes, and shall be in excess of 12,500 pounds gross weight.

(b) The license shall only be used to service paying passengers on regularly scheduled routes or chartered routes between predetermined geographical points.

History: 1954 ACS 94, p. 114, Eff. Mar. 15, 1978.

R 436.1149 Class C or SDD license; hardship transfer.

Rule 49. (1) The commission shall not consent to a hardship transfer of class C or specially designated distributor licenses under section 17 of the act if the hardship shown by the licensee existed when the license was issued, except upon a showing of good cause.

(2) A person who has been granted approval for a hardship transfer of class C or specially designated distributor licenses under section 17 of the act shall be prohibited from holding such classes of licenses for a period of 5 years thereafter, as either an individual, partner, or stockholder, except upon a showing of good cause.

History: 1954 ACS 94, p. 114, Eff. Mar. 15, 1978.

R 436.1151 Inspection and search; seizure of evidence.

Rule 51. A licensee shall make the licensed premises available for inspection and search by commission investigators and law enforcement officers empowered to enforce the provisions of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws and the commission's rules during regular business hours or when the licensed premises are occupied by the licensee or a clerk, servant, agent, or employee of the licensee. Evidence of a violation discovered during an inspection or search may be seized and used in appropriate administrative or court proceedings.

History: 1954 ACS 94, p. 114, Eff. Mar. 15, 1978.

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SPECIAL PERMITS FOR HOSPITALS AND INSTITUTIONS

(By authority conferred on the liquor control commission by section 16 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.16 of the Michigan Compiled Laws)

R 436.1251 Special permits for hospitals and institutions.

Rule 1. The commission may issue special permits to hospitals, charitable institutions, and military establishments within the state for the purchase of spirits for their own use from a designated state liquor store at a discount of 22% from the retail prices established by the commission.

History: 1954 ACS 83, p. 47, Eff. June 6, 1975.

ADVERTISING

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.7 of the Michigan Compiled Laws)

R 436.1301 Definitions.

Rule 1. (1) The terms defined in the Michigan liquor control act and in the commission rules have the same meaning when used in these rules.

(2) "Cooperative advertising" means a joint effort between licensees to advertise alcoholic liquors. Cooperative advertising includes any contributions by 1 licensee to another licensee or a third person to defray a part of the cost of advertising alcoholic liquor.

(3) "Licensee" means a person who is licensed by the commission to manufacture and sell, or sell or warehouse any alcoholic liquor in the manner provided by the act or the clerk, agent, or employee of such person.

(4) "Temporary bin display" means a display of beer or wine for exhibition on the premises of a retail licensee, licensed only for off-premises sales. The temporary bin display shall consist of a freestanding device constructed of paper, cardboard, or other paper-like material, if the display does not furnish anything of value to the retail licensee other than the display itself.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1303 Beer.

Rule 3. Beer shall not be advertised in this state unless the advertising is in accordance with these rules and the federal malt beverage regulations published in 27 C.F.R., part 7, subpart F, 1936, as amended, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1305 Wine.

Rule 5. Wine shall not be advertised in this state unless the advertising is in accordance with these rules and the federal wine regulations published in 27 C.F.R., part 4, subpart G, 1935, as amended, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

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R 436.1307 Spirits.

Rule 7. Distilled spirits shall not be advertised in this state unless the advertising is in accordance with these rules and the federal distilled spirits regulations published in 27 C.F.R., part 5, subpart H, 1969, as of January 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1309 Advertising approval.

Rule 9. (1) The commission reserves the right to review and reject advertising not in accordance with these rules. Upon written order of the commission a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall furnish full information as to the advertising to enable the commission to review the same.

(2) Advertising in newspapers and periodicals, by all licensees except retail licensees, shall be limited to those published not less than quarterly and having a second class mailing permit, except upon written order of the commission.

(3) Alcoholic liquor shall not be advertised in a publication or program for a special occasion, except upon written order of the commission 30 days in advance of the event.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1311 Prohibited advertising.

Rule 11. An advertisement or label affixed to a container, covering, carton, or case of containers of alcoholic liquor shall not depict or make reference in any manner to minors.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1313 Inside advertising signs and displays.

Rule 13. (1) Advertising signs of beer and wine for use inside the premises of a retail licensee shall be limited to an unilluminated sign not to exceed a total area of 1,000 square inches.

(2) Any other sign attached to, or a necessary part of, a sign shall be included in the 1,000 square inches limitation.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1315 Retail advertising space.

Rule 15. (1) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell or in any manner furnish to a retail licensee and a retail licensee shall not accept:

(a) Advertising which has the name of the retail licensee on the advertising.

(b) Money or other valuable consideration for advertising space in or upon the premises of the retail licensee.

(2) Alcoholic liquor shall not be advertised on the licensed premises by placing the alcoholic liquor or an advertisement of alcoholic liquor in a window facing outside the licensed premises.

History: 1954 ACS 84, p. 72, Eff. Oct. 3, 1975.

R 436.1317 Brand promotion.

Rule 17. A manufacturer of beer, a manufacturer of wine, an outstate seller of beer, an outstate seller of wine, or a wholesaler or his licensed representatives may

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do the following in the establishment of an off-premise retail licensee with merchandise owned by the off-premise retail licensee:

(a) Build a display of his brands.

(b) Mark the price on his brands.

(c) Rotate his brands.

(d) Place his brands on shelves.

History: 1954 ACS 84, p. 73, Eff. Oct. 3, 1975.

R 436.1319 Cooperative advertising.

Rule 19. (1) There shall not be cooperative advertising:

(a) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a retail licensee.

(b) Between a wholesaler and a retail licensee.

(c) Between a manufacturer, an outstate seller of beer, an outstate seller of wine, and a wholesale licensee.

(2) A manufacturer, an outstate seller of beer, or an outstate seller of wine may:

(a) Pay the cost of painting the trucks of a wholesale licensee.

(b) Supply brand logo decals and advertising mats to a wholesale licensee without cost.

(c) Use the name of his wholesaler in his advertising.

(3) The name of a retail licensee shall not appear in the advertising of a manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler.

History: 1954 ACS 84, p. 73, Eff. Oct. 3, 1975.

R 436.1321 Contests and advertising articles.

Rule 21. (1) There shall not be advertising of alcoholic liquor connected with offering a prize or award on the completion of a contest, except upon prior written approval of the commission.

(2) Spirits shall not be advertised on the premises of a retail licensee, except as provided in these rules or upon prior written approval of the commission.

(3) There shall not be advertising of alcoholic liquor on anything which has any value, use, or purpose other than the actual advertising value, except upon written order of the commission.

(4) Advertising material which does not contain the name of a retail licensee and does not have a secondary value, but explains the production, sale, or consumption of alcoholic liquor may be published and distributed in this state.

(5) Alcoholic liquor recipe literature which does not contain the name of a retail licensee may be published and distributed in this state.

(6) All gambling devices, including punch boards and games of any description used for advertising purposes, are prohibited.

(7) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may sell novelty items bearing brand logo type, upon written order of the commission. These novelty items shall not be sold below their cost by the manufacturer, outstate seller of beer, outstate seller of wine, or wholesaler.

(8) A licensee licensed to sell alcoholic liquor for consumption on the premises shall not sell, give, or furnish to anyone, novelty items bearing brand logo type on the licensed premises, nor shall the licensee use novelty items on the licensed premises except upon written order of the commission.

History: 1954 ACS 84, p. 73, Eff. Oct. 3, 1975; 1954 ACS 97, p. 84, Eff. Oct. 12, 1978.

R 436.1323 Team sponsorship.

Rule 23. (1) A licensee may own or sponsor and furnish equipment for an

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athletic team under his own license name. The name of the sponsor may appear on the team uniform.

(2) A licensee shall not aid or assist another licensee by sponsoring or equipping athletic teams and a licensee shall not accept such aid or assistance.

History: 1954 ACS 84, p. 73, Eff. Oct. 3, 1975.

R 436.1325 Calendars and matchbooks.

Rule 25. (1) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not give anything of value to a customer.

(2) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may give a calendar and matchbooks to a customer if nothing of value is attached to, or given with, the calendar or matchbooks.

(3) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell, give, or furnish a retail licensee with calendars or matchbooks to be given to the customers of the retail licensee, except upon written order of the commission.

(4) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may advertise on calendars.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1327 Outside signs.

Rule 27. (1) Advertising of a brand of alcoholic liquor shall not be placed or erected on the outside of the licensed premises of a retail licensee.

(2) A manufacturer or a wholesaler may place or erect advertising of its brands on its licensed premises.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1329 Displays.

Rule 29. (1) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell or in any manner furnish or install, and a retail licensee shall not accept, a permanent display in the licensed premises of a retail licensee.

(2) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may furnish a temporary bin display with a capacity of up to 6 cases of 24 12-ounce or 0.375-liter containers or the equivalent in other sizes of beer or wine on the premises of a retail licensee.

(3) The advertising on a temporary bin display shall be excluded from the 1,000 square inches limitation on inside retail advertising signs.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1331 Dispenser signs.

Rule 31. (1) Alcoholic liquor dispensing equipment shall have the brand of alcoholic liquor designated by a sign on the dispenser or on the tap.

(2) A licensee shall not draw from a dispenser or tap a brand of alcoholic liquor other than that brand designated by the dispenser sign or tap marker.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1333 Prices and brands.

Rule 33. (1) A retail licensee may advertise that he sells alcoholic liquor.

(2) A retail licensee shall not advertise the brands or the prices of alcoholic liquor off the licensed premises.

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(3) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may advertise the brands of alcoholic liquor he is licensed to sell.

(4) A manufacturer of beer or wine, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not advertise the price of beer or wine.

(5) A wholesaler may give a price list to the retail licensee which states the brands and prices of the beer and wine that he is licensed to sell.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975

R 436.1335 Political advertising.

Rule 35. (1) Political advertising on the inside or outside of the licensed premises is prohibited except by a licensed hotel, auditorium, or hall which may have displays of signs or posters on the licensed premises during the convention of the delegates of an established political party.

(2) Nominating and recall petitions are allowed on the licensed premises.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1337 Advertising collars.

Rule 37. Retail licensees licensed to sell spirits for consumption off the premises may place an advertising collar around the bottle neck to call customer attention to a new brand. This may be done only on those brands of alcoholic liquor approved for special order by the commission. The vendor of spirits may furnish the collar and indicate the price of the new brands on the collar.

History: 1954 ACS 84, p. 74, Eff. Oct. 3, 1975.

R 436.1339 Rescissions.

Rule 39. Rules 15 to 23 and 25 to 28 of the rules entitled, "Rules and Regulations Governing the Relationship Between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, Their Sales Representatives and Retail Licensees," being R 436.535 to R 436.543 and R 436.545 to R 436.548 of the Michigan Administrative Code and appearing on pages 5384 to 5386 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 84, p. 75, Eff. Oct. 3, 1975.

BEER

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, being §436.7 of the Michigan Compiled Laws)

R 436.1601 Definitions.

Rule 1. The terms defined in the Michigan liquor control act have the same meaning when used in these rules.

History: 1954 ACS 72, p. 77, Eff. Aug. 2, 1972.

R 436.1603 Building and health laws and ordinances.

Rule 3. A manufacturer of beer shall comply with all state and local building and health laws and ordinances.

History: 1954 ACS 72, p. 77, Eff. Aug. 2, 1972.

R 436.1605 Equipment.

Rule 5. A manufacturer of beer shall possess the necessary equipment for a satisfactory operation which shall be maintained in a good working order and in a

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sanitary condition. The commission may by written order establish specific equipment requirements.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

R 436.1607 Agricultural product compliance with law.

Rule 7. Agricultural products processed by a manufacturer of beer shall comply with state laws and rules of the Michigan department of agriculture.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

R 436.1609 Outstate sellers of beer.

Rule 9. (1) A person shall be the holder of the required basic permit or be a manufacturer of beer doing business under an approved brewer's notice issued under the federal alcohol administration act before being issued an outstate seller of beer license.

(2) An outstate seller of beer license shall be issued pursuant to these rules and the act to the following persons:

(a) A person located in the United States who imports and sells foreign beer in this state.

(b) A manufacturer located outside of this state but in the United States who manufactures and packages its own beer.

(3) A subsidiary controlled by a parent company shall obtain a separate license in its own name and designate the name of the controlling company.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

R 436.1611 Labels and advertising.

Rule 11. (1) The sale of beer is prohibited in this state unless:

(a) The beer is packaged, marked, branded and labeled in accordance with these rules.

(b) The beer label truthfully describes the contents of the container in accordance with these rules and the federal malt beverage regulations published in 27 C.F.R. 1936, as amended. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at a cost of 50 cents per copy.

(2) A manufacturer, outstate seller of beer, or wholesaler responsible for labeling shall furnish proof upon request that valid certificates of approval for the label have been obtained from and are unrevoked under the provisions of the federal labeling requirements as published in 27 C.F.R. 1936, as amended.

(3) Advertisement of the alcoholic content of a beer is prohibited.

(4) A removable tap marker or sign shall be placed on a draft beer dispenser. The cost of a tap marker or sign shall be subject to commission orders.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

R 436.1613 Gifts of beer and consumption on licensed premises.

Rule 13. (1) A manufacturer may give away beer only for consumption on the licensed premises.

(2) A wholesaler shall not give away beer or allow consumption of beer on the licensed premises.

(3) A tap room maintained by a manufacturer for dispensing or serving of alcoholic beverages shall be closed to the public at 9:00 p.m. daily and shall not open before 8:00 a.m. except as provided by section 19e of the Michigan liquor control act.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

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R 436.1615 Sales and transportation by manufacturers; warehouse licensees.

Rule 15. (1) A manufacturer shall confine its beer sales to beer manufactured by it on its licensed premises.

(2) A manufacturer shall not buy from or sell to any other manufacturer wort or extract to be used in the manufacture of beer without a written order of approval by the commission.

(3) A manufacturer shall not manufacture beer at 1 plant owned and operated by it and transport the beer to another plant owned and operated by it, for the purpose of processing, aging or bottling the beer without a written order of approval by the commission.

(4) A manufacturer shall not have any beer manufactured or placed in containers by another manufacturer for resale without a written order of approval by the commission.

(5) A manufacturer of beer shall obtain a manufacturer's warehouse license.

History: 1954 ACS 72, p. 78, Eff. Aug. 2, 1972.

R 436.1617 Sales and shipments by outstate sellers of beer.

Rule 17. No beer shall be sold, shipped and delivered into this state except as follows:

(a) An outstate seller of beer shall sell, ship and deliver beer in this state to a licensed wholesaler at its warehouse address. A wholesale licensee shall not accept delivery at other than its warehouse address.

(b) A corporation licensed as an outstate seller of beer which produces and packages its own beer may ship packaged beer into this state to the manufacturing plant of its wholly owned subsidiary corporation.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972.

R 436.1621 Excise tax on outstate beer.

Rule 21. The excise tax on outstate beer for shipment or delivery into this state for resale shall be due and payable at the Lansing office of the commission.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972.

R 436.1623 Refunds of excise tax.

Rule 23. (1) A claim for a refund of the excise tax shall be submitted on a form approved by the commission.

(2) Refund of the excise tax shall be allowed for the following:

(a) Beer shipped to military installations in this state.

(b) Beer spoiled before leaving the manufacturer's premises.

(c) Other reasonable grounds approved by the commission.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972.

R 436.1625 Price schedules and temporary price reductions.

Rule 25. (1) A manufacturer or wholesaler shall file with the commission in Lansing a schedule of net cash prices to the retail licensee for all brands of case and keg beer for its market area.

(2) A manufacturer or wholesaler shall file with the commission in Lansing beer package price reductions for its market area. The price reduction shall be filed before its effective date and shall continue for at least 180 days after the effective date.

(3) The beer package price for any market area may be increased during the 180-day period for the following reasons:

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(a) To reflect any tax increase in the market area.

(b) To reflect a general industry price increase in the market area.

(4) The beer package price for any market area may be decreased during the 180-day period to meet competition if:

(a) The price reduction is not greater on a cents per case basis than the price reduction filed by the competition.

(b) The price reduction continues for the balance of the 180 days filed by the competition.

(5) A manufacturer or wholesaler shall not sell beer at a quantity discount.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972.

R 436.1627 Rescinded.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972; 1954 ACS 81, p. 108, Eff. Nov. 20, 1974; 1954 ACS 91, p. 95, Eff. June 7, 1977; rescinded 1954 ACS 97, p. 84, Eff. Sept. 30, 1978.

R 436.1629 Barrel deposit and refund.

Rule 29. (1) A manufacturer, an outstate seller of beer, or a wholesaler of beer shall collect a barrel deposit of $10.00 for a barrel, ½ barrel, and ¼ barrel of beer.

(2) A cash refund of $10.00 for a barrel, ½ barrel, and ¼ barrel of beer shall be made to a licensee who has made the deposit and returned the barrels for refund.

History: 1954 ACS 72, p. 79, Eff. Aug. 2, 1972; 1954 ACS 97, p. 84, Eff. Sept. 30, 1978.

R 436.1631 Invoices and bills of lading of outstate sellers of beer.

Rule 31. (1) An outstate seller of beer shall furnish the wholesalers 2 copies of all invoices.

(2) A wholesaler shall retain 1 copy of the invoice and forward 1 copy of the invoice to the commission.

(3) A truck driver of the outstate seller of beer shall have in his possession invoices and bills of lading for inspection by commission representatives and law enforcement agencies.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1633 Damage refunds.

Rule 33. A refund or other adjustment on beer containers shall not be made to a retail licensee by a manufacturer or wholesaler unless:

(a) A keg of beer shows evidence of leakage.

(b) A keg of beer is flat or not salable at the time of tapping.

(c) Other reasonable grounds approved by a written order of the commission.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972; 1954 ACS 81, p. 108, Eff. Nov. 20, 1974.

R 436.1635 Deliveries.

Rule 35. A manufacturer or wholesaler shall not offer for sale or deliver beer to a retail licensee between 12:00 midnight on Saturday and 12:00 midnight on Sunday, except to a holder of a special license issued by the commission.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1641 Manufacturers' and wholesalers' reports and records.

Rule 41. (1) A monthly report of operations of a manufacturer shall be made on forms approved by the commission and filed in the Lansing office of the commission. The records shall be maintained in order for 4 years, after which deletions may be made but a 4-year record shall always be retained.

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(2) A wholesaler shall maintain records of its transactions, including distribution of beer. The records shall be maintained for 4 years, after which deletions may be made but a 4-year record shall always be retained.

(3) A manufacturer or wholesaler shall maintain complete records of expenses and compensation of salesmen and representatives for 4 years.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1643 Reports of outstate sellers of beer.

Rule 43. An outstate seller of beer shall file a monthly sales report with the commission on a form approved by the commission and which shall include the following:

(a) Sales and deliveries of beer into this state during the preceding month.

(b) The date, location, name of wholesaler, the brand and quantities shipped.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1645 Inspection and enforcement.

Rule 45. (1) Upon order of the commission a commission representative or employee of the Michigan department of agriculture may inspect premises of an out-of-state manufacturer of beer which is sold or to be sold in this state.

(2) The books, records and premises of all licensees shall be available to the commission representative at all reasonable times. The licensee shall give any assistance and provide the facilities required for the inspection and analysis.

(3) The commission may demand a sample of any beer, shipped into this state and offered for sale or sold, for analytical and inspection purposes.

(4) The commission reserves the right to confiscate beer or other alcoholic beverages unless the beverage complies with these rules and the act. The beer confiscated shall be subject to disposition by order of the commission.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1651 Prohibited acts.

Rule 51. (1) A licensee shall not fail, neglect or refuse to make a report required by these rules or refuse to permit commission representatives to examine its books, federal tax stamps, records, invoices or other papers pertaining thereto, or any stock of beer in its possession or custody, or make an incomplete, false or fraudulent report or do anything to avoid a full disclosure of the amount of beer subject to tax.

(2) A licensee shall not falsely label a container in which beer is placed for sale, or use or give a false or fictitious name, or use or give a false or fictitious address in an application or form required by these rules, or otherwise commit a fraud in an application, record or report.

(3) Tied-in sales of beer and wine are prohibited.

History: 1954 ACS 72, p. 80, Eff. Aug. 2, 1972.

R 436.1659 Rescissions.

Rule 59. (1) Rules entitled "Rules and Regulations Applying to the Manufacture and Sale of Beer and/or Malt Beverages as Applied to Licensed Manufacturers and Distributors," being R 436.150 to R 436.250 of the Michigan Administrative Code, and appearing on pages 5320 to 5333 of the 1954 volume of the Code, page 129 of the 1955 Annual Supplement to the Code, and page 1525 of the 1960 Annual Supplement to the Code, are rescinded.

(2) Rules 36, 37, and 39 of the rules entitled "Rules and Regulations Governing the Relationship between Licensed Manufacturers, Wholesalers of Alcoholic

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Liquor, their Sales Representatives and Retail Licensees," being R 436.556, R 436.557, and R 436.559 of the Michigan Administrative Code, and appearing on pages 5387 and 5388 of the 1954 volume of the Code, are rescinded.

(3) R 436.1627 of the Michigan Administrative Code, appearing on page 95 of Quarterly Supplement No. 91 to the Code, is rescinded.

History: 1954 ACS 72, p. 81, Eff. Aug. 2, 1972; 1954 ACS 97, p. 84, Eff. Sept. 30, 1975.

WINES

(By authority conferred on the liquor control commission by sections 7 and 16a of Act No. 8 of the Public Acts of the Extra Session of 1933, being §§436.7 and 436.16a of the Michigan Compiled Laws)

R 436.1701 Definitions.

Rule 1. (1) "Act" means Act No. 8 of the Public Acts of the Extra Session of 1933, being §436.1 et seq. of the Michigan Compiled Laws.

(2) "Release" means a document on which written permission is granted by the commission to ship wine into this state.

(3) The terms defined in the act and the commission rules have the same meaning when used in these rules.

History: 1954 ACS 64, p. 52, Eff. Sept. 1, 1970; 1954 ACS 89, p. 139, Eff. Oct. 2, 1976.

R 436.1702 Building and health laws and ordinances.

Rule 2. A manufacturer of wine shall conform to all state and local building and health laws and ordinances.

History: 1954 ACS 64, p. 52, Eff. Sept. 1, 1970.

R 436.1703 Equipment.

Rule 3. A manufacturer of wine shall possess the necessary equipment for a satisfactory operation which shall be maintained in a good working order and in a sanitary condition. The commission may by written order establish specific equipment requirements.

History: 1954 ACS 64, p. 52, Eff. Sept. 1, 1970.

R 436.1705 Outstate sellers of wine.

Rule 5. (1) A person shall be the holder of the required basic permit issued under the federal alcoholic administration act before being issued an outstate seller of wine license.

(2) An outstate seller of wine license shall be issued to a person pursuant to these rules and the act to the following:

(a) A person located in the United States who imports and sells foreign wine in this state.

(b) A person located outside of this state but in the United States who ships and sells bulk wine to licensed Michigan manufacturers for only blending and rectifying purposes or bottled wine direct to a minister, priest or rabbi for sacramental purposes.

(c) A person located outside of this state but in the United States who bottles wine manufactured by another person. This person shall have a certificate or affidavit of identity from the manufacturer. This licensed person shall be responsible for the quality of wine shipped into and sold in this state.

(d) A manufacturer located outside of this state but in the United States who produces and bottles its own wine.

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(3) A subsidiary company controlled by a parent company shall obtain a separate license in its own name and designate the name of the controlling company.

History: 1954 ACS 64, p. 52, Eff. Sept. 1, 1970.

R 436.1706 Rescinded.

History: 1954 ACS 64, p. 52, Eff. Sept. 1, 1970; rescinded 1954 ACS 83, p. 47, Eff. May 2, 1975.

R 436.1707 Federal standards of identity for wine.

Rule 7. The standards of identity for the several classes and types of bottled wine shall be the federal standards of identity, published in title 27, part 4, subpart C, C.F.R., 1935, as amended, as of June 1, 1975, which are incorporated herein by reference. The commission may by written order establish other standards of identity. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970; 1954 ACS 85, p. 37, Eff. Nov. 6, 1975.

R 436.1708 Manufacturing wine pursuant to federal wine regulations.

Rule 8. (1) Wine shall be manufactured pursuant to the federal wine regulations published in title 26, part 240, subparts F, O, P, Q, R, S, T, U, V, W, X, Z, UU, VV, XX, YY, and ZZ, C.F.R., 1954, as amended, as of June 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available to the public in the Lansing office of the commission at cost.

(2) Substandard, imitation base, or nonstandard wine may be sold in this state by written order of the commission.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970; 1954 ACS 85, p. 37, Eff. Nov. 6, 1975.

R 436.1711 Inspections.

Rule 11. Upon order of the commission any commission representative or employee of the Michigan department of agriculture may inspect any premises of an out-of-state producer, manufacturer or bottler of wine which is sold or to be sold in this state.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970.

R 436.1712 Fruit and agricultural products; compliance with law.

Rule 12. Fruit and agricultural products processed by a licensee shall comply with state laws and rules of the Michigan department of agriculture.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970.

R 436.1714 Tax reduction.

Rule 14. A Michigan manufacturer may purchase fruit, fruit juice or fruit juice concentrate from any Michigan processor of Michigan fruit if the processor is under the supervision and rules of the Michigan department of agriculture. Wine produced from these purchases is eligible for a tax reduction as provided in section 16a of the act.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970.

R 436.1716 Bottling.

Rule 16. (1) Wine may be bottled or sold or both in Michigan in containers of any size permitted by the federal alcohol administration act and approved by written order of the commission.

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(2) For tax purposes a variance in content will be permitted within a fraction of a fluid ounce in bottles of champagne, carbonated or sparkling wines in order that a 26 ounce container may be registered as a ⅛ of a gallon or 25.6 ounce container, or a 13 ounce container may be registered at 1/16 of a gallon or 12.8 ounce container.

(3) Imported wine may be delivered into this state and sold in containers of any size permitted by the federal alcohol administration act and approved by written order of the commission.

(4) A Michigan manufacturer shall not bottle bulk domestic or imported wine for sale in any state without a written order of approval from the commission.

(5) A Michigan manufacturer shall not manufacture or bottle wine for any other manufacturer without a written order of approval from the commission.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970.

R 436.1717 Wine losses; restraining orders; record; container marks.

Rule 17. (1) A maximum of 3% loss of the aggregate quantity of wine on hand at the beginning of the fiscal year, July 1, and received in bond during the fiscal year may be deducted from inventory by a manufacturer if the loss is substantiated by physical inventory and the actual loss is recorded as such on forms furnished by the commission. A maximum of 6% loss may be deducted from inventory of wine produced by fermentation on bonded winery premises during a fiscal year if the loss is substantiated by inventory and proper records.

(2) Application shall be made to the commission for approval of any loss in excess of the allowances in subrule (1) showing causes and full particulars of the loss.

(3) If wine has not been manufactured in accordance with R 436.1708, the commission may issue a written order restraining a wine manufacturer from selling, offering for sale, using for blending purposes or otherwise using the wine, whether it is in the finished state, or in the course of manufacture, and the order shall remain in force until rescinded or otherwise disposed of by the commission.

(4) A manufacturer shall keep a complete record of all wines manufactured, on forms prescribed by the commission.

(5) A barrel, cask, vat or other container used by a manufacturer before bottling for the storage of wine shall be given an individual number and the number, together with particulars of the capacity of the barrel, cask, vat or other container, shall be painted thereon in a conspicuous manner.

History: 1954 ACS 64, p. 53, Eff. Sept. 1, 1970.

R 436.1719 Requirements for sale of bottled wine.

Rule 19. (1) Bottled wine shall not be offered for sale, kept for sale, sold, delivered, or otherwise introduced into this state unless:

(a) The wine is bottled, packaged, marked, branded, and labeled pursuant to these rules.

(b) The wine label truthfully describes the contents of the container in accordance with these rules and the federal wine regulations published in title 27, part 4, subpart D, C.F.R., 1935, as amended, as of June 1, 1975, which are incorporated herein by reference. Copies of the federal regulations are on file and available at cost to the public in the Lansing office of the commission.

(c) The wine has received a registration number of approval from the commission.

(2) Bottled wine shall not be shipped, delivered, or otherwise introduced into this state unless it is accompanied by an invoice, manifest, or other shipping document listing the quantity of bottled wine by brand name and corresponding

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registration number of approval which is being shipped, delivered or introduced into this state.

(3) A manufacturer, rectifier, or outstate seller of wine responsible for labeling shall furnish proof upon request that valid certificates of approval for the label have been obtained from and are unrevoked under the federal labeling requirements as published in title 27, part 4, subpart D, C.F.R., 1935, as amended, as of June 1, 1975.

(4) A shipment of bottled wine from a manufacturer or an outstate seller of wine shall be made only to a licensed wholesaler at the address of the licensed premises except upon written order of the commission.

History: 1954 ACS 64, p. 54, Eff. Sept. 1, 1970; 1954 ACS 85, p. 37, Eff. Nov. 6, 1975; 1954 ACS 89, p. 139, Eff. Oct. 2, 1976.

R 436.1720 Invoice for bottled wine.

Rule 20. (1) When an outstate seller of wine sells bottled wine in this state:

(a) One copy of the invoice listing the quantity of bottled wine by brand name and corresponding registration number of approval shall immediately be submitted to the commission and 2 copies of the same invoice shall immediately be submitted to the wholesaler by the outstate seller of wine.

(b) Two copies of the invoice, manifest, or other shipping document shall accompany the bottled wine into the state and be delivered to the wholesaler receiving the shipment. The wholesaler shall state on a copy of the invoice the date of payment for the bottled wine, the type of instrument used for payment, and the check number or other identification number listed on the instrument used for payment. This invoice shall be submitted to the commission as provided in R 436.1725.

(2) If a wholesaler receives a shipment of bottled wine and the invoice, manifest, or other shipping document accompanying the bottled wine is incorrect, the wholesaler shall immediately send a copy of the invoice, manifest, or other shipping document to the commission accompanied by an affidavit stating the reasons why the invoice, manifest, or other shipping document is incorrect and listing the actual contents of the shipment by quantity, brand and size of bottle.

(3) When a person who resides in this state buys bottled wine for delivery into this state for personal use and not for resale, the person shall submit a copy of the invoice to the commission with the proper tax payment before the bottled wine is brought into this state.

History: 1954 ACS 89, p. 140, Eff. Oct. 2, 1976.

R 436.1721 Requirements for sale of bulk wine.

Rule 21. (1) A manufacturer or outstate seller of wine may sell bulk wine of any alcoholic content for blending purposes and nonbeverage purposes without an additional license.

(2) Bulk wine shall not be offered for sale, kept for sale, sold, delivered or otherwise introduced into this state unless it is approved for sale by the commission and accompanied by a release form, a supply of which shall be furnished by the commission upon request. The release shall be signed by an outstate seller of wine or an authorized agent of the outstate seller of wine.

(3) When bulk wine is received by a consignee on a release issued by the commission, the consignee shall immediately submit to the commission a copy of the invoice listing the shipment. Upon request the consignee shall readily make available to a commission inspector a copy of the release, the bill of lading, and a copy of the vendor's invoice.

History: 1954 ACS 64, p. 54, Eff. Sept. 1, 1970; 1954 ACS 89, p. 140, Eff. Oct. 2, 1976.

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R 436.1722 Transportation of wine.

Rule 22. (1) All instruments of transportation including railroads, steamship lines, express companies, common carriers, or other transporting companies are prohibited from accepting or delivering wine to any person in this state except in accordance with the following:

(a) A copy of a release approved by a representative of the commission shall accompany the bill of lading for shipments of bulk wine made to a person or licensee in this state.

(b) A release is not required when bottled wine of any kind is shipped with a bill of lading addressed to or in care of the commission.

(2) A truck driver of a manufacturer or outstate seller of bottled wine shall have invoices and bills of lading available for inspection by commission representatives and law enforcement agencies.

History: 1954 ACS 64, p. 54, Eff. Sept. 1, 1970; 1954 ACS 89, p. 140, Eff. Oct. 2, 1976.

R 436.1723 Tax credit for damaged bottled wine.

Rule 23. If an outstate seller of wine or a manufacturer of wine wishes to receive a tax credit for bottled wine damaged in transit to the wholesaler, the outstate seller of wine or manufacturer of wine shall submit to the commission an affidavit listing the invoice number containing the shipment, the amount of wine damaged, the brand of wine damaged, and to whom the shipment was made. The commission may require verification that the wine was damaged before authorizing a tax credit.

History: 1954 ACS 64, p. 54, Eff. Sept. 1, 1970; 1954 ACS 89, p. 141, Eff. Oct. 2, 1976.

R 436.1724 Sacramental wine.

Rule 24. (1) A manufacturer, outstate seller of wine, or wholesaler may sell wine to a church for use only in sacramental or religious rites.

(2) A manufacturer, outstate seller of wine, or wholesaler who sells wine for sacramental or religious rites shall file a quarterly report with the commission on a form approved by the commission listing the amount of such sales. The report shall be submitted to the commission by January 15, April 15, July 15, and October 15 of each year.

History: 1954 ACS 64, p. 54, Eff. Sept. 1, 1970; 1954 ACS 89, p. 141, Eff. Oct. 2, 1976.

R 436.1725 Reports of manufacturers, wholesalers, and outstate sellers.

Rule 25. (1) By the fifteenth day of each month each manufacturer of wine shall submit a monthly report of operations for the preceding month on forms approved by the commission. Payment for the proper amount of tax due shall be included with the report. The report shall be in the form of an affidavit and shall require, among other things, the following:

(a) Total sales and deliveries of wine made in this state.

(b) Total sales and deliveries of wine made outside of this state. Invoices made on sales and deliveries of wine made outside of this state shall accompany the report.

(2) By the fifteenth of each month each outstate seller of wine shall submit a monthly sales report to the commission for the preceding month on a form approved by the commission. Payment for the proper amount of tax due shall be included with the report. The report shall be in the form of an affidavit and shall require, among other things, the total sales and deliveries of wine made in this state during the preceding month.

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(3) Each outstate seller of wine shall submit a quarterly report to the commission on a form approved by the commission. The report shall be submitted by January 15, April 15, July 15, and October 15 of each year. The report shall be in the form of an affidavit and shall require, among other things, the following:

(a) Total sales and deliveries of wine made into this state during the preceding quarterly period and the amount of tax due.

(b) The date upon which each shipment was made, the name and location of the licensee who received the wine, the invoice number of the shipment, and the brand and the quantities delivered.

(4) Each wholesaler of wine shall submit a quarterly report to the commission. The report shall be submitted by January 15, April 15, July 15, and October 15 of each year. One copy of each invoice received by the wholesaler from an outstate seller of wine which lists wine shipped by the outstate seller of wine to the wholesaler shall be included with the quarterly report. The report shall be in the form of an affidavit and shall require, among other things, the following:

(a) Total purchases and shipments received by the wholesaler from outstate sellers of wine during the preceding quarterly period and the amount paid.

(b) The date upon which each shipment was received by the wholesaler from an outstate seller of wine, the name and location of each outstate seller of wine from whom the wholesaler received wine, the invoice number of the shipment and the brand and quantities shipped.

History: 1954 ACS 89, p. 141, Eff. Oct. 2, 1976.

R 436.1726 Price schedule.

Rule 26. A manufacturer or wholesaler shall file with the commission in Lansing on or before January 1, April 1, July 1, and October 1 of each year a schedule of the prices to the retailer. The prices shall not be changed during that quarterly period, unless approved by written order of the commission.

History: 1954 ACS 89, p. 142, Eff. Oct. 2, 1976.

R 436.1727 Records.

Rule 27. (1) The production and sales records of the manufacturer shall be maintained in order and available for inspection for the 4 most recent years.

(2) A wholesaler of wine shall maintain records of its purchases and sales of alcoholic liquor. The records shall be maintained and available for inspection for the 4 most recent years.

(3) A manufacturer or wholesaler of wine shall maintain complete records of the expenses of their licensed salesmen and representatives and complete records of the total compensation paid to their licensed salesmen and representatives. These records shall be maintained and available for inspection for the 4 most recent years.

History: 1954 ACS 64, p. 55, Eff. Sept. 1, 1970; 1954 ACS 89, p. 142, Eff. Oct. 2, 1976.

R 436.1728 Inspection; analysis; enforcement.

Rule 28. (1) The books, records and premises of all licensees shall be available to the commission representative at all times. The licensees shall give any assistance and provide the facilities required for the inspection and analysis.

(2) The commission may demand a sample of any wine shipped into this state and offered for sale or sold for analytical and inspection purposes.

(3) The commission reserves the right to confiscate wine or other alcoholic beverage unless the beverage complies with these rules and the act. The wine confiscated shall be subject to disposition by order of the commission.

History: 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

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R 436.1731 Reception rooms.

Rule 31. The wine room maintained by a manufacturer, defined in section 2j of the act, for dispensing or serving of alcoholic beverages shall be closed to the public at 9:00 p.m. daily and shall not open before 8:00 a.m. the following day.

History: 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

R 436.1735 Prohibited acts; penalties.

Rule 35. (1) A licensee shall not fail, neglect, or refuse to submit a report required by these rules or submit a false or incomplete report required by these rules.

(2) A licensee shall not refuse to permit a commission representative to examine the wine books, records, invoices, or other papers kept by the licensee in regard to the licensed business.

(3) A licensee shall not falsely label a container in which wine is placed for sale, or use or give a false or fictitious name, or use or give a false or fictitious address in an application or form required by these rules, or otherwise make a material misrepresentation in an application, record or report.

(4) A licensee shall not engage in tied-in sales of beer, wine, or beer and wine.

(5) Bottled wine or wine containers shall not be returned to a wholesaler or manufacturer except as provided by written order of the commission.

(6) A licensee who violates these rules may be subject to a fine, suspension, or revocation of the license.

History: 1954 ACS 64, p. 55, Eff. Sept. 1, 1970; 1954 ACS 89, p. 142, Eff. Oct. 2, 1976.

R 436.1749 Rescissions.

Rule 49. The following rules are rescinded:

(a) Rule 19 of the rules entitled "Retail Licensees Selling Alcoholic Beverages for Consumption on the Premises," being R 436.19 of the Michigan Administrative Code, and appearing on page 5306 of the 1954 volume of the Code.

(b) Rule 15 of the rules entitled "Retail Licensees Selling Beer and Wine for Consumption off the Premises," being R 436.65 of the Michigan Administrative Code, and appearing on page 5310 of the 1954 volume of the Code.

(c) Rules entitled "Manufacture, Importation, Transportation, Standards of Identity and Quality, Labeling, Possession and Sale of Wines," being R 436.251 to R 436.422 of the Michigan Administrative Code, and appearing on pages 5333 to 5370 of the 1954 volume of the Code.

History: 1954 ACS 64, p. 55, Eff. Sept. 1, 1970.

SPIRITS

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, being §436.7 of the Michigan Compiled Laws)

R 436.1801 Definitions.

Rule 1. The terms defined in the Michigan liquor control act and the commission rules have the same meaning when used in these rules.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1803 Building and health laws and ordinances.

Rule 3. A manufacturer of spirits shall comply with all state and local building and health laws and ordinances.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

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R 436.1805 Equipment.

Rule 5. A manufacturer of spirits shall possess the necessary equipment for a satisfactory operation which shall be maintained in good working order and in a sanitary condition. The commission may establish specific equipment requirements by written order.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1807 Agricultural product compliance with law.

Rule 7. Agricultural products processed by a manufacturer of spirits shall comply with state laws and rules of the department of agriculture.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1809 Sellers of alcohol.

Rule 9. (1) A seller of alcohol license is required for the sale of alcohol in this state.

(2) A seller of alcohol license shall be issued, pursuant to the act and commission rules, to the following:

(a) A person who is the holder of the required basic permit issued under the federal alcohol administration act.

(b) A person who has paid the annual license fee and furnished the surety bond set by written order of the commission.

(3) A seller of alcohol licensee may sell an unlimited quantity of alcohol to the following:

(a) A licensed distiller, rectifier or manufacturer of wine, for fortifying and blending purposes.

(b) A licensed industrial manufacturer for use in manufacturing products for nonbeverage purposes.

(4) A seller of alcohol licensee may sell a limited quantity of alcohol to persons holding a federal tax free alcohol permit, such quantity to be set by written order of the commission.

(5) A shipment into this state from a seller of alcohol licensee shall have a release from the commission.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1811 Industrial manufacturers.

Rule 11. (1) An industrial manufacturer license is required to secure alcohol and bulk alcoholic liquors for exclusive use in manufacturing products for nonbeverage purposes.

(2) An industrial manufacturer license shall be issued, pursuant to the act and commission rules, to the following:

(a) A person who is the holder of the required basic permit issued under the federal alcohol administration act.

(b) A person who has paid the annual license fee and furnished the surety bond set by written order of the commission.

(3) An industrial manufacturer licensee shall buy alcohol only from the commission or from a licensee of the commission.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1813 Limited alcohol buyers.

Rule 13. (1) A limited alcohol buyer license is required to secure alcohol for medicinal, mechanical, chemical or scientific purposes.

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(2) A limited alcohol buyer license shall be issued, pursuant to the act and commission rules, to a person who has paid the annual fee set by written order of the commission.

(3) A limited alcohol buyer licensee shall buy alcohol only from the commission or from a licensee of the commission.

History: 1954 ACS 83, p. 48, Eff. May 2, 1975.

R 436.1815 Transportation.

Rule 15. Railroads, steamship lines, express companies, and common carriers of other transporting companies are prohibited from accepting or delivering spirits to any person in this state except in accordance with the following:

(a) A copy of a release approved by a representative of the commission shall accompany the bill of lading for shipments of spirits made to a person or licensee in this state.

(b) A release is not required when bottled spirits are shipped with a bill of lading addressed to or in care of the commission.

History: 1954 ACS 83, p. 49, Eff. May 2, 1975.

R 436.1817 Warehouse receipts.

Rule 17. A person shall not sell, offer for sale or in any manner assign or transfer in this state warehouse receipts for spirits, wherever the spirits are located, except as follows:

(a) An isolated transaction in which a warehouse receipt for spirits is sold, offered for sale or delivered by a bona fide owner or pledgee thereof, such sale or offer for sale or delivery not being made in the course of repeated or successive transactions of a like character by the owner or pledgee, and the owner or pledgee not being a dealer or issuer or salesman of such warehouse receipts.

(b) A sale of warehouse receipts for spirits by a manufacturer.

(c) A sale made to a bank, trust company, insurance company, or broker or dealer in warehouse receipts for spirits.

History: 1954 ACS 83, p. 49, Eff. May 2, 1975.

R 436.1819 Prohibited acts by licensees.

Rule 19. (1) A licensee shall not fail, neglect or refuse to make a report required by these rules or refuse to permit commission representatives to examine his books, federal tax stamps, records, invoices or other papers pertaining thereto, or any stock of spirits in his possession or custody, or make an incomplete, false or fraudulent report or do anything to avoid a full disclosure of the amount of spirits subject to tax.

(2) A licensee shall not falsely label a container in which spirits are placed for sale, or use or give a false or fictitious name, or use or give a false or fictitious address in an application or form required by these rules, or otherwise commit a fraud in an application, record or report.

History: 1954 ACS 83, p. 49, Eff. May 2, 1975.

R 436.1821 Damaged goods.

Rule 21. No rebates, refunds or adjustments on broken containers, damaged goods, or for other reasons, shall be made by a licensee to any other licensee except by written order of the commission.

History: 1954 ACS 83, p. 49, Eff. May 2, 1975.

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R 436.1823 Rescissions.

Rule 23. The following rules are rescinded:

(a) The rules entitled "Rules and Regulations Governing Vendors and Agents Engaged in the Promotion of the Sale of Distilled Spirits in the State of Michigan," being R 436.131 to R 436.141 of the Michigan Administrative Code, and appearing on page 5319 of the 1954 volume of the Code.

(b) Rules entitled "Regulations for the Sale and Control of Alcohol, Spirits, Cologne Spirits, Whiskies, Brandies, High Wines, Low Wines for Beverage, Nonbeverage, Industrial, Medicinal, Mechanical, Chemical, Scientific and Tax Free Purposes," being R 436.431 to R 436.439 and R 436.450 of the Michigan Administrative Code, and appearing on pages 5371 to 5375 of the 1954 volume of the Code.

(c) Rule 6 of the rules entitled "Wines," being R 436.1706 of the Michigan Administrative Code and appearing on page 5788 of the 1970-71 Annual Supplements to the Code.

History: 1954 ACS 83, p. 49, Eff. May 2, 1975.

VENDOR REPRESENTATIVE AND SALESMAN

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, and section 230 of Act No. 380 of the Public Acts of 1965, being §§436.7 and 16.330 of the Michigan Compiled Laws)

R 436.1851 Definitions.

Rule 51. (1) The terms defined in the liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §§436.1 to 436.58 of the Michigan Compiled Laws, have the same meaning when used in these rules unless otherwise indicated.

(2) "Salesman" means a person employed by a vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine or wholesaler licensed by the commission to sell, deliver, promote or otherwise assist in the sale of alcoholic liquor in this state.

(3) "Sample of alcoholic liquor" means a bottle or can not exceeding 33.82 United States fluid ounces.

(4) "Vendor representative" means the person authorized by the manufacturer of beer, manufacturer of wine, outstate seller of wine, outstate seller of beer, or vendor of spirits and licensed by the commission to represent him in transactions with the commission.

(5) "Vendor of spirits" means a person selling spirits to the commission.

History: 1954 ACS 83, p. 50, Eff. May 2, 1975.

R 436.1853 Licenses.

Rule 53. (1) A vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine or wholesaler shall not employ a person to sell, deliver, promote or otherwise assist in the sale of alcoholic liquor in this state unless the person is licensed by the commission as a vendor representative or salesman and issued an identification card.

(2) The license fee shall be set by written order of the commission. The license shall be renewable on May 1, 1975, and every 3 years thereafter.

(3) A person shall not sell alcoholic liquor to the commission or to a wholesaler unless represented by a licensed vendor representative.

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(4) A vendor representative shall obtain a separate license for each vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of wine or outstate seller of beer represented.

(5) A person shall be at least 18 years of age before being issued a license.

History: 1954 ACS 83, p. 50, Eff. May 2, 1975.

R 436.1855 Identification cards.

Rule 55. (1) A vendor representative or salesman shall show his commission identification card upon request of a commission representative or law enforcement officer.

(2) A vendor representative or salesman shall show his commission identification card upon request before offering for sale or selling alcoholic liquor to a retail licensee.

History: 1954 ACS 83, p. 50, Eff. May 2, 1975.

R 436.1857 Common carriers.

Rule 57. A person employed by a common carrier is not required to be licensed under these rules.

History: 1954 ACS 83, p. 50, Eff. May 2, 1975.

R 436.1859 Prohibited acts.

Rule 59. (1) A vendor representative or salesman shall not:

(a) Grant, allow, pay or rebate cash or any other thing of value to a licensee, an agent, clerk or employee of a licensee, except upon written order of the commission.

(b) Purchase or deliver spirits to retail licensees.

(c) Deliver beer or wine to retail licensees in vehicles not approved by the commission.

(d) Be employed by a retail licensee on a paid or any other basis.

(e) Furnish entertainment or a gratuity of any kind to commission employees. The word "entertainment" shall not be construed to include normal business meals.

(2) A licensee employed to deliver alcoholic liquor shall not consume alcoholic liquor while on duty or in the course of employment.

(3) A vendor representative or salesman shall not advise a licensee on the liquor control act or commission rules.

History: 1954 ACS 83, p. 50, Eff. May 2, 1975.

R 436.1861 Promotions.

Rule 61. A vendor representative and a salesman may promote those brands of alcoholic liquor approved by the commission. This may include the use of the spirit special order form approved by the commission and sample bottles and cans.

History: 1954 ACS 83, p. 51, Eff. May 2, 1975.

R 436.1863 Samples.

Rule 63. (1) A sample of alcoholic liquor shall have affixed on a separate label or on the commercial label the word "Sample" at least ½ inch high.

(2) Only 1 open sample bottle or can of alcoholic liquor may be given to a retail licensee for his personal sampling.

(3) A vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of wine, outstate seller of beer, vendor representative, salesman or other

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licensees shall not assist in the violation of the liquor control act or commission rules.

History: 1954 ACS 83, p. 51, Eff. May 2, 1975.

R 436.1865 Expenses and expense records.

Rule 65. (1) A vendor representative and salesman of a vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine or wholesaler shall maintain an accurate record of expenditures for each call on a retail licensee. These records shall be maintained for 4 years and be available for commission inspection.

(2) A vendor representative or salesman of spirits or wine, for promotional purposes, may purchase 1 drink for each customer of an on premise retail licensee only. The drink purchased shall be of the brand represented by the vendor representative or salesman.

(3) A vendor representative or salesman of a manufacturer of beer, a wholesaler of beer or an outstate seller of beer, for promotional purposes, may purchase 1 drink for 1 customer of the on premise licensee. The drink purchased shall be of the brand represented by the vendor representative or salesman.

(4) A licensee employed to deliver alcoholic liquor shall not purchase drinks of alcoholic liquors for a retail licensee while on duty or in the course of employment.

History: 1954 ACS 83, p. 51, Eff. May 2, 1975.

R 436.1869 Rescissions.

Rule 69. The rules of the commission entitled "Rules and Regulations Governing the Relationship between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, their Sales Representatives and Retail Licensees," being R 436.521 to R 436.534, R 436.549 to R 436.555, R 436.558, R 436.560 and R 436.570 of the Michigan Administrative Code and appearing on pages 5383 to 5384 and 5386 to 5388 of the 1954 volume of the Code are rescinded.

History: 1954 ACS 83, p. 51, Eff. May 2, 1975.

HEARING AND APPEAL PRACTICE

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, section 230 of Act No. 380 of the Public Acts of 1965, and section 33 of Act No. 306 of the Public Acts of 1969, being §§436.7, 16.330, and 24.233 of the Michigan Compiled Laws)

R 436.1901 Definitions.

Rule 1. (1) "Act" means Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws.

(2) The terms defined in the act and in the general rules of the commission have the same meaning when used in these rules.

History: 1954 ACS 90, p. 45, Eff. Jan. 25, 1977.

R 436.1903 Hearings; transcripts.

Rule 3. (1) All hearings shall be open to the public.

(2) A copy of the transcript of the testimony taken at a hearing before the commission shall be available upon written request to the commission and payment of the commission's prescribed fees which shall be set by written order of the commission.

History: 1954 ACS 90, p. 45, Eff. Jan. 25, 1977.

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R 436.1905 Violations; violation report; complaint; notice of hearing.

Rule 5. (1) Alleged violations of the act or commission rules shall be stated on a violation report form and shall be submitted to the licensing and enforcement division of the commission.

(2) A complaint specifying the particular section of the act or commission rules allegedly violated by the licensee may be prepared for the licensing and enforcement division at the direction of an assistant attorney general.

(3) Each complaint shall be assigned a number which shall be placed on all papers filed in the proceedings.

(4) The complaint shall be served by the licensing and enforcement division on the licensee in person or by mail to the licensed address not less than 20 days before the scheduled hearing date. The licensed address shall be the address of the licensed establishment unless the licensee has submitted in writing to the commission a different address for the receipt of mail. The complaint shall advise the licensee of the licensee's right to request a copy of the violation report.

(5) Notice of hearing on a complaint which indicates the date scheduled for the hearing shall be served by the licensing and enforcement division on the licensee at the address of the licensee as specified in subrule (4) not less than 10 days before the date of hearing.

(6) The hearing notice shall advise the licensee of the licensee's right to be represented by an attorney at the hearing.

(7) The complaint and notice of hearing on the complaint shall be substantially in accordance with forms prescribed by the commission.

History: 1954 ACS 90, p. 45, Eff. Jan. 25, 1977.

R 436.1907 Waiver of hearing; acknowledgment of violation.

Rule 7. (1) A licensee who is cited in a complaint for an alleged violation of the act or commission rules may waive the right to a hearing on the complaint and acknowledge the violation or violations specified in the complaint.

(2) The waiver and acknowledgment constitute an authorization to the hearing commissioner to enter, without a hearing, an order which the hearing commissioner deems appropriate.

(3) The waiver of the right to hearing and acknowledgment of the violation shall be on the reverse side of the complaint form and as prescribed by the commission. The waiver and acknowledgment form shall provide that the licensee may explain, on a separate sheet of paper, any mitigating circumstances which the licensee believes should be considered in disposing of the violation.

History: 1954 ACS 90, p. 45, Eff. Jan. 25, 1977.

R 436.1909 Violation hearing.

Rule 9. (1) A hearing commissioner shall conduct the violation hearing on the complaint. Findings of fact, conclusions of law, and an order shall be mailed to the licensee and the licensee's attorney of record within 20 days after the completion of the hearing, except upon written order of the commission extending the time period.

(2) In violation hearings where the licensee is not represented by an attorney at law, the hearing commissioner shall open the hearing by advising the licensee of the following rights:

(a) Right to present evidence.

(b) Right to cross-examine commission witnesses.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

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R 436.1910 Violation rehearing.

Rule 10. (1) After a violation hearing a licensee who alleges new evidence may request a rehearing before the hearing commissioner who issued the original order. A request for a rehearing shall be submitted in writing to the commission in Lansing within 20 days after the date of the mailing of the original order.

(2) If a request for a rehearing in a violation matter is granted by the hearing commissioner, the licensee or the licensee's attorney of record shall be notified of the rehearing not less than 10 days prior to the date of the rehearing.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

R 436.1911 Costs.

Rule 11. Where the hearing commissioner renders a decision that a violation occurred, the hearing commissioner may assess actual costs of the proceeding against the licensee.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

R 436.1913 Personal appearance of licensee.

Rule 13. (1) At a violation hearing, depending on the form of license, there shall personally appear 1 of the following:

(a) The individual licensee.

(b) At least 1 co-licensee.

(c) At least 1 partner of a partnership licensee.

(d) At least 1 officer of a corporate licensee.

(2) Subrule (1) may be waived by the hearing commissioner where a formal appearance has been filed by an attorney at law in good standing in this state.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

R 436.1915 Failure to personally appear at violation hearings.

Rule 15. (1) If a proper appearance by a licensee is not made at a scheduled violation hearing in accordance with R 436.1913 the presiding hearing commissioner may:

(a) Grant an adjournment without testimony being taken.

(b) Order testimony taken and then adjourn the proceedings until rescheduled.

(c) Order the immediate suspension of the license until a proper appearance is made at a rescheduled hearing.

(d) Issue a decision of default.

(e) Proceed with the hearing and render a decision.

(2) If an adjournment is granted after testimony is taken and the licensee, at a rescheduled hearing, desires to cross-examine the commission witnesses who have already testified, the commission witnesses shall be produced by, and at the expense of, the licensee under the provisions of the commission rules.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

R 436.1917 Violation appeal hearings; appeal board.

Rule 17. (1) A licensee aggrieved by an order of a hearing commissioner as a result of a complaint may request a violation appeal hearing which may be granted at the discretion of the appeal board.

(2) The violation appeal board consists of the 3 administrative commissioners who shall conduct violation appeal hearings.

(3) A request for a violation appeal hearing shall identify the date of the violation hearing, the order which was issued as a result of the violation hearing, and the licensee's reasons for requesting an appeal.

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(4) The request for a violation appeal hearing shall consist of 4 copies which shall be sent, by certified mail, to the Lansing office of the commission accompanied by a check or money order for $25.00 within 20 days from the date of the mailing of the order from which the appeal is taken.

(5) An appeal based on a claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds for claiming error.

(6) A request for a violation appeal hearing, which is sent to the commission after 20 days from the date of the mailing of the order from which the appeal is taken, may be granted in the discretion of the commission if the delay is not due to the culpable negligence of the licensee appellant.

(7) An answer to a request for an appeal from a violation may be prepared by an assistant attorney general prior to the date of the appeal hearing.

History: 1954 ACS 90, p. 46, Eff. Jan. 25, 1977.

R 436.1919 Appeal notice.

Rule 19. If a request for a violation appeal hearing is granted, the appeal board shall notify the licensee, or the licensee's attorney of record, of the appeal hearing not less than 10 days prior to the date of the appeal hearing.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1921 Violation appeal hearings; burden of proceeding.

Rule 21. (1) Violation appeal hearings which are granted by the appeal board shall be limited to the official record of the original hearing.

(2) In violation appeal hearings, the licensee has the burden of proceeding with reasons and arguments for revision or reversal of the order of the hearing commissioner.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1923 Violation appeal hearing decision.

Rule 23. (1) The decision of the appeal board on a violation appeal hearing shall be mailed to the licensee and the licensee's attorney of record within 30 days after the hearing, except upon written order of the commission extending the time period.

(2) The decision of the appeal board shall be in writing and shall do 1 of the following:

(a) Affirm the order of the hearing commissioner.

(b) Modify the order of the hearing commissioner.

(c) Rescind the order of the hearing commissioner.

(d) Remand the case back to the hearing commissioner who issued the original order.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1925 Hearings on matters other than violations.

Rule 25. (1) The commission, on its own motion, may order a hearing on a matter within its jurisdiction.

(2) Applications for a license issued under the act or commission rules shall be reviewed by the administrative commissioners. If a license application is denied, the aggrieved license applicant may request an appeal hearing, and the commission shall grant the hearing. The request shall be made to the Lansing office of the commission within 20 days from the date of the mailing of the decision of denial.

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(3) The chairman may designate 1 or more commissioners to hear matters other than a violation of the act or commission rules.

(4) In a hearing on matters other than a violation of the act or commission rules, the commission may, in its discretion, determine which party has the burden of proceeding.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1927 Filing of papers.

Rule 27. (1) All documents and papers pertaining to a hearing or appeal hearing shall be filed at the Lansing office of the commission.

(2) The presiding commissioner may allow papers to be filed at a hearing or appeal hearing.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1929 Subpoena.

Rule 29. (1) On written application, the commission or the authorized agent of the commission shall issue a subpoena requiring the attendance of witnesses at the time and place of hearing or appeal hearing. Subpoena and witness fees shall be set by written order of the commission.

(2) The application for subpoena shall indicate the name and address of the witness. The person requesting the issuance of the subpoena is responsible for the service of the subpoena.

History: 1954 ACS 90, p. 47, Eff. Jan. 25, 1977.

R 436.1931 Postponements; continuances.

Rule 31. (1) Requests for postponements shall be made in writing not less than 2 working days before the violation hearing or appeal hearing date unless waived by a commissioner. The written request may be granted by a commissioner or a duly authorized agent of the commission.

(2) Requests for continuance for cause may be granted by the presiding commissioner at the hearing or appeal hearing.

History: 1954 ACS 90, p. 48, Eff. Jan. 25, 1977.

R 436.1933 Attorney at law.

Rule 33. In addition to the appearance required by R 436.1913, a licensee or an aggrieved license applicant may be represented at a hearing by a licensed attorney at law in good standing in this state. The attorney shall file a written appearance with the commission before or at the time of the hearing.

History: 1954 ACS 90, p. 48, Eff. Jan. 25, 1977

R 436.1935 Rescissions.

Rule 35. The following rules are rescinded:

(a) Rules entitled "Rules of Procedure on Appeal to the Appeal Board," being R 436.701 to R 436.711 of the Michigan Administrative Code and appearing on pages 1526 and 1527 of the 1960 Annual Supplement to the Code.

(b) Rules entitled "Rules of Practice and Hearing Procedure Upon Violations," being R 436.751 to R 436.767 of the Michigan Administrative Code and appearing on pages 1527 to 1531 of the 1960 Annual Supplement to the Code.

History: 1954 ACS 90, p. 48, Eff. Jan. 25, 1977

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CHURCH OR SCHOOL HEARINGS

(By authority conferred on the liquor control commission by sections 7 and 17a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, being §§436.7, 436.17a, and 24.233 of the Michigan Compiled Laws)

R 436.1951 "Act" defined.

Rule 1. As used in these rules, "act" means Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 87, p. 72, Eff. Apr. 16, 1976.

R 436.1953 Notice of application and proposed location.

Rule 3. If the commission determines through investigation that the proposed location of an applicant is within 500 feet of a church or school, as defined in sections 2c or 2y of the act, the clergyman of the church or superintendent of the school shall be notified of the application and the proposed location if the applicant desires 1 of the following:

(a) A new license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing license to sell alcoholic liquor for consumption on the premises.

(b) A new specially designated distributor license or the transfer of location of existing specially designated distributor license.

(c) A new specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises.

History: 1954 ACS 87, p. 72, Eff. Apr. 16, 1976.

R 436.1955 Filing of objection; copy to applicant; scheduling hearing.

Rule 5. (1) If the church or school objects to the issuance or transfer of location of the license, the governing body of the church or school, by resolution, shall file the specific objections in writing with the Lansing office of the commission within 15 days of receipt of notification, unless granted additional time by the commission.

(2) Upon receipt of the objections, the commission shall send a copy of the objections to the applicant.

(3) The commission shall schedule a hearing pursuant to section 17a of the act within a reasonable period of time after receipt of the objections, unless the governing body of the church or school notifies the commission in writing that the objections have been resolved by the applicant and are being withdrawn.

History: 1954 ACS 87, p. 72, Eff. Apr. 16, 1976.

R 436.1957 Notice of hearing; basis for conduct of hearing.

Rule 7. (1) The governing body of the church or school and the applicant shall receive notice of the hearing not less than 7 days before it is held.

(2) The hearing shall be conducted on the basis of the objections filed by the church or school.

History: 1954 ACS 87, p. 72, Eff. Apr. 16, 1976.

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R 436.1959 Burden of proceeding, closing arguments.

Rule 9. (1) The commission may, in its discretion, determine which party shall have the burden of proceeding. The representative of the church or school may make the final argument.

(2) The representative of the church or school shall be prepared to show that the church or school which is objecting meets the definition of section 2c or 2y of the act.

History: 1954 ACS 87, p. 72, Eff. Apr. 16, 1976.

R 436.1961 Hearing; procedures; findings of fact and conclusions of law.

Rule 11. (1) The hearing shall be conducted pursuant to the procedures established for a contested case in Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The commission shall make findings of fact and conclusions of law.

History: 1954 ACS 87, p. 73, Eff. Apr. 16, 1976.

R 436.1963 Granting of the waiver.

Rule 13. The commission shall waive the provisions of section 17a of the act where the applicant shows by competent, material and substantial evidence that a waiver of section 17a would not adversely affect the operation of the church or school.

History: 1954 ACS 87, p. 73, Eff. Apr. 16, 1976.

DECLARATORY RULINGS

(By authority conferred on the liquor control commission by section 7 of Act No. 8 of the Public Acts of the Extra Session of 1933 and section 63 of Act No. 306 of the Public Acts of 1969, being §§436.7 and 24.263 of the Michigan Compiled Laws)

R 436.1971 Request for declaratory ruling; form; contents.

Rule 1. (1) An interested person, hereinafter called a petitioner, who requests a declaratory ruling as to the applicability to an actual state of facts of a statute, rule, or order administered, promulgated, or issued by the commission shall do so in writing to the Lansing office of the commission.

(2) The written request shall contain the relevant and material facts, along with a reference to the statute, rule, or order applicable.

History: 1954 ACS 91, p. 95, Eff. May 13, 1977.

R 436.1973 Declaratory ruling; notice of issuance; request for information or arguments; hearing.

Rule 3. (1) Upon receipt of a request for a declaratory ruling, the commission shall have 30 days within which to notify the petitioner if a declaratory ruling shall be issued.

(2) If the commission grants the request for a declaratory ruling, the commission:

(a) May request more information from the petitioner.

(b) May request information from other interested parties.

(c) May request information from experts outside the commission.

(d) May request oral or written arguments from interested parties.

(e) May hold a hearing upon proper notice to all interested parties.

(f) Shall issue its declaratory ruling within 90 days after the receipt of the initial request.

History: 1954 ACS 91, p. 96, Eff. May 13, 1977.

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R 436.1975 Denial of request for declaratory ruling; reasons.

Rule 5. If a request for a declaratory ruling is denied, the commission shall issue a concise written statement of its principal reasons for denial within 30 days of the denial.

History: 1954 ACS 91, p. 96, Eff. May 13, 1977.

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DEPARTMENT OF STATE

BUREAU OF DRIVER AND VEHICLE SERVICES

EXPEDITING REGULAR SEARCH PROCESS

(By authority conferred on the secretary of state by section 9407 of Act No. 174 of the Public Acts of 1962, as amended, being §440.9407 of the Michigan Compiled Laws)

R 440.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 174 of the Public Acts of 1962, as amended, being §440.1101 et seq. of the Michigan Compiled Laws.

(b) "Current certification" means certification to the end of the business day preceding the day of the request.

(c) "Expediting of the regular search process" means the process used by the secretary of state for obtaining information when responding to requests for expediting.

(d) "Personal delivery" means that the person requesting information shall appear personally, or through a representative, at the appropriate office of the secretary of state to obtain filing information relative to the act.

(e) "Request for expediting" means an inquiry which requests the secretary of state to provide information relative to a filing under the act on the day of the inquiry.

(2) The terms and definitions used in the act have the same meaning given therein when used in these rules.

History: 1954 ACS 90, p. 48, Eff. Jan. 15, 1977.

R 440.2 Requests for expediting; identification; method; certification date.

Rule 2. (1) A request for expediting shall be identified as such by the requestor.

(2) A request for expediting may be made by telephone, in person, or by mail.

(3) A request for expediting shall state whether the requestor desires current certification. If the requestor does not so state, the certification date shall be the normal certification date. The normal certification date is the date to which the secretary of state is certifying information by the regular search process as of the day of the request.

History: 1954 ACS 90, p. 48, Eff. Jan. 15, 1977.

R 440.3 Request for expediting; payment; account.

Rule 3. (1) A request for expediting shall not be accepted by the secretary of state by telephone unless the requestor has an account with the secretary of state and authorizes the secretary of state to make a charge to the account for the search.

(2) A request for expediting made in person or by mail shall be accompanied by cash or check, in the correct amount, for the statutory fee, or the requestor shall have an account with the secretary of state and shall authorize the secretary of state to make a charge to the account for the search.

History: 1954 ACS 90, p. 49, Eff. Jan. 15, 1977.

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R 440.4 Response to request for expediting; mailing or personal delivery; time.

Rule 4. (1) The response to a request for expediting received by the secretary of state prior to 11:00 a.m. on a business day shall be available for mailing or personal delivery between 3:00 p.m. and 4:30 p.m. on the day the request is received.

(2) A request for expediting received by the secretary of state after 11:00 a.m. shall be considered a request for expediting and shall be processed on the next business day. If there is no personal delivery by the requestor on the day personal delivery is requested, the information shall be mailed.

(3) If the requestor specifies a current certification date in the request for expediting, the information shall be available on the day of the request by personal delivery only.

History: 1954 ACS 90, p. 49, Eff. Jan. 15, 1977.

R 440.5 Personal inspection of information; filing request; time; access to files; charges; separate request for certification, updating, or copying.

Rule 5. (1) A request for personal inspection of information filed with the secretary of state pursuant to the act shall specify a date and time for the personal inspection. The inspection shall be made not less than 3 business days after the request is received by the secretary of state.

(2) A request for personal inspection of files may be made by telephone, in person, or by mail.

(3) The requestor shall only be given access to files specified in writing by the requestor on the date of the request. The charge for personal inspection shall be the statutory fee for expediting of the regular search process, plus the regular statutory fee for each name of a debtor specified in the written request for inspection.

(4) The request for inspection of files shall not include a request for certification, updating, or copying of documents. A separate request shall be made for certification, updating, or copying by the secretary of state, and shall be subject to a separate statutory fee.

History: 1954 ACS 90, p. 49, Eff. Jan. 15, 1977.

R 440.6 Fees.

Rule 6. (1) The department shall charge the statutory fee for expediting of the regular search process, as provided by the act.

(2) Each separate name of a debtor set forth in a request for expediting shall be deemed a separate request for purposes of the statutory fee.

(3) Each time a requestor specifies that a request for expediting is being made, the request shall be deemed a separate request for purposes of the statutory fee.

History: 1954 ACS 90, p. 49, Eff. Jan. 15, 1977.

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DEPARTMENT OF COMMERCE

LIQUOR CONTROL COMMISSION

SIZE CLASSIFICATION RULES

(By authority conferred on the liquor control commission by section 3 of the Initiated Law of 1976, being §445.573 of the Michigan Compiled Laws)

R 445.1 Definitions.

Rule 1. (1) As used in these rules "act" means the Initiated Law of 1976, being §445.571 et seq. of the Michigan Compiled Laws.

(2) The terms defined in the act have the same meaning when used in these rules, unless otherwise indicated.

History: 1954 ACS 97, p. 85, Eff. Dec. 8, 1978.

R 445.3 Size classifications.

Rule 3. (1) The commission may certify beverage containers for beverages other than beer, ale, or other malt drink of whatever alcoholic content.

(2) The commission may certify beverage containers in 1 of the following size classifications: 7 oz.; 12 oz.; 16 oz.; 32 oz.; 64 oz.; 128 oz.; 2 liters.

(3) Additional size classifications may be certified if the beverage container is in compliance with section 2(7) and section 3(2), (3), and (4) of the act.

History: 1954 ACS 97, p. 85, Eff. Dec. 8, 1978.

CORPORATION AND SECURITIES BUREAU

FRANCHISES

(By authority conferred on the department of commerce by section 41 of Act No. 269 of the Public Acts of 1974, being §445.1541 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 445.101 Definitions and explanations of terms.

Rule 101. (1) "Act" means Act No. 269 of the Public Acts of 1974, being §445.1501 et seq. of the Michigan Compiled Laws. Terms defined in the act have the same meanings when used in these rules. Terms defined and explained herein have the same meanings when used in either the act or these rules.

(2) The words "fee or charge" as used in section 3(1) of the act include, but are not limited to:

(a) Present payments, deferred payments, and royalty payments required of the franchisee by the franchisor arising from sales of goods or services offered by the franchisee or its agents or affiliates, or payments as a condition to maintaining the franchise relationship other than payment for goods at a bona fide wholesale price.

(b) Payments for a lease or sale of real property in excess of a fair rental or market value. Among the criteria for evaluation of fair rental or market value shall be the location of the property, the physical attributes of the property, and what other lessees or purchasers have paid for similar property in comparable locations.

(c) Payments for services. These payments are presumed to be in part for the right granted to the franchisee to engage in the franchise business. Ideas,

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instruction, training, and other programs are services and not goods, irrespective of whether offered, distributed, or communicated by word of mouth, through instructions or lectures, in written or printed form, by record or tape recording, or any combination thereof.

(d) Payments for ownership. These payments include transfer of a controlling interest in a business entity which holds a franchise, except those transfers where the franchise held is not the principal asset of the transferor and not part of a plan of distribution of franchises.

(e) Minimum purchase or minimum inventory requirements other than at a bona fide wholesale price for which there is a well-established market in this state.

(3) "Initial and deferred franchise fee" means the amount of the franchise fee charged at the time of entry into the business, whether paid in full upon commencement or paid on a deferred basis. For purposes of R 445.801, it does not include royalties or other franchise fees measured by the amount of goods or services sold during the operation of the franchise.

(4) "Prescribed in substantial part by the franchisor," as used in section 2(3)(a) of the act, shall be interpreted in light of the following:

(a) A marketing plan may be determined to be prescribed if the franchise or other written or oral agreement, the nature of the franchise business, or other circumstances permit or require the franchisee to follow an operating plan or standard operating procedure, or their substantial equivalent, promulgated by or for the franchisor. An operating plan or standard operating procedure includes required procedures, prohibitions against certain business practices, or recommended or offered practices, whether or not enforceable with economic sanctions.

(b) A marketing plan may be determined to be prescribed without regard to whether the franchisee is an independent contractor and not the agent of the franchisor, and notwithstanding provisions of a franchise or other agreement purporting to grant the franchisee complete freedom in operating his business.

(c) The presence of any of these factors, among others, indicates that a marketing plan or system is prescribed in substantial part by the franchisor:

(i) Representations by, or requirements of, the franchisor that the franchisee operate a business which can purchase a substantial portion of its goods solely from sources designated or approved by the franchisor.

(ii) Representations by, or requirements of, the franchisor that the franchisee follow an operating plan, standard procedure, training manual, or its substantial equivalent promulgated by the franchisor in the operation of the franchise, violations of which may, under the terms of the agreement, permit the franchisor to terminate or refuse to renew the agreement.

(iii) Representations by, or requirements of, the franchisor that the franchisee is limited as to type, quantity, or quality of any product or service the franchisee may sell, or that limit the franchisee as to the persons or accounts to which he may sell the franchisor's product or service.

(iv) Representations by, or requirements of, the franchisor that the franchisor aid or assist the franchisee in training or in obtaining locations or facilities for operation of the franchisee's business, or in marketing the franchisor's product or service.

(5) A franchisee's business is "substantially associated," as used in section 2(3)(b) of the act, with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate if the franchise or other agreement, the nature of the franchise business, or other circumstances permit or require the franchisee to identify its

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business to its customers primarily under that trademark, service mark, trade name, logotype, advertising, or other commercial symbol, hereinafter referred to collectively as the "franchisor's mark," or to otherwise use the franchisor's mark in a manner likely to convey to the public that it is an outlet of or represents directly or indirectly the franchisor. The following factors, among others, indicate that the business of a franchisee is substantially associated with the franchisor's mark:

(a) The identification of the franchisor's mark is utilized either by the franchisor or the franchisee to enhance the chances of the franchisee's success in respect to the franchisee's transactions with persons dealing in, or purchasing, the franchisor's products or services.

(b) An agreement or procedure providing for the franchisee to directly or indirectly contribute a portion of its operating revenue to the franchisor for advertising expenses.

(6) "Bona fide wholesale price," as used in section 3(1)(a) of the act, refers to a price which constitutes a fair payment for goods purchased at a comparable level of distribution, and no part of which constitutes a payment for the right to enter into, or continue in, the franchise business. Goods sold at a bona fide wholesale price may include, but are not limited to, goods sold to the franchisee for resale, as well as fixtures, equipment, raw materials, supplies, and other goods used by the franchisee in the conduct of the franchise business. The price charged for a trademarked product does not exceed its bona fide wholesale price merely because the price exceeds the wholesale price of nontrademarked products of comparable quality and specifications. If the trademarked product commands a premium price by virtue of the trademark it carries, the premium does not necessarily constitute the payment of a franchise fee. A payment made directly or indirectly by the franchisee to or for the benefit of the franchisor in excess of the bona fide wholesale price constitutes a franchise fee. Services, rental payments, and the lease of real or personal property are not within the category of "goods," irrespective of whether payment for the services or property constitutes a fair payment for comparable services or property. In a determination as to whether the price of goods arising from a marketing plan or system of a manufacturer, licensor, or a franchisor is a bona fide wholesale price, relevant cost, marketing, pricing, or payment information, among other factors, may be considered.

(7) The existence of a "well-established market," as used in section 3(1)(a) of the act, is a question of fact determined by the presence, among other factors, of the following:

(a) A number of presently existing wholesale and retail outlets of the franchisor or competitors in a similar line of business.

(b) The quantity and price of like or similar products presently sold in an existing geographical area in Michigan.

(c) The ability of the purchaser to resell at the suggested retail price of the manufacturer or wholesaler or at a reasonable markup over the purchaser's cost.

(d) The ability of the purchaser to return any unsold portion of the product without penalty.

(8) The existence of the following factors, among others, which shall be interpreted by considering the previous operating history of the franchisor and its existing franchisees, indicates an offer the terms of which would create an "unreasonable risk" of loss of investment or failure of a franchisee's business as used in section 13(c) of the act to a prospective franchisee:

(a) Offerings whereby a franchisor or an affiliated person has received, or will receive, a substantial portion of his income from the sale of franchises rather than from the sale of goods, services, or continuing royalties relating to the operation of

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the franchise, and it appears to the administrator that the success of the franchisor's program is based on the sale of franchises rather than the sale of goods and services by the franchisee.

(b) Offerings where the natural person as a franchisor, or the officers, directors, partners, or affiliates of a franchisor, have received or will receive unreasonable front-end compensation from the payment of franchise fees in relation to the present and future services to be provided or the value of the franchise right prior to the establishment of the franchise.

(c) Offerings which permit the franchisor to directly or indirectly convey, assign, or otherwise transfer its responsibility to fulfill contractual obligations to franchisees unless the commitments to establish the franchise have been met or provided for and adequate provision has been made for providing further required contractual services, and the agreement shall so state.

(d) Offerings in which the franchisor is a shell or an undercapitalized corporation.

(e) Offerings which provide excessive compensation to a franchisor in relation to the services, goods, or value provided and their likely profit to the franchisee.

(f) Offerings which involve excessive sales commissions in relation to the likely profit to the franchisee.

(g) Offerings which provide that a franchisor may unilaterally, during the term of the franchise agreement, require unlimited or excessive increases in a royalty payment or require increases in price of goods and services other than on a uniform basis to all persons similarly situated.

(h) Offerings which permit or provide the opportunity for an excessive or improper conflict of interest between the franchisor and franchisee. Dual distribution systems shall not per se be construed as a conflict of interest.

(i) Offerings which permit or provide that the franchisor may receive from the franchisee, or arrange for third parties to receive a note or series of notes, singularly or in combination, not exceeding $15,000.00, without reserving to the franchisee a defense arising out of a default by the franchisor.

(j) Offerings which fail to provide that a franchisor shall, upon demand, furnish the franchisee an accurate annual financial statement, unless the franchisor is filing annual reports pursuant to the securities exchange act of 1934 or is registered under the Michigan franchise investment law.

(9) "Material change," as used in section 19 of the act, includes, but is not limited to:

(a) The termination, closing, or failure to renew, during a 3-month period, of the lesser of 10 or 10% of the franchises of a franchisor, regardless of location, except that franchisors with an excess of 200 existing franchises shall file a report only upon the termination, closing, or nonrenewal of 5% or more of its franchises, or the termination, closing, or failure to renew, during a 3-month period, of the greater of 3 or 10% of the franchises of a franchisor located in the state.

(b) A purchase of franchises by the franchisor in excess of 5% of its existing franchises during 6 consecutive months.

(c) A change in the franchise fees charged by the franchisor.

(d) A significant adverse change in any of the following:

(i) The obligations of the franchisee to purchase items from the franchisor or its designated sources.

(ii) The limitations or restrictions on the goods or services which the franchisee may offer to its customers.

(iii) The obligations to be performed by the franchisor.

(iv) The franchise contract or agreement, including amendments thereto.

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(v) The franchisor's accounting system resulting in a 5% or greater change in its net profit or loss in any 6-month period.

(vi) The service, product, or model line.

(10) "Net worth," as used in section 6(2)(a) of the act, means the excess of assets over liabilities, which is derived by the use of generally accepted accounting principles consistently applied and documented in the form of a balance sheet, with the exception that:

(a) Intangible assets shall include only the liquidation value of the intangibles.

(b) Receivables of a franchisor due from its franchisees shall be stated with an appropriate asset offset or reserve for losses.

(c) Lump sum franchise fee receipts, or a portion thereof, shall be offset by a "liability" for accrued obligations to be performed in the future in consideration for receipt of the fees.

(11) "Officer" means the president, vice president, secretary, or treasurer of a corporation, or a person occupying a similar status or performing similar functions.

(12) "Specified number of days" means calendar days, including Saturdays, Sundays, and holidays, unless the act or rule specifically indicates that business days are intended.

(13) Wherever the context of these rules requires, in order to conform to the intent of the act, the term "franchisor," as used herein, shall include subfranchisor.

(14) "Administrator," as used in these rules, means the director of the department of commerce or the director of the corporation and securities bureau.

(15) For the purposes of regulations, agents shall be divided into 2 categories:

(a) Franchise agents who represent only 1 franchisor and who are regulated pursuant to part 6 of these rules.

(b) Franchise agents who represent more than 1 franchisor or who employ persons to assist in the sale of a franchise and who are regulated pursuant to part 7 of these rules.

(c) A franchise agent does not include the following:

(i) A person effecting transactions in a franchise exempted by sections 6(2)(c), (d), (e), (f), (g), (h), (j), or (k) of the act.

(ii) A partner, officer, or director of a franchisor whose personal history is described in the prospectus and who represents the franchisor in effecting the offer or sale of a franchise.

(iii) Other persons excluded by order in the discretion of the administrator from all or part of the requirements of part 6 or 7 of these rules if:

(A) The contact of such person with prospective franchisees is minimal and does not involve a solicitation to purchase a franchise, or

(B) The person is registered under the Michigan uniform securities act, acting with written approval of his registered broker-dealer.

(d) A franchise agent may only be a natural person.

History: 1954 ACS 87, p. 76, Eff. Apr. 10, 1976.

PART 2. REGISTRATION REQUIREMENTS

R 445.201 Documents accompanying application for registration or notification of exemption.

Rule 201. Without limiting the administrator's power to require additional information under section 8(t) of the act, an application for registration of a franchise, or a notification of an exemption pursuant to section 6(2)(a) or (b) of the act, shall be accompanied by:

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(a) Upon request of the administrator, a copy of the current articles of incorporation and annual reports and amendments thereto, except that in the case of a partnership, the certificate of co-partnership shall be submitted. In the case of doing business under an assumed name, the assumed name certificate shall be submitted.

(b) A copy of any contractual agreement between the franchisor and franchise broker-agent relating to the sale of a franchise.

(c) A copy of the typical current franchise contract.

(d) A copy of the operations manual and policy manual, or their equivalent. The administrator shall, upon request, retain those portions of the document containing trade or business secrets as a confidential document. The administrator may, in its discretion, return an operations manual and policy manual, or their equivalent, if a determination is made that the document does not contain information necessary to establish legal or economic relationships between the franchisee and franchisor. The administrator may require delivery of portions to each prospective franchisee at least 1 week prior to sale. The franchisor may require execution by that prospective franchisee of an agreement of confidentiality on a form acceptable to the administrator.

(e) Other documents or information necessary to establish the legal and economic relationships to be created between the franchisee and franchisor.

(f) Documents or information filed with the federal trade commission under its franchise disclosure requirements.

(g) An irrevocable consent to service of process, pursuant to the act, in the prescribed form, or in a uniform form satisfactory to the administrator containing substantially the same provisions.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

R 445.202 Offering prospectus.

Rule 202. The offering prospectus shall be in the format and contain the information prescribed by the administrator. The form shall be available to the applicant at the administrator's office.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

R 445.203 Periodic reports of sales.

Rule 203. When the administrator deems necessary to assure compliance with sections 5 or 6 of the act, it may by order require that a registrant or person exempt pursuant to section 6(2)(a) or (b) of the act file periodic reports of sales in a format prescribed by the administrator.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

R 445.204 Conditions regarding sales.

Rule 204. In lieu of entry of a stop order pursuant to section 13 of the act, the administrator may impose conditions regarding the sale of franchises as necessary for the protection of the public.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

R 445.205 List of franchisees and current business addresses.

Rule 205. The franchisor shall at all times maintain a list of franchisees with current business addresses and provide the list to the administrator promptly upon request.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

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R 445.206 Reports required.

Rule 206. Pursuant to the authority granted by sections 8(g), (r), and (t) of the act, the administrator may require franchisors, directly or indirectly offering to sell or selling franchises in this state under section 6(1) of the act, to file with the administrator, within a period of 120 days from the last date of its fiscal year, both of the following:

(a) A copy of their annual report, if any, and audited certified financial statements, or unaudited financial statements prepared by a certified public accountant if the requirement for audited financial statements has been waived by the administrator.

(b) A graphic representation of specific geographical sites sold to franchisees in Michigan in the last fiscal year, either by the franchisor or with franchisor approval of location.

History: 1954 ACS 87, p. 77, Eff. Apr. 10, 1976.

R 445.207 Failure to process application.

Rule 207. For purposes of section 13(h) of the act, an applicant has failed to diligently process an application when 7 consecutive months have elapsed since the submission of an application that has not become effective.

History: 1954 ACS 87, p. 78, Eff. Apr. 10, 1976.

R 445.208 Revising, amending, or supplementing prospectus or operations manual; review.

Rule 208. (1) If the prospectus, operations manual, or a part thereof becomes misleading as to a material fact, or omits to state a material fact necessary in order to make the statement made, in the light of the circumstances under which they are made, not misleading, it shall be revised or supplemented, and the revision or supplement shall be submitted to the administrator prior to use.

(2) The administrator shall promptly review the amendment and advise the registrant when the administrator's objection to the use of the amended prospectus ceases. An offer or sale shall not be made prior to notification by the administrator.

(3) If the registration renewal statement, or an amendment to an application for registration or notification of an exemption, alters the text of the offering prospectus, or of an item, exhibit, or other document previously filed as a part of an application for registration, or notification of an exemption, the changes in the text shall be indicated by means of underscoring or in some other appropriate manner.

History: 1954 ACS 87, p. 78, Eff. Apr. 10, 1976.

R 445.209 Permissible omissions.

Rule 209. The administrator may permit the omission of an item of information or document from a registration statement.

History: 1954 ACS 87, p. 78, Eff. Apr. 10, 1976.

R 445.210 Fees.

Rule 210. (1) The fee for filing an application for registration with the department shall be $500.00. The annual renewal registration fee shall be $250.00. The payment shall be in the form of check or money order made payable to the "State of Michigan" and shall not be postdated.

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(2) The fee for filing a notification of exemption with the department for a transaction exempted from registration shall be $100.00 and shall be in the form of check or money order payable to the "State of Michigan" and shall not be postdated. The fee for filing a notification of exemption pursuant to section 6(2)(h), 6(2)(j), or 7 of the act shall be $10.00.

(3) If a company offers 2 or more franchises which are sufficiently similar in nature that it is feasible, in the opinion of the administrator, to combine the required application document and prospectus in a single application for registration, it may, at the request of the franchisor, authorize the filing of a single application for registration covering the similar franchises and the payment of a single filing fee covering the franchises.

(4) If a company offers 2 or more franchises which are sufficiently dissimilar that a single registration would tend to confuse prospective franchisees, the administrator may require separate registrations for each franchise and the payment of a separate fee for each franchise.

History: 1954 ACS 87, p. 78, Eff. Apr. 10, 1976.

R 445.211 Effectiveness of first filings.

Rule 211. (1) A franchise offering which becomes effective between January 13, 1975, and June 30, 1975, shall be registered, unless the administrator approves a different period of registration, for period determined according to the following schedule:

If the Franchisor's Name Commences With:	The Franchise Offering is Registered or Exempted for a Period of:
A through H	15 months from the effective date of registration or exemption
I through P	14 months from the effective date of registration or exemption
Q through Z	13 months from the effective date of registration or exemption

(2) This rule shall not be of force and effect on or after October 1, 1976.

History: 1954 ACS 87, p. 78, Eff. Apr. 10, 1976.

PART 3. ESCROW

R 445.301 Imposition of escrow.

Rule 301. If the department finds that the applicant failed to demonstrate that adequate financial arrangements were made to fulfill obligations to provide real estate, improvements, equipment, inventory, training, or other items included in an offering, the administrator may impose, as a condition to registration or exemption, an escrow of not more than 100% of the franchise fees and other funds paid by the franchisee or subfranchisor until these obligations are fulfilled.

History: 1954 ACS 87, p. 79, Eff. Apr. 10, 1976.

R 445.302 Escrow requirements.

Rule 302. When an escrow is imposed in connection with the registration or exemption of a franchise offering, the account shall comply with the following requirements:

(a) Checks shall be made payable to the depository approved by the administrator.

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(b) The account shall be established in a bank or trust company acceptable to the administrator, and the funds shall be kept and maintained in an account separate and apart from the franchisor's business and personal accounts.

(c) All proceeds so deposited shall remain the property of the franchisee and shall not be subject to any liens or charges by the escrow agent, or judgments, garnishments, or creditor's claims against the franchisor until released to the franchisor as hereinafter provided. This escrow is for the benefit of each franchisee in the amount paid by each franchisee.

(d) At the administrator's discretion, a statement indicating the status of the escrow shall be furnished by the bank or trust company to the administrator.

(e) A trust or escrow agreement shall be entered into between the bank or trust company, and the franchisor, which shall state that its purpose is to protect the franchisee or subfranchisor and shall authorize the administrator to inspect the records of the bank or trust company, as trustee, relating thereto, and shall state that, upon order of the administrator or a court of competent jurisdiction, the trustee shall release and pay over the funds, or a portion thereof, to the franchisor, subfranchisor, or franchisee, as directed.

(f) The department, by its administrator, shall execute an acknowledgement on the face of each escrow or trust agreement. This acknowledgement indicates approval on the form and content of the agreement, but shall not be construed to make the department a party thereto.

History: 1954 ACS 87, p. 79, Eff. Apr. 10, 1976.

R 445.303 Purchase receipts.

Rule 303. When an escrow is imposed, the franchisor shall deliver to each franchisee or subfranchisor a purchase receipt in a form approved by the administrator. Purchase receipts shall be consecutively numbered and prepared in quadruplicate: The original given to the franchisee or subfranchisor, the first copy to the depository together with the payment received, the second copy retained by the franchisor, and the third copy sent to the administrator.

History: 1954 ACS 87, p. 79, Eff. Apr. 10, 1976.

R 445.304 Release of escrowed funds.

Rule 304. (1) The administrator shall authorize the depository to release to the franchisor those amounts of the escrowed funds applicable to a specified franchisee or subfranchisor upon a showing satisfactory to the administrator that the franchisor has fulfilled its obligations under the franchise agreement to establish the franchise, or that the escrow is not required for the protection of the franchisee.

(2) An application for an order of the administrator authorizing the release of escrowed funds to the franchisor shall be verified and shall contain:

(a) A statement of the franchisor that required proceeds from the sale of franchises have been placed with the depository in accordance with the terms and conditions of the escrow agreement.

(b) A franchisee's verified statement of completion of franchisor's obligations for release of funds from escrow.

(c) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of escrowed funds placed with the depository when required by the administrator.

(d) The names of each franchisee or subfranchisor and the amount held in escrow for the account of the franchisee or subfranchisor.

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(e) A showing that the franchisor, with respect to a franchise, the funds for which are sought to be released, has completely performed obligations, cited by reference to the franchise agreement and its provisions, to provide real estate, improvements, equipment, inventory, training, or other items.

(f) Other information the administrator may reasonably require.

(3) If the administrator finds that any conditions of this ageement have not been satisfied or that any provisions of the Michigan franchise investment law or rules have not been complied with, or the registration of the franchises has been revoked, then the administrator may withhold such authorization for release of funds by the escrow agent to the franchisor and may direct the full return of funds by the escrow agent to the franchisees.

History: 1954 ACS 87, p. 79, Eff. Apr. 10, 1976.

R 445.305 Surety bond in lieu of escrow.

Rule 305. (1) In lieu of the imposition of an escrow, a franchisor at his option may post a surety bond of a surety company in the amount required by the administrator as protection of the franchisees requires.

(2) The surety company must be authorized to transact business in Michigan.

(3) The administrator shall take into consideration the amount of the franchise fees and other fees to be charged as well as the number of franchises to be offered, granted, or sold in determining the initial amount of the surety bond and shall amend the amount as public interest requires, using the same factors.

(4) Should the franchisor fail to complete the obligations under the franchise contract to provide real estate, improvements, equipment, inventory, training, or other items included in the offering, the surety company may pay the appropriate money to the administrator or his designee, as obligee, for the benefit of all franchises in accordance with their contribution of franchise and other fees or amounts.

(5) If the surety bond expires or is cancelled and the franchisor is still under an obligation to provide real estate, improvements, equipment, inventory, training, or other items, the franchisor at his option may either post another surety bond or have an escrow of franchise and other fees imposed by the administrator. Until another surety bond acceptable to the administrator is purchased or escrow is imposed, the franchisor shall not make any new sales.

(6) The state may be a party to the surety bond and shall, through the administrator, review its form and content.

History: 1954 ACS 87, p. 80, Eff. Apr. 10, 1976.

PART 4. EXEMPT TRANSACTIONS

R 445.401 Exemptions based on franchisor's net worth or initial investment.

Rule 401. (1) Franchisors relying on the exemptions provided by sections 6(2)(a) or (b) of the act shall file the information required on the form and accompanying instructions currently prescribed by the administrator, as well as the documents listed in R 445.201.

(2) A franchisor seeking to claim the exemption provided by section 6(2)(a) or (b) of the act shall so state on the cover of its prospectus and agree to abide by the prospectus delivery requirements of section 16 of the act.

History: 1954 ACS 87, p. 80, Eff. Apr. 10, 1976.

R 445.402 Exemptions based on limited number of offerees.

Rule 402. The exemption provided by section 6(2)(k) of the act shall pertain to only those franchisors who:

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(a) Do not have more than 1 existing franchise within or without the state prior to the offer of a franchise under this part, and

(b) Provide disclosure to the franchisee offeree as required in sections 5(1)(b) and 5(2) of the act.

History: 1954 ACS 87, p. 80, Eff. Apr. 10, 1976.

R 445.403 Reports to be filed.

Rule 403. (1) Franchisors, directly or indirectly offering to sell or selling franchises in this state under section 6(2)(a) or (b) of the act, shall file with the administrator, within a period of 120 days from the last day of its fiscal year, a copy of their annual report, if any, and an audited certified financial statement or unaudited financial statement prepared by a certified public accountant if the requirement for submission of an audited financial statement has been waived by the administrator.

(2) A franchisor, directly or indirectly offering to sell or selling franchises in this state under section 6(2)(a), (b), or (j) of the act, shall file with the administrator, within a period of 120 days from the last day of its fiscal year, graphic representations of the geographical locations sold to the franchisees in the state in the last fiscal year.

History: 1954 ACS 87, p. 80, Eff. Apr. 10, 1976.

R 445.404 Material changes to be reported.

Rule 404. Franchisors whose franchises are exempted under section 6(2)(a) or (b) of the act shall be required, as a condition of maintenance of the exemption after confirmation thereof as required by the act, to notify the administrator, in writing, within 30 days after the occurrence of any material fact or material change affecting the franchisor.

History: 1954 ACS 87, p. 81, Eff. Apr. 10, 1976.

R 445.405 Sales and offers by existing franchisees.

Rule 405. (1) A franchisee seeking to offer or sell a franchise for his own account, whose franchisor is currently registered or exempted under section 6(2)(a) or (b) of the act, shall comply with the following disclosure requirements by providing:

(a) The offeree with a copy of the franchisor's current prospectus.

(b) Full access to the books and records of the franchise in the actual or constructive possession of the franchisee.

(c) Full disclosure relating to the risks of the franchise of which the selling franchisee knows and which are not readily apparent to an offeree considering the purchase of that franchise.

(d) Additional material information relating to the franchisor known to the present franchisee.

(2) A franchisee seeking to offer or sell a franchise for his own account, whose franchisor is not currently registered under the act but was so registered or exempted under section 6(2)(a) or (b) of the act in the past, shall comply with the following disclosure requirements by providing:

(a) The offeree with the most recent prospectus of the franchisor used in this state or elsewhere.

(b) The offeree with access to the material reports and correspondence in the actual or constructive possession of the franchisee, from the franchisor, relating to the economic or legal relationship between the franchisee and the franchisor, from the date of the last prospectus to the present.

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(c) Additional material information relating to the franchisor known to the present franchisee.

(d) Full access to the books and records of the franchise in the actual or constructive possession of the franchisee.

(e) Full disclosure relating to the risks of the franchise of which the selling franchisee knows and which are not readily apparent to an offeree considering purchase of that franchise.

(3) A franchisee seeking to offer or sell a franchise for his own account, whose franchisor is not now and has not been registered or exempted under section 6(2)(a) or (b) of the act, shall comply with the following disclosure requirements by providing:

(a) Full access to the books and records of the franchise in the actual or constructive possession of the franchisee.

(b) Full disclosure relating to the risks of the franchise of which the selling franchisee knows and which are readily apparent to an offeree considering purchase of that franchise.

(c) Additional material information relating to the franchisor known to the present franchisee.

(4) The franchisee shall, if requested by the franchisor, furnish an affidavit that he has complied with the above disclosure requirements.

(5) The exemptions provided by this section shall not be available to a franchisee who wishes to divide or subdivide his territory, exclusive or otherwise, and sell more than 1 portion or division, except upon written authorization of the administrator.

History: 1954 ACS 87, p. 81, Eff. Apr. 10, 1976.

PART 5. FINANCIAL STATEMENTS

R 445.501 Accounting principles.

Rule 501. A financial statement required to be filed in connection with an application for registration under section 6(1) of the act or for an exemption under section 6(2)(a) or (b) of the act shall be prepared in accordance with generally accepted accounting principles. A financial statement shall be audited by an independent certified public accountant, except when the particular form or these rules permit the use of an unaudited statement for an interim period or generally.

History: 1954 ACS 87, p. 81, Eff. Apr. 10, 1976.

R 445.502 Balance sheet; profit and loss statement; audit; auditor's opinion.

Rule 502. (1) The financial statement required to be filed by a franchisor refers to:

(a) A balance sheet as of a date within 90 days prior to the date of the application.

(b) A profit and loss statement for each of the 3 fiscal years preceding the date of the balance sheet and for the period, if any, between the close of the last of the fiscal years and the date of the balance sheet, unless this requirement is waived or modified by the administrator.

(2) If the balance sheet referred to in subrule (1)(a) is not audited, there shall be filed, in addition, an audited balance sheet as of the end of the franchisor's last fiscal year, unless such last fiscal year ended within 90 days of the date of the application, in which case there shall be filed an audited balance sheet as of the end of the franchisor's next preceding fiscal year.

(3) The profit and loss statement shall be audited up to the date of the last audited balance sheet filed, if any, unless this requirement is waived or modified by the administrator.

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(4) The auditor's opinion shall be filed with the statement when an audited financial statement filing is required.

History: 1954 ACS 87, p. 82, Eff. Apr. 10, 1976.

R 445.503 Waiver of audit; conditions and restrictions.

Rule 503. (1) The administrator may, in his discretion, waive the requirement of audited statements:

(a) For small franchisors when a certified financial statement is not required for protection of the public, and the franchisor agrees to furnish a certified audit within a reasonable time.

(b) In extraordinary cases, if the statements have been prepared by an independent certified public accountant, and the administrator is otherwise satisfied as to the reliability of the statements and as to the ability of the franchisor to perform future commitments.

(2) A waiver shall ordinarily be granted only upon a showing that the franchisor has not had prior audited statements; that the close of the most recent or current fiscal year is so near the time of filing of the application that it would be unreasonably costly or impractical to provide audited statements with the application; and that audited statements shall be furnished within a reasonable time after the end of the most recent or current fiscal year. In those cases, the administrator may impose an impound condition and other conditions and restrictions, as in his discretion, he deems appropriate.

(3) The use of an unaudited financial statement as provided herein does not relieve the applicant or any person from liability for false and misleading statements contained in a financial statement.

(4) In all instances in which the requirement for audited financial statements has been waived for a specified period of time, a franchisee who purchases a franchise during that period shall be entitled to damages or rescission under the same terms as provided under section 31 of the act if, upon availability of audited financial statements or any other valid basis, it is revealed that material adverse financial conditions existed at the time of the purchase which were not disclosed, and the prospectus shall so state.

History: 1954 ACS 87, p. 82, Eff. Apr. 10, 1976.

R 445.504 Exempt franchisor.

Rule 504. A financial statement of a franchisor exempt from registration under section 6(2)(a), (b), or (j) of the act shall be certified and audited by an independent certified public accountant, unless that requirement is waived by the administrator as not in the public interest or for the protection of investors.

History: 1954 ACS 87, p. 82, Eff. Apr. 10, 1976.

R 445.505 Disclosure.

Rule 505. (1) Whenever an unaudited financial statement is utilized pursuant to this rule, it shall be accompanied by the following written disclosure or a substantially equivalent statement, immediately adjacent thereto, in 10-point type:

"THIS FINANCIAL STATEMENT IS PREPARED WITHOUT AN AUDIT. INVESTORS IN OR SELLERS OF FRANCHISES SHOULD BE ADVISED THAT A CERTIFIED PUBLIC ACCOUNTANT HAS NOT AUDITED THESE FIGURES OR EXPRESSED HIS OPINION WITH REGARD TO THEIR CONTENTS OR FORM."

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(2) If an unaudited financial statement is referred to orally, it shall be accompanied by an oral statement containing a caveat approximating the language in subrule (1).

History: 1954 ACS 87, p. 82, Eff. Apr. 10, 1976.

R 445.506 Delays; updated statement or information.

Rule 506. (1) If amendments or other delays cause a financial statement to become more than 4 months old as of the effective date of the registration statement:

(a) An updated financial statement, as of a date within 4 months of the effective date, shall be filed if the franchisor fails to have an established record of earnings or is currently showing losses or a weak financial condition.

(b) A paragraph containing later information as to sales, net income, and financial condition may be added in lieu of updating the financial statement, in the discretion of the administrator, when the franchisor has an established record of earnings and is in sound financial condition.

(2) A financial statement shall be not more than 6 months old as of the effective date of the registration statement.

(3) If a delay carries the effective date beyond the end of the franchisor's fiscal year, and by applying due diligence the registrant and accountant may complete the audit prior to the effective date, a certified statement shall be filed as of the end of the fiscal year.

History: 1954 ACS 87, p. 83, Eff. Apr. 10, 1976.

R 445.507 Certified public accountant's opinion.

Rule 507. The certified public accountant's opinion shall comply with the following requirements:

(a) The opinion filed with the administrator shall be dated and manually signed, and shall identify the financial statement covered by the opinion.

(b) The opinion shall state whether the audit was made in accordance with generally accepted auditing standards, and shall disclose auditing procedures generally recognized as normal or deemed necessary under the circumstances of the particular case which have been omitted, and the reasons for the omission.

(c) The opinion shall state clearly:

(i) The opinion of the accountant with respect to the financial statement covered by the report and the accounting principles and practices reflected therein.

(ii) The opinion of the accountant as to any changes in accounting principles or practices which have a material effect on the financial statement.

(d) The opinion shall state, specifically and clearly, matters to which the accountant takes exception, and, to the extent practicable, the effect of each exception on the related financial statement, given either in the auditor's opinion or in a footnote to the financial statement.

History: 1954 ACS 87, p. 83, Eff. Apr. 10, 1976.

R 445.508 Certified public accountant's statement.

Rule 508. A financial statement filed with the administrator shall include a manually signed and dated statement of the certified public accounting firm approving the use of its name and its opinion in the prospectus and registration statement.

History: 1954 ACS 87, p. 83, Eff. Apr. 10, 1976.

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R 445.509 Change in accountants.

Rule 509. If the independent certified public accountant who has been engaged as the principal accountant to audit the franchisor's financial statements was not the principal accountant for the franchisor's most recently filed certified financial statements:

(a) The franchisor shall furnish the administrator with a statement of the date when the current independent accountant was engaged and whether, in the 18 months preceding the engagement, there were any disagreements with the former principal accountant on a matter of accounting principles or practices, financial statement disclosure, or auditing procedure, which, if not resolved to the satisfaction of the former accountant, would have caused that accountant to make reference in connection with its opinion to the subject matter of the disagreement.

(b) The franchisor shall request the former accountant to furnish the franchisor with a letter stating whether it agrees with statements contained in the letter of the franchisor and, if not, stating the respects in which it does not agree.

(c) The franchisor shall furnish such a letter to the administrator, together with its own.

History: 1954 ACS 87, p. 83, Eff. Apr. 10, 1976.

R 445.510 Disclosure of accountant's interest.

Rule 510. When a report pursuant to this act or these rules is prepared by an independent public accountant or certified public accountant who holds, or intends to acquire, a position or interest in the applicant or registrant covered by the report, full disclosure thereof shall be made to the administrator and, where appropriate, full disclosure shall be made in the prospectus.

History: 1954 ACS 87, p. 84, Eff. Apr. 10, 1976.

R 445.511 Consolidated and separate statements.

Rule 511. (1) When a franchisor owns, directly or beneficially, a controlling financial interest in another corporation, the financial statement required to be filed shall reflect, on a consolidated basis, the financial condition of the franchisor and each of its subsidiaries.

(2) A separate financial statement shall be required for each franchisor or subfranchisor filing for registration or exemption in this state.

(3) A company controlling 80% or more of a franchisor shall be required to file its financial statement for review by the administrator, and the financial statement shall not be included as part of the prospectus except as provided by R 445.512.

(4) A consolidated and separate financial statement shall be prepared in accordance with generally accepted accounting principles.

History: 1954 ACS 87, p. 84, Eff. Apr. 10, 1976.

R 445.512 Statement of controlling company.

Rule 512. A complete financial statement of a company controlling the franchisor shall be required when the controlling company guarantees to assume the duties and obligations of the franchisor under the franchise agreement. If the franchisor wishes to file a controlling company financial statement, the controlling company shall guarantee the obligations of the franchisor or post an acceptable surety bond at the discretion of the franchisor. Such surety bond must be purchased from a surety company authorized to transact business in the state of Michigan and in an amount required by the administrator as protection of the public requires. The amount may be amended by the administrator on the basis of

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the amount of fees and the number of franchises sold. If the surety bond is terminated or cancelled while the franchisor is still under an obligation to provide real estate, improvements, equipment, inventory, training or other items, another surety bond acceptable to the administrator must be purchased or a guarantee acceptable to the administrator of the franchisor's obligations must be given before additional sales can be made.

History: 1954 ACS 87, p. 84, Eff. Apr. 10, 1976.

R 445.513 Books and records.

Rule 513. (1) The franchisor, unless exempt pursuant to section 6(2)(e) or (k) of the act, shall make and keep current the following books and records relating to the purchase or sale of franchises:

(a) Records of original entry containing an itemized daily record of purchases and sales of franchises, receipts of cash, other debits and credits.

(b) Copies of contracts of purchase or sale.

(c) Records of payments made to persons, directly or indirectly, in connection with the offer, sale, or purchase of a franchise, itemizing the persons to whom payments were made, the date and amount of each payment, the reason for the payment, and the transaction from which payment arose.

(d) Individual registration records for each franchisee, with name and address, aggregate amount to be paid, and terms of the payment.

(2) A franchisor shall preserve these records for not less than 6 years.

History: 1954 ACS 87, p. 84, Eff. Apr. 10, 1976.

R 445.514 Special financial reports.

Rule 514. The administrator may at any time require the filing of a special financial report by a franchisor currently registered under section 6(1) of the act or exempt under section 6(2)(a) or (b) of the act if it finds that the filing is in the public interest.

History: 1954 ACS 87, p. 84, Eff. Apr. 10, 1976.

PART 6. FRANCHISE AGENTS

R 445.601 Registration required; limitation on representation; agent as natural person.

Rule 601. (1) A franchise agent may not participate in the offer or sale of a franchise currently registered or exempted under section 6(1) or 6(2)(a) or (b) of the act, unless the franchise agent is registered with the administrator on the appropriate forms filed by the franchisor or a franchise agent. A franchise agent, except an agent working exclusively for another franchise agent pursuant to part 7, may not represent more than 1 franchisor, unless the administrator specifically authorized by order the multiple employment on terms and conditions as are appropriate to the public interest.

(2) A franchise agent may only be a natural person.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.602 Application for registration; examination; registration order.

Rule 602. (1) An application for franchise agent registration shall be on the form and contain the information specified by the administrator. In the alternative, a uniform form, with any necessary supplement satisfactory to the administrator, may be submitted.

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(2) An application for franchise agent registration shall be accompanied by a completed fingerprint record on a form prescribed by the administrator, unless this requirement is waived by the administrator.

(3) An applicant for registration as a franchise agent may be required to pass a written examination, testing his knowledge of the franchise investment law and other appropriate laws or rules. This examination and the minimum passing grade may be varied for any class of applicants.

(4) A registration order shall be issued to the franchisor or franchise agent registered pursuant to part 7. Upon termination of employment for any cause, the order shall promptly be returned to the administrator for cancellation.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.603 Failure to complete, or withdrawal of, application.

Rule 603. If an applicant for agent registration fails to complete, or withdraw, an application within 3 months of the date of filing, the administrator may deny the application. The administrator may deny a request to withdraw an application.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.604 Agent registration or application; denial, suspension, or revocation.

Rule 604. The administrator may, by order, deny, suspend, or revoke an agent registration or application if it finds that the applicant or franchise agent has engaged in conduct set forth in R 445.704.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.605 Effective date of registration; expiration; renewal.

Rule 605. (1) A franchise agent's registration may become effective on any date during the year.

(2) A franchise agent's registration expires on the date of the expiration of the registration or exemption of the franchisor, or on the date of the expiration of the franchise agent registration pursuant to part 7, whichever is applicable.

(3) An agent's registration may be renewed if the franchisor or subfranchisor provides to the administrator, on the form prescribed by the administrator, a list of all franchise agents, including therewith current home and business addresses and telephone numbers, or may be renewed by a franchise agent as provided in R 445.705.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.606 Sales on behalf of multiple franchisors.

Rule 606. In the event that a company controls more than 1 franchisor, franchise agents of these companies may offer franchises on behalf of each franchisor if the agent files an application for franchise agent registration to act on behalf of each franchisor.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

R 445.607 Concurrent registration.

Rule 607. A franchise agent may not be concurrently registered with a franchisor or subfranchisor and a franchise agent pursuant to part 7 except as provided herein.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

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R 445.608 Franchise compliance officer.

Rule 608. (1) A franchisor, subfranchisor, or franchise agent employing franchise agents shall designate a franchise compliance officer, whose responsibility it shall be to:

(a) Determine that the activities of its franchise agents are in compliance with the statutes and rules of the state.

(b) Prepare and forward to the administrator a compliance manual which shall thereafter be distributed to each franchise agent.

(c) Insure that each agent is at all times familiar with the act and rules thereunder, and the compliance manual.

(2) The compliance manual shall consist of a copy of the act, rules, and instructions necessary to relate the statutes and rules to the franchise being offered and the procedures of the offering.

(3) Should an agent be terminated by a franchisor, or voluntarily terminate his employment due to actions involving a violation of the franchise investment law or rules thereunder, the franchise compliance officer shall promptly report the termination and the cause therefor on the form prescribed by the administrator.

History: 1954 ACS 87, p. 85, Eff. Apr. 10, 1976.

PART 7. FRANCHISE AGENTS

R 445.701 Registration order as condition to commencing activities; expiration of registration; effective date of renewal registration.

Rule 701. A franchise agent pursuant to this part shall receive a registration order from the administrator prior to commencing those activities which constitute that person to be a franchise agent. Registrations expire on March 31, following effectiveness, unless otherwise ordered by the administrator. A renewal registration is effective on the date prescribed by the administrator by order.

History: 1954 ACS 87, p. 86, Eff. Apr. 10, 1976.

R 445.702 Initial or renewal registration; filing and contents of application.

Rule 702. (1) A franchise agent may obtain an initial or renewal registration by filing with the administrator an application, together with a consent to service of process on the form prescribed by the administrator. This application shall contain the information the administrator requires relating to the following:

(a) The qualifications and business history of the applicant and its partners, officers, directors, or other persons occupying similar status or performing similar functions or a person, directly or indirectly, controlling the franchise agent.

(b) The applicant's financial condition.

(c) The applicant's proposed form of doing business.

(d) Past misconduct on the part of the applicant or its partners, officers, or directors.

(e) Other information necessary for the protection of the public.

(2) An application for franchise agent registration shall be accompanied by a complete fingerprint record of the partners, officers, and directors of the franchise agent who shall be engaged in offers or sales of franchises in this state, the principal officer of the franchise agent, and the compliance officer on a form prescribed by the administrator, unless this requirement is waived or modified by the administrator.

History: 1954 ACS 87, p. 86, Eff. Apr. 10, 1976.

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R 445.703 Failure to complete, or withdrawal of, application.

Rule 703. If an applicant for franchise agent registration fails to complete, or withdraws, an application within 3 months of the date of filing, the administrator may deny the application. The administrator may deny a request to withdraw an application.

History: 1954 ACS 87, p. 86, Eff. Apr. 10, 1976.

R 445.704 Denial, suspension, or revocation of registration.

Rule 704. The administrator may, by order, deny, suspend, or revoke a registration of a franchise agent if the administrator finds that the order is in the public interest and the applicant or registrant or a person directly or indirectly controlling the applicant or registrant:

(a) Has filed an application for registration which, as of its effective date or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement which was, in light of the circumstances under which it was made, false or misleading with respect to a material fact.

(b) Has violated or failed to comply with the act, or a rule or an order under the act.

(c) Has been convicted of a misdemeanor involving moral turpitude, or of a felony.

(d) Is the subject of a final administrative order of a state or federal agency relating to, or is permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of, the securities, franchise, real estate, or insurance business.

(e) Is the subject of an order of the administrator denying, suspending, or revoking registration as a broker-dealer, agent, investment advisor, or franchise agent under part 6 or 7 of these rules or other similar registration.

(f) Is the subject of an order entered by the securities or franchise administrator of another state, or by the securities and exchange commission, denying or revoking registration as a broker-dealer, agent, or investment advisor, or the substantial equivalent of these terms, or is the subject of an order of the securities and exchange commission suspending or expelling that person from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order.

(g) Has engaged in dishonest or unethical business practices, including, but not limited to, the following practices:

(i) Recommending to a franchisee the purchase, sale, or exchange of a franchise without reasonable grounds to believe that the recommendation is suitable for the person.

(ii) Acting as agent for both buyer and seller without fully disclosing the relationship to both parties.

(iii) Charging the franchisee or franchisor more than a reasonable commission in connection with the sale.

(iv) Personally borrowing money from a present or prospective franchisee.

(v) Effecting transactions not reported to the franchisor.

(vi) Operating an account under a name not registered with the administrator.

(vii) Representing to a franchisee that, as a condition of realizing significant earnings from the franchise, the franchisee may have to recruit others who may likewise invest in a franchise or distributorship, or require that the franchisee shall so recruit.

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(h) Is insolvent, either because liabilities exceed assets or because obligations cannot be met as they mature.

(i) Is not qualified on the basis of factors such as training, experience, or knowledge of the franchise business.

(j) Has failed to supervise franchise agents in its employment as defined in part 6 to insure that sales are made only to persons for whom the franchise is a suitable investment.

(k) Has failed to pay the proper filing fee. The administrator may enter only a denial order under this subdivision, and it shall vacate the order when the deficiency has been corrected.

History: 1954 ACS 87, p. 86, Eff. Apr. 10, 1976.

R 445.705 Renewal of registration.

Rule 705. A franchise agent pursuant to this part may apply for renewal of its registration by filing with the administrator a complete list of franchise agents pursuant to part 6 employed, including therewith current home and business addresses and telephone numbers, a report of activities in the form designated by the administrator, and a statement of financial condition prepared in accordance with generally accepted accounting principles.

History: 1954 ACS 87, p. 87, Eff. Apr. 10, 1976.

R 445.706 Records.

Rule 706. Every franchise agent pursuant to this part shall make and keep current the following books and records relating to his business:

(a) Records of original entry detailing the sale of the franchise, to whom sold, the aggregate price, the initial payment, the installment payments, if any, and the commission paid to the franchise agent or its employees.

(b) An individual registration record for each franchisee, including name, home and business address, telephone numbers, occupation, aggregate amount paid, terms of payment, and the name of its selling franchise agent employee.

(c) A copy of advertising used by the agent in the offer of franchises, including, but not limited to, radio, newspapers, TV, letters and brochures.

(d) The records, books, and memoranda that relate to a franchise sale, and the records required to be kept under the act and rules, for a period of not less than 6 years after the sale.

History: 1954 ACS 87, p. 87, Eff. Apr. 10, 1976.

R 445.707 Special financial reports.

Rule 707. The administrator may, at any time, require the filing of a special financial report by a franchise agent if it finds that the filing is in the public interest.

History: 1954 ACS 87, p. 88, Eff. Apr. 10, 1976.

R 445.708 Surety bond.

Rule 708. (1) A franchise agent whose net worth, derived by the use of generally accepted accounting principles, does not exceed $100,000.00 shall file with the administrator a surety bond in the amount of $25,000.00 on a form provided by the administrator, and shall maintain the bond in that amount at all times while registered as a franchise agent.

(2) If a franchise agent fails to maintain the minimum net worth of $100,000.00, or fails to file or to maintain its bond, the franchise agent shall immediately cease business and notify the administrator of this failure.

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(3) If a suit is brought to enforce liability on the bond, the franchise agent shall promptly notify the adminsitrator thereof. If the bond principal amount is reduced by any recovery against it, the bond shall be immediately restored to $25,000.00.

(4) Prior to the disbursement of funds, a court shall require a claimant to publicize the claim against the franchise agent's bond in a manner reasonably calculated to inform other franchisees of the pendency of the action and to permit intervention and filing of claims.

(5) The bond shall also be for the use and benefit of persons who may have a cause of action in this state by reason of embezzlement, defalcation, or misappropriation of securities or funds by the principal, its agents, and employees.

(6) The administrator may exempt a registered franchise agent from this bond requirement, or may vary its terms, only if justified and appropriate under special circumstances.

History: 1954 ACS 87, p. 88, Eff. Apr. 10, 1976.

R 445.709 Notification of agent's termination.

Rule 709. Within 7 days after an agent for a franchise agent terminates his employment or is terminated, notice of termination shall be filed by the franchise agent on a form prescribed by the administrator, setting forth fully the reasons for termination. If an agent is terminated for cause, including a violation of the act or rules, the notice shall set forth the cause of termination.

History: 1954 ACS 87, p. 88, Eff. Apr. 10, 1976.

R 445.710 Escrow account.

Rule 710. The franchise agent shall not receive funds from franchise sales or other business conducted on behalf of the franchisor or subfranchisor. Payments from the sale of a franchise shall be made only to an escrow account designated by the franchisor or the subfranchisor for deposit.

History: 1954 ACS 87, p. 88, Eff. Apr. 10, 1976.

PART 8. ADVERTISING

R 445.801 Contents of advertisement.

Rule 801. (1) Pursuant to section 24 of the act, advertising, as defined in section 2(1) of the act, to be used to offer a franchise shall be filed in the office of the administrator in duplicate not less than 10 business days prior to the publication.

(2) An advertisement shall not contain a statement or inference that a purchase of a franchise is a safe investment or that failure, loss, or default is impossible or unlikely, or that earnings or profits are assured.

(3) An advertisement, other than the offering prospectus used pursuant to section 6(1) or 6(2)(a) or (b) of the act, shall not contain a projection of future franchisee earnings, unless the projection is:

(a) Based on a past earning record, over a reasonable period of time, of all franchisees operating under conditions, including location, substantially similar to conditions affecting the franchise being offered, including terminations, cancellations, reacquisitions, nonrenewals, and other operational failures, together with existing operational franchise data.

(b) For a reasonable period only.

(c) Substantiated by data which clearly supports the projection.

(d) Accompanied by a chart showing the estimated break-even point of the franchise operation.

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(e) Accompanied by appropriate caveats relating to the projection.

(f) Based upon reasonable assumptions clearly set out immediately adjacent to the projection.

(4) An advertisement shall contain the name and address of the person responsible for sponsoring or placing the advertisement, and shall identify the franchisor.

(5) If the advertisement contains an indorsement or recommendation of the franchise by a public figure, whether express or implied, the advertisement shall state that the celebrity has received, or shall receive, consideration to indorse this franchise, unless the name of the celebrity appears in the title of the franchise and the title is prominently disclosed.

(6) An advertisement of a franchise offered pursuant to exemptions under section 6(2)(c), (d), (e), (f), (g), (h), (j), or (k) of the act shall disclose fairly and accurately the relevant facts concerning the liabilities created thereunder as are necessary to make the advertisement not misleading in light of the advertising and other material to be furnished by the franchisor to the franchisee prior to the sale of the franchise.

(7) An advertisement which refers to a registered franchise under section 6(1), or to an exempted franchise under section 6(2)(a) or (b) of the act, shall contain, in letters of not less than 8-point type, the following legend:

"PURSUANT TO THE MICHIGAN FRANCHISE INVESTMENT LAW, SALES MAY NOT BE MADE UNLESS A PROSPECTUS HAS BEEN DELIVERED 1 WEEK PRIOR TO ENTERING INTO A FRANCHISE AGREEMENT OR PAYING CONSIDERATION."

(8) The franchisor shall disclose in any advertising placed in the communications media the required total initial and deferred franchise fee, or range of fees.

History: 1954 ACS 87, p. 88, Eff. Apr. 10, 1976.

R 445.802 Exempt communications; contents.

Rule 802. (1) A notice, circular, or other communication which is published or transmitted only after a registration or exemption pursuant to section 6(2)(a) or (b) of the act need not be filed with the administrator if the franchise is effective and the notice, circular, or communication contains only the statements required or permitted to be included therein by the following provisions of this rule.

(2) A communication shall include, subject to the requirements of these rules, the following items of information which need not follow the numerical sequence of this subrule:

(a) The name of the franchisor.

(b) An identification of the type of business to be conducted by the franchisee.

(c) The total initial and deferred franchise fee required to be made on a franchise purchase or, if the amount of the fee varies, the method of its determination or the probable price range.

(d) The name and address of the sender of the communication.

(e) The logotype or symbol of the franchisor, if desired by the franchisor.

(f) A statement, in letters of not less than 8-point type, that:

"PURSUANT TO THE MICHIGAN FRANCHISE INVESTMENT LAW, SALES MAY NOT BE MADE UNLESS A PROSPECTUS HAS BEEN DELIVERED 1 WEEK PRIOR TO ENTERING INTO A FRANCHISE AGREEMENT OR PAYING CONSIDERATION."

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(g) The correct legal name and address of the individual or organization from whom an offering prospectus may be obtained.

(3) A franchisor making an offering in reliance upon the exemptions of section 6(2)(e) or (f) of the act need not file advertising with the administrator unless this exemption is revoked by order of the administrator.

History: 1954 ACS 87, p. 89, Eff. Apr. 10, 1976.

R 445.803 False, fraudulent, misleading, and deceptive advertising.

Rule 803. (1) The following practices shall constitute, without limitation, false, fradulent, misleading, and deceptive advertising in connection with the offer or sale of a franchise:

(a) Failure to disclose in any communications media advertising the required total initial and deferred franchise fee for the franchise, or misrepresent, in any way, the fee.

(b) Misrepresentation of the training or management assistance available to the franchisee. The failure to disclose that little or none is provided, unless this requirement is waived by the administrator, constitutes a misrepresentation.

(c) Misrepresentation or causing confusion or misunderstanding regarding the source, sponsorship, approval, or certification of franchised goods or services.

(d) Dissemination of an advertisement in a language other than English without including therein the required disclosures or limitations on the offer advertised in the language principally used in the advertisement.

(e) Obtaining leads to prospective franchisees by placing classified advertisements designated or captioned "men wanted to train for . . . ," "help wanted," "employment," "business opportunities," or by words or terms of similar import, so as to represent directly or by implication that employment is being offered when, in fact, it is not.

(f) Designation or reference to sales representatives as "registrars," "counselors," "advisors," or words of similar import that misrepresent, in any manner, the titles, qualifications, training, experience, or status of salesmen, agents, employees, or other representatives.

(g) Representation in an advertisement that a person receive goods or services "free," "without charge," or any other term of similar import when the product or service is not, in fact, free.

(2) An advertisement of a guarantee or warranty relating to the sale of franchised goods and services to the franchisee, or relating to the repurchase of the goods, shall clearly and conspicuously disclose the following:

(a) The nature and extent of the guarantee, including disclosure of the following:

(i) The product or service being guaranteed.

(ii) The characteristics or properties of the designated product or service covered by or excluded from the guarantee.

(iii) The conditions one claiming under the guarantee shall meet before the guarantor will fulfill its obligation under the guarantee.

(b) The manner in which the guarantor will perform.

(c) The identity of the guarantor.

(3) A franchisor shall not advertise or represent that a product is guaranteed, or that it shall repurchase the product for a specified price, when it cannot promptly fulfill its obligations under the guarantee.

(4) Deceptive price advertising in connection with the offer or sale of a franchise includes, among other practices, the following:

(a) Falsely representing, in any manner, that goods or services are offered for sale at a reduction.

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(b) Representing that prices being charged are a reduction by "comparing" prices of goods of like kind and quality, where the comparison being made is not with other goods of essentially similar quality, obtainable in the area, and at an established price.

(c) Advertising a special price or limited offer to persons when, in fact, the offer is not limited and is being made to many persons on a mass advertising or marketing basis, or when the price is the same as that charged to those occupying a status similar to that of a franchisee.

History: 1954 ACS 87, p. 89, Eff. Apr. 10, 1976

R 445.804 Modification and republication of advertisement.

Rule 804. The administrator may, by order, require modification of an advertisement deemed false, fraudulent, misleading, or deceptive, and may require, prior to publication of a subsequent advertisement, publication of an advertisement in all media previously used by the franchisor, retracting the prior advertisement. A retraction, in language approved by the administrator, shall be in an advertisement at least as large as that originally used, and shall be as prominently displayed in the media as previously advertised.

History: 1954 ACS 87, p. 90, Eff. Apr. 10, 1976

PART 9. DECEPTIVE OR FRAUDULENT PRACTICES

R 445.901 Enumeration of deceptive or fraudulent practices.

Rule 901. Deceptive or fraudulent practices committed, directly or indirectly, in connection with the offer, sale, or purchase of a franchise include, but are not limited to, the following practices:

(a) Misrepresentation of, or failure to disclose, the required total initial and deferred franchise fee for the franchise.

(b) Misrepresentation of the training and management assistance available to the franchisee, or failure to disclose that little or none is available.

(c) Misrepresentation or failure to disclose that the franchisor does not have significant experience in the sale of the franchised product or service in this state.

(d) Failure to disclose that the franchisor does not have material information about the existence of a market for the product or service, if such is the case, or misrepresentation of that information.

(e) Misrepresentation of, or failure to disclose, the franchisor's efforts to sell or establish more franchises than it is reasonable to expect the market or market area for the particular franchise to sustain.

(f) Misrepresentation of the quantity or quality of the products or services to be sold or distributed through the franchise.

(g) Misrepresentation, or causing confusion or misunderstanding, regarding the source, sponsorship, approval, or certification of franchised goods or services.

(h) Representation that goods are new if they are deteriorated, altered, reconditioned, used, or secondhand, or failure to disclose such a condition.

(i) Misrepresentation of the number of franchisees the franchisor shall appoint or designate to operate within a given territory or shall locate within a given territory, or representation that a franchisee shall be or is the only franchisee appointed or located within a specified franchise territory when, in fact, the franchisee is not.

(j) Misrepresentation by failure to disclose, or otherwise, the termination, cancellation, reacquisition, transfer, or renewal provisions of a franchise agreement.

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(k) Falsely claiming or inferring that a primary marketer, other than franchisor of trademark products or services, sponsors or participates, directly or indirectly, in the franchise operation, or that the offeror has an affiliation, or connection with, or is attributed some special status by, the marketer.

(l) Representation that locations for the franchised business, facilities, machines, or other devices are secured, or shall be secured, by the franchisor when, in fact, they are not or shall not be.

(m) Representation that machines, equipment, products, or displays of a brand or kind are of a specific ability or nature when, in fact, they are not.

(n) Misrepresentation or failure to disclose that a person is being offered a franchise in a business, trade, or profession which requires a registration or license to conduct.

(o) Representation, in any manner, that goods or services are offered for sale at a reduced price when they are not.

(p) Representation of a reduction of prices being charged by "comparing" prices of goods of like kind and quality, where the comparison being made is not with other goods of essentially similar quality and obtainable in the area.

(q) Representing a special price or limited offer to persons when, in fact, the offer is not limited and is being made to many persons on a mass advertising or marketing basis, or the price is the same as that charged to those occupying a status similar to that of the franchisee.

History: 1954 ACS 87, p. 90. Eff. Apr. 10, 1976.

FINANCIAL INSTITUTIONS BUREAU

MORTGAGE AND HOME IMPROVEMENT LENDING PRACTICES

(By authority conferred on the commissioner of the financial institutions bureau by section 10 of Act No. 135 of the Public Acts of 1977, being §445.1610 of the Michigan Compiled Laws)

R 445.1001 Definitions and explanation of terms.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 135 of the Public Acts of 1977, being §§445.1601 to 445.1614 of the Michigan Compiled Laws.

(b) "Administrative procedures act" means Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

(c) "Branch office" or "service center," for purposes of the act, does not include an electronic funds transfer facility, nor does it include a branch or service center which is exclusively a drive-in branch or drive-in service center.

(d) "Bureau" means the financial institutions bureau of the Michigan department of commerce.

(e) "Denial of an application" includes a loan denied and a loan for which the terms or conditions are varied and not accepted by the applicant.

(f) "Junior lien" means a loan which is secured by other than a first lien, but does not include loans for home improvement purposes or loans secured by liens on multi-family dwellings.

(g) "Multi-family dwelling" means a dwelling designed for occupancy by more than 4 families.

(h) "Neighborhood," as defined in section 1(h) of the act, includes an area designated by a single zip code number under the zoning improvement plan of the United States postal service for any area located within a standard metro-

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politan statistical area that has not been assigned a census tract number as defined by the United States bureau of the census.

(i) "Participation in a mortgage loan" does not include a purchase by a credit granting institution of an interest in a pool of mortgage loans.

(2) An individual unit of a condominium or a cooperative shall be considered a single-family dwelling.

(3) A home improvement loan secured by a mortgage shall be considered a home improvement loan and not a mortgage loan.

History: 1954 ACS 96, p. 106, Eff. July 11, 1978.

R 445.1002 Forms, reports, and correspondence; providing requested copies within 2 or 10 business days.

Rule 2. (1) If the loan applicant requests copies of reports, forms, and correspondence pursuant to section 2(6) of the act within 30 days of the date he or she is notified of the denial of a loan application, the credit granting institution shall provide copies of the forms, reports, or correspondence within 2 business days of the receipt of a written request which includes the name and address of the loan applicant and which is signed by the loan applicant. If the request for copies is made later than 30 days after the notification of the denial, the credit granting institutions shall provide the requested copies within 10 business days of the receipt of the request.

(2) A credit granting institution which mails the requested copies of reports, forms, or correspondence shall be deemed in compliance with this rule if the mailing is postmarked before midnight of the second or tenth business day, as applicable, pursuant to subrule (1).

(3) A credit granting institution which fails to provide the copies of documents requested pursuant to this rule within the required time period shall not be considered in violation of the act if the failure to timely provide the copies was unintentional and resulted from a bona fide mistake notwithstanding the maintenance of procedures reasonably adopted to avoid error.

History: 1954 ACS 96, p. 107, Eff. July 11, 1978.

R 445.1003 "Loan inquiry" defined; furnishing copy of pamphlet or other documents.

Rule 3. (1) A "loan inquiry" means a request made in person or by telephone, letter, or other communication device relating to the prospects of obtaining a mortgage loan or home improvement loan.

(2) If a loan inquiry is made other than in person by the inquirer, the credit granting institution is not required to furnish a copy of the pamphlet or other documents prepared pursuant to section 2(9) of the act unless the inquirer gives his or her name and address to the credit granting institution.

History: 1954 ACS 96, p. 107, Eff. July 11, 1978.

R 445.1004 Required pamphlet or document; availability.

Rule 4. The pamphlet or document required to be made available pursuant to section 2(9) of the act shall be made available in the area of the office or service center of the credit granting institution where loan applications or loan inquiries are routinely received by the credit granting institution, and shall be placed where the public may obtain a copy without the aid of an employee of the credit granting institution.

History: 1954 ACS 96, p. 107, Eff. July 11, 1978.

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R 445.1005 Notice to inquirers and loan applicants; printing; posting.

Rule 5. (1) The written notice required by section 5 of the act shall be printed 18-point medium face type or larger. The notice shall be headed by the words, "Notice to inquirers and loan applicants," which heading shall be printed all in capital letters and 48-point boldface type or larger.

(2) The written notice required by section 5 of the act shall be posted in a conspicuous place in the area of the office or service center of the credit granting institution where loan applications or loan inquiries are routinely received by the credit granting institution.

History: 1954 ACS 96, p. 107, Eff. July 11, 1978.

R 445.1006 "Down payment as a percentage of the mortgage loan" defined.

Rule 6. For purposes of section 6 of the act:

(a) "Down payment as a percentage of the mortgage loan" means the purchase price minus the gross original principal balance of the mortgage, which difference shall be expressed as a percentage of the purchase price.

(b) If no cash down payment is made, or if the down payment is part cash and part other property, real or personal, the "down payment as a percentage of the mortgage loan" means the appraised value of the property used as security minus the gross original principal balance of the mortgage, which difference shall be expressed as a percentage of the appraised value.

(c) In the case of a refinancing of an existing mortgage loan, "down payment as a percentage of the mortgage loan" means the appraised value of the property used as security minus the principal balance after additional funds have been advanced, which difference shall be expressed as a percentage of the appraised value. If no appraisal is made incident to the refinancing, the last known purchase price may be used in lieu thereof.

History: 1954 ACS 96, p. 108, Eff. July 11, 1978.

R 445.1007 Computing average down payment, average annual percentage rate of interest, and average term of mortgage.

Rule 7. For purposes of section 6(3) of the act, if an average shall be disclosed, it shall be computed using the procedures set forth below. For mortgages loans made during the reporting period, the following procedures apply:

(a) To determine the average down payment, the credit granting institution shall compute the individual down payment percentages for each mortgage loan to be disclosed and compute the arithmetic mean of those percentages.

(b) To determine average annual percentage rate of interest, the credit granting institution shall compute an arithmetic mean of the annual percentage rates disclosed pursuant to the federal truth-in-lending act, 15 U.S.C. 1601 et seq. For loans not covered by the federal truth-in-lending act, the interest rate shall be the annual rate of interest computed on the unpaid balance, and if the interest rate is determined by a contractual formula, the interest rate disclosed shall be the interest rate initially effective under the contractual formula.

(c) To determine the average term of a mortgage loan, the credit granting institution shall compute an arithmetic mean of the terms to maturity of mortgage loans made. When a mortgage loan has a period to full amortization which is longer than the stated term to maturity of the loan, the credit granting institution shall use the stated term to maturity for purposes of computing average term of the mortgage loan.

History: 1954 ACS 96, p. 108, Eff. July 11, 1978.

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R 445.1008 Computing total assets of credit granting institution.

Rule 8. The assets of a majority-owned subsidiary of a credit granting institution which makes or purchases loans shall be combined with the assets of the credit granting institution when computing total assets pursuant to section 6(6) of the act, but the loans of that subsidiary may be disclosed separately or on a consolidated basis in the discretion of the credit granting institution.

History: 1954 ACS 98, p. 108, Eff. July 11, 1978.

R 445.1009 Disclosure; forms; approval; modification.

Rule 9. (1) Pursuant to section 6 of the act, a credit granting institution shall disclose information required to be disclosed by the act on forms prescribed by the commissioner or on forms which are substantially similar to the forms prescribed by the commissioner and subject to the approval of the commissioner. A proposed form sent by registered mail to the commissioner shall be deemed approved unless the commissioner determines that the forms are not substantially similar to the forms prescribed by the commissioner and the commissioner disapproves the form within 15 business days from the date of mailing.

(2) Nothing in these rules shall preclude the bureau from modifying the disclosure forms to facilitate the translation of data into machine readable form or from accepting the information to be disclosed pursuant to section 6 of the act from the credit granting institution by way of magnetic media or other machine readable form, provided the credit granting institution submits the information in a format prescribed by the bureau.

(3) A change or modification of the prescribed forms shall not be applicable to a credit granting institution unless the commissioner has given notice to the credit granting institution of the change or modification not less than 90 days prior to the end of the credit granting institution's fiscal year.

History: 1954 ACS 98, p. 108, Eff. July 11, 1978.

R 445.1010 Disclosure; fiscal year.

Rule 10. A credit granting institution subject to the disclosure requirements of the act before July 1, 1979, shall disclose information required by this act for all transactions occurring on or after July 1, 1978, and for each fiscal year thereafter. A credit granting institution subject to the disclosure requirements of the act before July 1, 1979, need only disclose for the period beginning July 1, 1978, and ending with its fiscal year end and for each fiscal year thereafter. A credit granting institution which becomes subject to the disclosure requirements on or after July 1, 1979, shall disclose information required by the act for each fiscal year beginning with its first fiscal year ending after the date it becomes subject to the act and for each fiscal year thereafter.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1011 Disclosure statement; filing.

Rule 11. The credit granting institution shall file the disclosure statement required by section 6 of the act and these rules with the commissioner not later than 90 days after the end of its fiscal year.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1012 Mortgage loans and home improvement loans; disclosure by census tract or zip code.

Rule 12. For purposes of section 6 of the act, mortgage loans and home improvement loans shall be disclosed by census tract or zip code, as appropriate,

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according to the location of the property to be used as security for the loan or if the loan is unsecured, according to the location of the structure to be improved.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1013 Loans secured by property outside Michigan made or purchased by credit granting institution; disclosure by zip code.

Rule 13. (1) Whenever disclosure is required by the act, a loan purchased by a credit granting institution secured by property located outside the state of Michigan, and a loan made by a credit granting institution secured solely by property located outside the state of Michigan, shall be disclosed by the zip code number of the area where the property is located.

(2) A credit granting institution with offices in Michigan as well as in other states, in complying with sections 6(2), 6(3), and 6(4) of the act, need only disclose data pertaining to loans which are secured by property located in this state and loans, the proceeds of which are to be used to improve structures located in this state. Loans made by the Michigan office or offices of a credit granting institution secured by property located in other states and loans made to improve structures located in other states shall be disclosed by zip code.

(3) Pursuant to section 6(2) of the act, a credit granting institution may disclose the number and dollar amount of mortgage and home improvement loans made outside standard metropolitan statistical areas by zip code and shall disclose the number and dollar amount of mortgage and home improvement loans by census tract for loans made within a standard metropolitan statistical area in Michigan.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1014 Standard metropolitan statistical area, census tract, and zip code boundaries; use during reporting period.

Rule 14. The standard metropolitan statistical area, census tract, and zip code boundaries in effect on the first day of the reporting period shall be used throughout the reporting period to which a disclosure relates.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1015 Loans originated or purchased by credit granting institution; reporting principal amount or balance; principal balance of purchased home improvement loan.

Rule 15. (1) A credit granting institution shall report the original principal amount of loans originated by the institution and the unpaid principal balances at time of purchase of loans purchased during each fiscal year.

(2) A loan made or purchased jointly or cooperatively shall be reported by each credit granting institution to the extent of its interest in the loan.

(3) The principal balance of a purchased home improvement loan may include unpaid finance charges.

History: 1954 ACS 98, p. 109, Eff. July 11, 1978.

R 445.1016 Mortgage loan foreclosures; disclosures; "foreclosure" defined.

Rule 16. (1) For purposes of section 6(4) of the act, a credit granting institution shall disclose information on mortgage loans foreclosed by it or in which it participated in the foreclosure, regardless of whether it made the loan or purchased the loan, in whole or in part.

(2) For purposes of section 6 of the act, "foreclosure" means the expiration of the period of redemption after the sale of the mortgaged property under a power of sale or judgment of foreclosure, or the receipt by the credit granting institution of a deed in lieu of foreclosure.

History: 1954 ACS 98, p. 110, Eff. July 11, 1978.

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R 445.1017 Loans not subject to disclosure provisions of act.

Rule 17. A loan originated or purchased by a credit granting institution when acting in a fiduciary capacity is not subject to the disclosure provisions of this act unless 1 of the purposes of the trust or other entity represented by the fiduciary is to make or purchase mortgage loans.

History: 1954 ACS 98, p. 110, Eff. July 11, 1978.

R 445.1018 Exclusion of certain information in disclosure reports.

Rule 18. (1) For purposes of section 6(3)(a) of the act, a credit granting institution shall not include in its disclosure reports any information on purchased mortgage loans.

(2) For purposes of section 6(3)(a) of the act, a credit granting institution shall not include in its disclosure reports any information on home improvement loans, secured or unsecured.

(3) For purposes of section 6(3)(b) of the act, a credit granting institution shall not include in its disclosure reports any information on home improvement loans purchased from credit granting institutions located in Michigan that are subject to the disclosure provisions of the act.

History: 1954 ACS 98, p. 110, Eff. July 11, 1978.

R 445.1019 Disclosed data; review; report; methods of tabulation and analysis.

Rule 19. In reviewing the data disclosed pursuant to section 6 of the act, the commissioner shall employ whatever methods of tabulation and analysis as the commissioner deems necessary and appropriate in order to prepare the report required pursuant to section 8(2) of the act. The methods of tabulation and analysis may include, but shall not be limited to, the following: frequency distributions, tally sheets, statistical maps, multiple regression analysis, contingency tables, and various tests of significance.

History: 1954 ACS 98, p. 110, Eff. July 11, 1978.

R 445.1020 Disclosure report; public inspection at credit granting institution; copies.

Rule 20. A disclosure report required to be made available by a credit granting institution pursuant to section 6 of the act shall be made available to anyone requesting it for inspection during the hours which the credit granting institution's office is normally open to the public for business. Copies shall be made available to the public at the main office of the credit granting institution at a cost not to exceed the reasonable cost of reproduction. A credit granting institution may make available copies of information disclosed at any additional offices in its discretion and it may disclose on its reports any additional information it deems relevant to its actions and policies as a credit granting institution. Additional information voluntarily disclosed shall be listed separately and identified as additional or supplemental information.

History: 1954 ACS 98, p. 110, Eff. July 11, 1978.

R 445.1021 Information and reports filed with commissioner; public inspection; copies; commissioner's reports; copies.

Rule 21. (1) The commissioner shall make available for public inspection and copying all information filed with the commissioner pursuant to section 6 of the act.

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(2) The commissioner shall, upon request, either in person or in writing, and upon the payment of the reasonable cost of duplication, promptly furnish copies of reports filed pursuant to section 6 of the act.

(3) The commissioner shall make available, upon request, copies of supporting data utilized by the commissioner in compiling reports pursuant to section 8 of the act at a cost which shall not exceed the reasonable cost of duplication.

(4) The commissioner shall make a copy of the annual report prepared pursuant to section 8(2) of the act available to any person who makes a written request therefor, at a cost not to exceed the actual and reasonable expense of duplicating the report.

History: 1954 ACS 96, p. 110, Eff. July 11, 1978.

R 445.1022 Complaint; form; completion by bureau personnel.

Rule 22. (1) The commissioner shall provide a complaint form to a person who desires to file a written complaint alleging a violation of the act. The complaint form shall be as set forth in subrule (3). If the commissioner determines that a written complaint letter contains sufficient information, bureau personnel shall complete the complaint form on behalf of the complainant.

(2) The commissioner shall provide copies of the complaint form to each depository credit granting institution in Michigan. The commissioner shall also provide copies of the complaint form to each nondepository credit granting institution upon receipt of notification by the nondepository credit granting institution of its name and address. A credit granting institution may duplicate the complaint form in order to provide sufficient copies of the form for use by its loan applicants.

(3) The complaint form is as follows:

Complaint #_____

REDLINING COMPLAINT FORM

Please fill out this form as completely as possible. If you need assistance in completing the form, please call the Financial Institutions Bureau at this telephone number: (517) 373-8674.

	COMPLAINANT	INSTITUTION
NAME		
NUMBER & STREET		
CITY, STATE, & ZIP		
TELEPHONE		

Best time to reach you for information: _____

LOAN APPLIED FOR:
☐ Mortgage Loan
☐ Home Improvement Loan

INSTITUTION'S ACTION:
☐ Loan Denied
☐ Loan Terms Varied

REASONS FOR COMPLAINT

☐ I wasn't allowed to file a written loan application.
☐ I made a loan inquiry, but didn't receive a copy of the lender's pamphlet on lending policies.

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- ☐ I asked for and did not receive a copy of the lender's annual disclosure statement. (There may be a charge for the statements.)
- ☐ The notice of my rights under the anti-redlining law was not posted.
- ☐ The lender did not give me a written statement of the reasons why my loan was denied.
- ☐ I did not accept the loan offered to me because the terms of the loan were different from those I applied for. After I rejected the offered loan, the lender did not give me a written statement of the reasons why the terms were different.
- ☐ The lender refused to provide copies of papers relating to my denied loan application or the loan I refused because the terms were different.
- ☐ I believe the lender is offering loan terms in my neighborhood which are different from those offered in other neighborhoods.
- ☐ The property was unfairly appraised because of its neighborhood.

I feel my loan application was treated unfairly because:

- ☐ Of the age of the house on the property.
- ☐ Of the age of neighboring buildings.
- ☐ Of racial or ethnic characteristics in the neighborhood.
- ☐ Of the condition of buildings more than 750 feet from the property being considered.
- ☐ The lender did not consider the existence of community organizations or programs designed to improve the neighborhood.

ADDITIONAL COMMENTS

If you need more space for details please use reverse side of this form.

If you want your loan application reconsidered, send this completed form to your local mortgage review board at:

If you would like your complaint investigated, send this completed form to:

Department of Commerce
Financial Institutions Bureau
Urban Investment Unit
P.O.Box 30224
Lansing, MI 48909

You may send the complaint form to both your mortgage review board and the Financial Institutions Bureau.

YOU SHOULD BE AWARE THAT ALL INFORMATION DISCLOSED ON THIS FORM WILL BECOME A PART OF THE INVESTIGATING AGENCY'S FILES AND MAY BE DISCLOSED, DURING THE COURSE OF AN INVESTIGATION, TO THE INSTITUTION AND TO OTHER INTERESTED PARTIES. AN INVESTIGATOR MAY CONTACT YOU FOR MORE DETAILED INFORMATION.

_____
Complainant's Signature

_____
Date

History: 1954 ACS 98, p. 111, Eff. July 11, 1978.

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R 445.1023 Complaint form; provision by credit granting institution; request.

Rule 23. The complaint form prescribed by R 445.1022(3) shall be provided by a credit granting institution, upon written request, mailed or delivered to any office of the credit granting institution, or upon a request made in person at the main office of the credit granting institution in the area of the main office where loan applications or loan inquiries are routinely received by the credit granting institution.

History: 1954 ACS 96, p. 112, Eff. July 11, 1978.

R 445.1024 Investigation generally.

Rule 24. An investigation conducted by the commissioner pursuant to section 8 of the act may include an inspection of the credit granting institution's books, records, papers, documents, or things relating to an alleged violation of the act.

History: 1954 ACS 96, p. 112, Eff. July 11, 1978.

R 445.1025 Investigation; commencement; notice to credit granting institution; contents.

Rule 25. To commence an investigation, the commissioner shall notify the credit granting institution, in writing, addressed to the chief executive officer of the credit granting institution, that the commissioner is conducting an investigation of an alleged violation. The notice shall include a statement of the alleged violation and identify the subject matter of the investigation with reasonable specificity so as to enable the credit granting institution to identify and assemble its records relating to the complaint. The notice may include specific questions, the answers to which the commissioner deems necessary to complete the investigation. A copy of the complaint shall be included with the notice required by this rule.

History: 1954 ACS 96, p. 112, Eff. July 11, 1978.

R 445.1026 Notice of commencement of investigation; contents.

Rule 26. The notice of commencement of the investigation shall designate the date and time, not less than 10 days after the date of the notice, at which the commissioner or the commissioner's designated representative shall personally appear at the main office or such other office of the credit granting institution, as designated by the commissioner, to inspect the records, papers, documents, or things relating to the subject matter of the alleged violation. Alternatively, in the discretion of the commissioner, the notice shall request a written response to the investigation, which shall include copies of all relevant documents and which response shall be signed by an officer of the credit granting institution verifying that the response includes all relevant information relating to the subject of the complaint, including answers to specific questions included in the notice of investigation.

History: 1954 ACS 96, p. 112, Eff. July 11, 1978.

R 445.1027 Hearing; parties.

Rule 27. In the discretion of the commissioner, a hearing may be conducted on a complaint. In addition to the person who has made the complaint or that person's designated representative or representatives and the credit granting institution through its designated representative or representatives, parties to a

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hearing shall be the bureau and any other person, agency, or organization named or admitted, or properly seeking and entitled of right to be admitted, as a party. The commissioner or the hearing officer may, pursuant to the administrative procedures act, admit other interested persons as parties who appear at the hearing, request admittance as a party, and demonstrate a substantial interest in the outcome of the hearing.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1028 Hearing; applicable law; location; investigation deemed completed; final decision or order.

Rule 28. A hearing conducted pursuant to section 8 of the act shall be conducted in accordance with these rules and with the requirements of the administrative procedures act. The hearing shall be held at a place within the county where the real property which is the subject matter of the complaint is located, unless all parties agree otherwise. An investigation shall be deemed to have been completed if a hearing on the complaint is held within 60 days of the receipt of the written complaint, and a reasonable time thereafter, not to exceed 30 days, shall be allowed for the commissioner to issue a final decision or order.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1029 Hearing; notice; request for notice of hearings; renewal.

Rule 29. If a hearing is to be held on a complaint pursuant to section 8 of the act, a notice of hearing shall be served on the parties not less than 10 days before the scheduled date of the hearing. Interested persons or organizations may, in writing, request the bureau for notice of all hearings to be conducted pursuant to the act. The request may be renewed annually in December of each year by returning a request renewal form, which the bureau shall mail to the last address specified by the person or organization.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1030 Violation of act; fine; recommendation in proposal for decision or decision.

Rule 30. If the proposal for decision issued by the hearing officer, and served upon the parties pursuant to section 81 of the administrative procedures act, or the decision of the commissioner, is that the credit granting institution has violated the act, the proposal for decision or the decision shall contain a recommendation stating whether a fine should be imposed pursuant to section 12 of the act.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1031 Violation of act; finding by commissioner; assessment of fine; hearing.

Rule 31. If the commissioner finds, pursuant to section 8 of the act and these rules, that a credit granting institution is violating or has violated the act and proposes to assess a fine pursuant to section 12 of the act, the commissioner shall provide the credit granting institution an opportunity for a hearing for the purpose of determining the amount of the fine to be assessed. The credit granting institution may consent to the assessment and pay the fine or contest the assessment pursuant to section 12 of the act.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

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R 445.1032 Assessment of fine without investigatory hearing; opportunity for hearing.

Rule 32. If the commissioner proposes to assess a fine pursuant to section 12 of the act, and if an investigatory hearing has not been held prior to the finding that a credit granting institution is violating or has violated the act, an opportunity for a hearing shall be provided to the credit granting institution to present oral and written evidence and arguments on both of the following:

(a) Whether the credit granting institution has violated or is violating the act.

(b) The fine proposed to be assessed for the violation or violations.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1033 Violation of act; finding by a court; assessment of fine without hearing.

Rule 33. Notwithstanding R 445.1032, if a court has found that a credit granting institution is violating or has violated the act, the commissioner need not conduct a hearing on whether the credit granting institution is violating or has violated the act and may assess a fine pursuant to the act and these rules. If a court has found a credit granting institution has not violated the act, the finding of the court shall be binding on the commissioner.

History: 1954 ACS 98, p. 113, Eff. July 11, 1978.

R 445.1034 Proposed assessment of fine; notice.

Rule 34. The commissioner shall serve written notice on the credit granting institution, addressed to the chief executive officer, of the hearing on the proposed assessment of the fine. The notice shall designate the amount of the fine, the violation or violations committed by the credit granting institution, the date, not less than 10 days after the date of the notice, time, and place when a hearing on the proposed assessment of the fine is to be held.

History: 1954 ACS 98, p. 114, Eff. July 11, 1978.

R 445.1035 Proposed assessment of fine; hearing; parties.

Rule 35. Parties to a hearing on the proposed assessment of a fine shall be the credit granting institution through its designated representative or representatives and the bureau. The commissioner or the hearing officer conducting the hearing may admit other interested persons as parties in his or her discretion for the purpose of introducing evidence on the issues set forth in section 12 of the act. In the case of a hearing on a fine proposed to be assessed subsequent to a finding of a violation of the act pursuant to the filing of a complaint, the complainant or its representative shall be provided an opportunity to be a witness at the hearing. To expedite the hearing, the commissioner or the hearing officer, in his or her discretion, may limit the number of witnesses which represent a multi-member group or organization.

History: 1954 ACS 98, p. 114, Eff. July 11, 1978.

R 445.1036 Fine; amount; contest; hearing.

Rule 36. If a credit granting institution contests the amount of the fine proposed to be assessed by the commissioner and requests a hearing, the issues shall be as set forth in section 12 of the act.

History: 1954 ACS 98, p. 114, Eff. July 11, 1978.

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445.1037 Hearing; order; payment of fine.

Rule 37. Upon completion of the hearing on the amount of the fine assessed, ıe commissioner shall issue an appropriate order. A fine assessed against a credit ranting institution shall be payable to the "State of Michigan" for deposit in the eneral fund and shall be paid within 30 days from the date of the order unless :ayed by further order of the commissioner or order of the court.

History: 1954 ACS 96, p. 114, Eff. July 11, 1978.

445.1038 Disclosure forms; list of items to be disclosed.

Rule 38. In preparation of the disclosure forms, the following provisions apply:

(a) A credit granting institution which discloses information relating to mort-;age loans pursuant to the federal home mortgage disclosure act of 1975, 12 J.S.C. §2801 et seq., shall furnish a copy of all disclosure statements to the bureau.

(b) A credit granting institution which is not subject to the federal home nortgage disclosure act which must disclose information pursuant to section 6(2))f the act, shall furnish information to the bureau on forms which conform in form ınd substance to those forms required by the federal home mortgage disclosure ıct and the regulations promulgated thereunder.

(c) A credit granting institution subject to the act shall disclose the information ;et forth in this subdivision, pursuant to section 6(3) and 6(4) of the act, by census :ract for neighborhoods located within standard metropolitan statistical areas and by zip code for neighborhoods located outside standard metropolitan statistical areas. If an area within a standard metropolitan statistical area has not been tracted as a census tract by the United States office of management and budget, information shall be disclosed for that area by zip code.

(d) Information disclosed pursuant to section 6(3)(a) of the act shall not include loans purchased by the reporting institution and shall be as follows:

(i) Average downpayment as a percentage of mortgage loans, as defined by these rules, secured by first liens on 1-4 family owner-occupied structures, excluding loans for home improvements and loans insured or guaranteed by the United States government or an agency thereof.

(ii) Average downpayment as a percentage of mortgage loans, as defined by these rules, secured by first liens on multi-family dwellings, excluding loans for home improvements and loans insured or guaranteed by the United States government or an agency thereof.

(iii) Average downpayment as a percentage of mortgage loans, as defined by these rules, secured by first liens on 1-4 family nonowner-occupied structures, excluding loans for home improvements and loans insured or guaranteed by the United States government or an agency thereof.

(iv) Average annual percentage rate, as defined by these rules, of mortgage loans secured by first liens on 1-4 family owner-occupied structures, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(v) Average annual percentage rate, as defined by these rules, of mortgage loans secured by first liens on multi-family dwellings, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(vi) Average annual percentage rate of mortgage loans, as defined by these rules, secured by junior liens on real property, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

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(vii) Average annual percentage rate of mortgage loans, as defined by these rules, secured by first liens on 1-4 family nonowner-occupied structures, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(viii) Average term of mortgage loans, as defined by these rules, secured by first liens on 1-4 family owner-occupied structures, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(ix) Average term of mortgage loans, as defined by these rules, secured by junior liens on real property, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(x) Average term of mortgage loans, as defined by these rules, secured by first liens on multi-family dwellings, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(xi) Average term of mortgage loans, as defined by these rules, secured by first liens on 1-4 family nonowner-occupied structures, excluding loans for home improvement purposes and loans insured or guaranteed by the United States government or an agency thereof.

(e) A credit granting institution shall disclose, by neighborhood, the number and dollar amount of home improvement loans.

(f) A credit granting institution shall disclose, by neighborhood, the number of loan applications denied and the reasons for denial.

(g) A credit granting institution shall prepare a frequency table to report reasons for denial, by neighborhood, in each of the following categories of loans:

(i) Total home improvement loans, except loans secured by multi-family dwellings.

(ii) Loans secured by junior liens, excluding liens secured by junior liens purchased and loans secured by multi-family dwellings.

(iii) FHA, FMHA, or VA loans, except loans secured by multi-family dwellings.

(iv) Conventional mortgage loans, except loans secured by multi-family dwellings.

(v) Loans on nonowner-occupied structures, except loans secured by multi-family dwellings.

(h) A credit granting institution shall use as the reasons for denial those reasons which the credit granting institution provided to the applicant pursuant to section 2(5) of the act. The frequency table prepared pursuant to subdivision (g) shall be in a format similar to the following, which is provided only as an example:

(i) Inadequate credit record.

(ii) Inadequate employment record.

(iii) Income insufficient to support loan.

(iv) Low appraised value of structure.

(v) Structure's limited useful life.

(vi) Downpayment too low.

(vii) Poor physical condition of neighboring structures.

(viii) Unavailability of mortgage money.

(ix) Application withdrawn.

(x) Loan terms varied and refused.

(xi) Fails to meet minimum ratio of housing expense debt service to income.

(xii) Fails to meet minimum ratio of prescribed total monthly obligations to income.

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(xiii) Mortgage insurance denied by external firm.

(xiv) Other structures within 750 feet are considered in poor physical condition or have a probable useful life which is too short.

(xv) Loan applicant fails to meet public program guidelines, for example, those provided by MSHDA, FHA, and VA.

(i) A credit granting institution shall disclose, by neighborhood, the number and total dollar amount of mortgage loans secured by junior liens on real property, excluding loans secured by junior liens purchased and loans secured by liens on multi-family dwellings.

(j) A credit granting institution shall report, for each neighborhood, the appropriate county code, as designated by the national bureau of standards.

(k) A credit granting institution which is subject to the disclosure requirements of the act shall disclose, by neighborhood, the number and total dollar amount of mortgage loans foreclosed for each of the following categories:

(i) Loans secured by junior liens, excluding loans secured by junior liens purchased and loans secured by multi-family dwellings.

(ii) FHA, FMHA, or VA loans, except loans secured by multi-family dwellings.

(iii) Conventional mortgage loans, except loans secured by multi-family dwellings.

(iv) Loans on nonowner-occupied structures, except loans secured by multi-family dwellings.

History: 1954 ACS 98, p. 114, Eff. July 11, 1978.

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DEPARTMENT OF TREASURY

CORPORATION TAX APPEAL BOARD

PRACTICE AND PROCEDURE

(By authority conferred upon the corporation tax appeal board by sections 9 and 10 of Act No. 85 of the Public Acts of 1921, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, being §§450.309, 450.310, and 24.233 of the Michigan Compiled Laws)

R 450.1—R 450.22 Rescinded.

History: 1954 ACS 12, pp. 49-54, Eff. Nov. 21, 1957; rescinded 1954 ACS 77, p. 165, Eff. Sept. 26, 1973.

R 450.51 Definitions.

Rule 1. (1) "Board" means the corporation tax appeal board.

(2) "Division" means the corporation franchise fee division.

(3) "Secretary" means the secretary of the corporation tax appeal board.

History: 1954 ACS 77, p. 162, Eff. Sept. 26, 1973.

R 450.52 Business office.

Rule 2. All pleadings required to be filed with the board shall be filed with the secretary in the office of the Department of State, Treasury Building, Lansing, Michigan 48918.

History: 1954 ACS 77, p. 162, Eff. Sept. 26, 1973.

R 450.53 Form and style of papers.

Rule 3. (1) All pleadings filed with the board shall be either printed or typewritten, and if typewritten, shall be on only 1 side of plain white paper. Paper shall be no more than 8½ inches wide and 13 inches long. Copies shall be legible but may be on any weight paper. Citations shall be in italics when printed and underscored when typewritten.

(2) A descriptive caption shall be placed on all papers filed. Where the written signature of a corporation is required it shall be signed in the name of the corporation by an officer active in the management of its corporate affairs whose name and title shall likewise be subscribed. The mailing address of a party filing pleadings under the provisions of these rules shall be typed or printed beneath the party's written signature.

History: 1954 ACS 77, p. 162, Eff. Sept. 26, 1973.

R 450.54 Appeals from determination of tax.

Rule 4. An appeal to the corporation tax appeal board pursuant to section 93 of Act No. 327 of the Public Acts of 1931, as amended, being §450.93 of the Michigan Compiled Laws, shall be initiated by filing a petition of appeal with the board within 10 days after receipt by appellant from the division of its decision on the determination of a franchise fee, as provided in section 93 of the act.

History: 1954 ACS 77, p. 162, Eff. Sept. 26, 1973.

R 450.55 Appeals from redetermination of annual privilege fee.

Rule 5. (1) An appeal to the board pursuant to section 9 of Act No. 85 of the Public Acts of 1921, as amended, being §450.309 of the Michigan Compiled Laws,

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shall be initiated by filing a petition of appeal with the board within 30 days after receipt by appellant from the division of its redetermination of the annual privilege fee, as provided in section 9 of the act.

History: 1954 ACS 77, p. 162, Eff. Sept. 26, 1973.

R 450.56 Appeals from ruling on claim for refund.

Rule 6. An appeal to the board pursuant to section 10 of Act No. 85 of the Public Acts of 1921, as amended, being §450.310 of the Michigan Compiled Laws, shall be initiated by filing a petition of appeal for refund with the board within 30 days after receipt by appellant from the division of its ruling on a petition for refund, as provided in section 10 of the act.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.57 Computation of time; extensions; notice.

Rule 7. (1) In determining the computation of the appeal periods of 10 and 30 days respectively, the day of receipt of the decision, redetermination or ruling of the division or notification thereof shall in each case be excluded and the day of filing of the petition of appeal with the board shall be included.

(2) An extension of time for the filing of a petition of appeal shall not be granted by the board. A petition not filed within the time required by this rule shall be rejected by the board and the appeal dismissed. A petition of appeal filed within the appeal period may, thereafter, be amended as provided in R 450.68.

(3) Upon the filing of a petition of appeal with the board, the appellant shall give notice of such filing to the division by complying with R 450.61 and shall request the division to promptly prepare and forward to the secretary a certified copy of the record of the proceedings before the division resulting in the decision, redetermination or ruling from which appeal is taken.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.58 Form of petition of appeal

Rule 8. A petition of appeal from a decision, redetermination or ruling by the division shall be in the form prescribed by the board.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.59 Filing and copies.

Rule 9. The petition of appeal and other pleadings to be filed by the parties with the board shall be deemed properly filed when the original and 6 duplicate copies thereof are deposited with the secretary in the office of the Department of State, Treasury Building, Lansing, Michigan 48918. Distribution of copies will be the responsibility of the secretary.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.60 Docket numbers.

Rule 10. Upon receipt of the original petition of appeal the secretary shall assign a docket number to the case and note the same on all copies before making distribution. The number assigned shall be placed by the parties on all documents and papers thereafter filed in the proceeding.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.61 Notice to parties.

Rule 11. At the time of filing with the secretary under R 450.57 the party filing shall give notice to the adverse party by delivering or mailing a written notice to

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the adverse party or his attorney, specifying the pleading filed and the date. Proof of service of notice shall be made by filing an affidavit within 10 days in the office of the secretary.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.62 Answers.

Rule 12. (1) The division shall file an answer or other pleading to the petition of appeal within 15 days from the date of receipt of the petition unless the time for filing be extended by the board upon a proper showing. The answer shall be verified and shall fully advise the appellant and the board of the nature of the defense. It shall contain a specific admission or denial of each material allegation of fact, contained in the petition and a statement of additional facts or affirmative defenses to be relied upon by the division.

(2) Each paragraph contained in the answer shall be numbered to correspond as near as may be with the numbered paragraphs of the petition.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.63 Hearing dates and notices.

Rule 13. (1) Upon the case being at issue on the pleadings, the board shall fix a time for hearing within 60 days thereafter unless for good cause shown the time is extended by order of the board. At the time fixed for hearing the board shall proceed with the disposition of a contested case. The board may make informal disposition at the time set for hearing of a case which is uncontested by virtue of stipulation by the parties, agreed settlement, consent order or default.

(2) The secretary shall mail a written notice of the time and place for hearing to all parties and to their attorneys at least 10 days prior to the day of hearing.

History: 1954 ACS 77, p. 163, Eff. Sept. 26, 1973.

R 450.64 Conduct of hearings.

Rule 14. (1) A hearing before the board shall be public except that the board, for good cause shown, may exclude from the hearing a person having no direct interest therein.

(2) At a hearing before the board, either party shall have the right to be represented by counsel, to present and examine witnesses with the right of cross-examination by the adverse party, and to produce and offer in evidence, books, records, documents and other papers. The board may require the production of books, records and other documents as well as the appearance and testimony of any officer or employee of either party to ascertain facts and information which the board deems pertinent to the issues involved. Failure to comply with an order of the board constitutes grounds for the entry of an order by the board as it deems to be appropriate under the circumstances.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

R 450.65 Continuances.

Rule 15. A continuance will not be granted by the board due to the unexcused absence of a party or his attorney at the time and place of any scheduled hearing but the board may act notwithstanding the unexcused absence.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

R 450.66 Evidence.

Rule 16. (1) The rules of evidence applicable to proceedings in circuit courts in chancery in this state shall apply so far as practicable but the board may admit

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ıy evidence which possesses probative value. Recognition shall be given to the ·identiary rules of privilege. The board may exclude incompetent, immaterial ıd unduly repetitious evidence.

(2) The board shall take judicial notice without further identification of the ıntents of original records and documents in the possession of the division when ıly certified copies are offered in evidence and made a part of the record in any ıse before the board in the form of copies or excerpts or by incorporation by ·ference.

(3) A document or article offered in evidence by either party at a hearing ·fore the board shall be marked as an exhibit. An exhibit offered by appellant ıall be marked "Appellant's Exhibit _____" and shall be consecutively ımbered. An exhibit offered by appellee shall be marked "Appellee's Exhibit _____" and shall be consecutively numbered.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

450.67 Stipulations.

Rule 17. At any time before final submission of the case, the parties may agree ; to any fact by stipulating in writing or on the record. Written stipulations of fact ıall be marked as an exhibit and offered in evidence at the hearing but the ontents or any part thereof shall be subject to objection under the rules of vidence at the time the offer is made.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

450.68 Amendments to pleadings.

Rule 18. Pleadings may be amended at any time prior to 10 days before the ay set for the initial hearing of the case. Amendments to pleadings may ıereafter be made only upon motion granted by the chairman of the board. A opy of the amendment or amendments proposed to be filed shall be attached to ıe motion.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

450.69 Briefs.

Rule 19. Briefs and reply briefs may be filed by the parties or their attorneys ıior to submission of the case but if filed thereafter shall be filed within the time lesignated by the chairman of the board. Filing shall be made with the secretary ı accordance with R 450.59.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

450.70 Transcripts.

Rule 20. An official reporter is not provided by the board. Either party lesiring a transcript of the testimony and proceedings at any hearing before the ıoard may make arrangements, at its own expense, for the reporting and ranscription thereof by a competent reporter, if the complete record so reported s transcribed and 3 legible copies are furnished without cost to the board and ·iled with the secretary.

History: 1954 ACS 77, p. 164, Eff. Sept. 26, 1973.

450.71 Supplemental information.

Rule 21. With notice to the adverse party, at any time before issuing its final decision the board may require the division to submit to the board additional information, factors and formulae upon such terms and conditions as the board may impose. The board shall fix a time and place for further hearing and give notice thereof to the parties.

History: 1954 ACS 77, p. 165, Eff. Sept. 26, 1973.

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R 450.72 Decisions of the board.

Rule 22. Decisions of the board in a contested case shall be in writing and shall contain findings of fact, conclusions of law and the board's decision or order. In a contested case when all members of the board have not heard or read the evidence, a final decision or order shall not be made by the board until a proposal for decision or order, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present written argument to a majority of the board. Each member of the board shall consider the whole record or such portions thereof as may be cited by a party. In each contested case the final decision of the board and 6 duplicate copies shall be filed with the secretary who will make distribution.

History: 1954 ACS 77, p. 165, Eff. Sept. 26, 1973.

R 450.73 Representation of parties.

Rule 23. Practice before the board shall be limited to attorneys in good standing and to duly elected officers of the appellant corporation.

History: 1954 ACS 77, p. 165, Eff. Sept. 26, 1973.

R 450.74 Rescission.

Rule 24. The rules entitled "Rules of Practice and Procedure," being R 450.1 to R 450.22 of the Michigan Administrative Code and appearing on pages 733 to 738 of the 1957 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 77, p. 165, Eff. Sept. 26, 1973.

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DEPARTMENT OF COMMERCE

SECURITIES

R 451.1—R 451.208 Rescinded.

History: 1944 AC, pp. 173-181; 1944 ACS 4, p. 18; 1944 ACS 37, pp. 13, 14; 1954 AC, pp. 5501-5514; 1954 ACS 4, p. 12, Eff. Dec. 23, 955; 1954 ACS 11, pp. 28, 29, Eff. Aug. 14, 1957; rescinded 1954 ACS 55, p. 42, Eff. Aug. 14, 1968.

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DEPARTMENT OF LICENSING AND REGULATION

OFFICE OF DIRECTOR

REAL ESTATE DIVISION

R 451.301—R 451.407 Rescinded.

History: 1944 AC, pp. 181-183; 1944 ACS 15, p. 5; 1944 ACS 33, p. 17; 1944 ACS 36, p. 11; 1944 ACS 37, pp. 14, 15; 1954 AC, pp. 5514-5519; 1954 ACS 2, p. 12, Eff. May 13, 1955; 1954 ACS 23, p. 33, Eff. Aug. 12, 1960; rescinded 1954 ACS 75, p. 27, Eff. Apr. 3, 1973.

RESIDENTIAL BUILDING CONTRACTORS' DIVISION

(By authority of Act No. 208 of the Public Acts of 1953, being §338.971 et seq. of the Michigan Compiled Laws)

DISHONEST AND UNFAIR DEALING

R 451.501 Agreements.

Rule 1. A residential builder or residential maintenance and alteration contractor shall deliver to his customer an executed copy of all agreements between them, including plans and specifications. It is the responsibility of the licensee to make certain that all such writings are definite in their terms and sufficiently express the intention of the parties with regard to the transaction as to type and amount of work to be done, the type and quality of material to be used and the responsibility of the parties to adhere to applicable building and zoning regulations.

History: 1944 ACS 36, pp. 9-10; 1954 AC, p. 5519.

R 451.502 Cause for revocation.

Rule 2. Any cause for which a license could be denied upon application shall be cause for revocation.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5519.

R 451.503 Conducting licensed business under any other name; licensee's interest in unlicensed organization.

Rule 3. A residential builder or residential maintenance and alteration contractor shall not conduct his business under any other name than the one in which he is licensed, and no licensee or officer or builder of any corporation or partnership licensed as a residential builder or residential maintenance and alteration contractor shall have any interest, direct or indirect, in any unlicensed organization engaged as a builder or residential maintenance and alteration contractor.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5519.

R 451.504 Advertising.

Rule 4. A residential builder or residential maintenance and alteration contractor shall not advertise by line or advertisement or otherwise to sell, erect, construct, alter or repair a residential building or offer to undertake or purport to have the capacity to undertake with another for the sale, erection, construction, alteration or repair of a residential building in a manner indicating that the offer to sell, construct, repair or alter a residential building is being made by a private party, not engaged in the business of a residential builder or residential maintenance and alteration contractor, and no advertisement shall be inserted in any

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publication where only a post office box number, telephone number or street address appears. Every residential builder or residential maintenance and alteration contractor shall when advertising his product, either through liner or otherwise, affirmatively and unmistakably indicate that the seller is a business concern and not a private party or owner.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5519.

R 451.505 Special account.

Rule 5. A licensee shall establish a separate and special account, and deposit in that separate and special account all monies paid by the public to the licensee including all deposits and advance construction funds. Disbursements from such special account shall only be made for labor and material on each individual job to the extent of funds accredited for each job.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

R 451.506 Books and records.

Rule 6. A residential builder or residential maintenance and alteration contractor shall keep and maintain a complete, accurate set of books and records which shall disclose the licensee's current financial condition. Such books and records shall at all times be open to the inspection of the commission or any person duly authorized by it for such examination.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

R 451.507 Financial statement.

Rule 7. Each licensee shall upon demand of the commission, giving 10 days' notice, submit a financial statement showing the current financial status of the licensee, whenever a written complaint is received wherein a violation of the residential builders or residential maintenance and alteration contractors' license law is made the basis of such complaints. A written demand for such financial statement shall be served by delivery of same personally to the licensee or by mailing same by registered mail to the last known business address of such licensee.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

R 451.508 Misrepresentation and false promises.

Rule 8. The licensee shall not through its agent or salesmen make substantial misrepresentations or false promises of a character likely to influence, persuade or induce.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

R 451.509 Prohibited business practices.

Rule 9. The following business practices by a licensee, his agents or salesmen are prohibited:

(a) Brokerage: Acceptance or performance of contracts procured by a salesman not regularly and exclusively employed by the licensee.

(b) Model home: Acceptance or performance of contracts induced by a promise to the customer of bonuses, whether for sale to be made to others, or for the use or display of the customer's dwelling.

(c) False or misleading statements of acts made or done in the preparation or procurement of credit information, promissory notes or completion slips which are used or to be used in obtaining loans for customers or the proceeds of such loans for the licensees.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

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R 451.510 Failure to appear at investigation conferences.

Rule 10. Wilful failure or neglect to appear at investigation conferences, when properly requested or notified.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

RULES OF PRACTICE

R 451.531 Investigation.

Rule 21. The commission will investigate upon its own motion and/or upon a written complaint filed in duplicate, the conduct of any licensee who is performing or attempting to perform any acts for which a license may be suspended or revoked, and may request the appearance of its licensee at such informal conference as may be necessary to determine whether there is such cause for complaint as would require formal hearing provided by the act.

Such request for appearance shall be made in writing and sent by mail a reasonable time before the conference to the address appearing on the license and shall set the time and place of the conference. All persons interested in such conference shall have the right to appear and be represented by counsel. Issues of structural defects will not be investigated by conference prior to the receipt of a competent visual inspection report by authorized state or local building inspectors or other persons expert in the work inspected.

History: 1944 ACS 36, p. 9; 1954 AC, p. 5520.

R 451.532 Hearings; fee disputes.

Rule 22. The commission will not conduct any hearings involving disputes over fees and commissions between residential builders and residential maintenance and alteration contractors and real estate brokers, unless such disputes arise out of agreements which have been reduced to writing and which embody the complete agreement between the parties.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5521.

R 451.533 Hearings; procedure.

Rule 23. (1) No hearing for revocation, suspension or denial of application to renew a license shall be held until notice thereof within the time and according to the manner prescribed by section 10 of the act.

(2) The commission may after investigation deny the application of any person for license under this act by mailing written notice of its decision to the address appearing on the application; provided, however, that within 10 days from the date of such notice, applicant may make written request for hearing on such decision. Upon receipt of request for hearing, notice of time and place thereof will be given forthwith by the commission.

(3) Hearings shall be conducted by the commissioner and/or by such deputy commissioner or commissioners as he shall direct.

(4) All hearings shall be public.

(5) Rehearings will be granted in the discretion of the commissioner, after order made, upon application in writing of any licensee showing want of jurisdiction in the proceeding or new facts which if true would make appropriate the amendment or vacation of such order and such rehearing shall be directed only to such new issues or facts after such notice and in the same manner as provided for the conduct of the original hearing.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5521.

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R 451.534 Findings of fact.

Rule 24. (1) Within a reasonable time from the completion of hearing, the person or persons conducting the same shall make and file with the commissioner findings of fact and conclusions of law upon each contested issue of fact. Copy of such findings and conclusions will be mailed or delivered upon request to any person interested in said hearing or to his attorney.

(2) In case of rehearing, findings of fact shall be made in the same manner as those for original hearing but shall be limited to the new facts or issues therein.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5521.

R 451.535 Recommendations.

Rule 25. Whenever hearing or rehearing is conducted by deputy commissioner or commissioners, he or they shall include with the findings of fact and conclusions of law, his or their recommendations made to the commissioner for the disposition of the case or the penalty to be imposed. Such recommendations shall not be binding upon the commissioner.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5521.

R 451.536 Orders; amendment or vacation.

Rule 26. (1) Decision and order shall be rendered by the commissioner within a reasonable time from the filing of findings and recommendations, and shall be sent to licensee by registered mail at the address appearing on the license, or, in case licensee has properly notified the commission of a change of address, to the new address so designated.

(2) Any decision and order issued by the commissioner may be amended or vacated after rehearing in accordance with these rules.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5521.

R 451.537 Adjournment or continuance.

Rule 27. Adjournments and continuances will be granted by the commission in its discretion, for good cause shown by any interested party or after stipulation and agreement between all such parties.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5522.

R 451.538 Documents to be filed; formal requirements.

Rule 28. Any documents to be filed with the commission shall be typewritten or in legible handwriting on 1 side of the paper only and shall be tendered in duplicate by mail or in person at the Detroit office of the commission, 2000 Cadillac Square Building, Detroit, Michigan 48226. All documents so filed shall bear the number assigned to the case by the commission.

History: 1944 ACS 36, p. 10; 1954 AC, p. 5522.

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DEPARTMENT OF COMMERCE

CORPORATION AND SECURITIES BUREAU

SECURITIES

(By authority conferred on the director of commerce by section 412 of Act No. 265 of the Public Acts of 1964, and sections 9 and 235 of Act No. 380 of the Public Acts of 1965, as amended, being §§451.812, 16.109, and 16.335 of the Michigan Compiled Laws)

PART 1. PROHIBITED PRACTICES

R 451.601.0 Investment advisers.

Rule 601.0. An investment adviser, who is not also a registered broker-dealer, is prohibited from taking or having custody of any securities or funds of any client.

History: 1954 ACS 55, p. 28, Eff. Aug. 14, 1968.

PART 2. REGISTRATION OF BROKER-DEALERS, AGENTS AND INVESTMENT ADVISERS

R 451.601.1 Agents.

Rule 601.1. (1) An agent may only be registered in the employ of a registered broker-dealer, or in the employ of an issuer whose securities are registered or are exempt.

(2) A partner, officer or director of a broker-dealer who represents the broker-dealer in effecting or attempting to effect the purchase or sale of securities in Michigan shall be registered as an agent.

History: 1954 ACS 55, p. 28, Eff. Aug. 14, 1968.

R 451.601.2 Agents; transfers of employment.

Rule 601.2. (1) An agent while registered may transfer from 1 broker-dealer or issuer, to another broker-dealer or issuer. Within 7 calendar days after an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which made him an agent, the agent and the broker-dealer or issuer shall so notify the administrator in writing using the appropriate employment notice or termination notice form.

(2) The registration of an agent is not effective during any period when he is not associated with a particular registered broker-dealer or a particular issuer whose securities are registered or are exempt. Also, an agent is not associated with an issuer and his registration is not effective if the issuer's securities registration statement is no longer effective. However, the agent may again reactivate the effectiveness of his registration during the original term of effectiveness of his registration by transferring to another issuer or broker-dealer.

History: 1954 ACS 55, p. 28, Eff. Aug. 14, 1968.

R 451.601.3 Agent; registration under more than 1 employer.

Rule 601.3. (1) An agent may not be registered under more than 1 broker-dealer or issuer at any time, unless management and control of the employing organizations are substantially identical and the administrator, after reviewing a request to permit double or multiple registration, is convinced that no confusion or avoidance of responsibility will result.

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(2) A registered agent who desires to engage in any other activity involving the sale of investments for remuneration shall first notify his employer of the intended activity and secure approval in writing.

History: 1954 ACS 55, p. 28, Eff. Aug. 14, 1968; 1954 ACS 90, p. 50, Eff. Feb. 17, 1977.

R 451.601.4 Broker-dealers' and agents' effective registration dates.

Rule 601.4. The initial registration of a broker-dealer or agent may become effective at any date during the year. A renewal registration is effective July 1 of each year. All registrations expire on the June 30 following effectiveness.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.1 Applications for registration; broker-dealers.

Rule 602.1. An application for broker-dealer registration shall contain the information specified in form BR in the appendix to these rules together with any additional information the administrator may require in connection therewith. In the alternative a uniform form, with any necessary supplement, satisfactory to the administrator and containing substantially the same information may be submitted.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.2 Applications for registration; agents.

Rule 602.2. An application for agent registration shall contain the information specified in form AR in the appendix to these rules together with any additional information the administrator may require in connection therewith. In the alternative a uniform form, with any necessary supplement, satisfactory to the administrator and containing substantially the same information may be submitted.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.3 Applications for registration; investment advisers.

Rule 602.3. An application for investment adviser registration shall contain the information specified in form IR in the appendix to these rules together with any additional information the administrator may require in connection therewith. In the alternative a uniform form, with any necessary supplement, satisfactory to the administrator and containing substantially the same information may be submitted.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.4 Fees; broker-dealers and agents.

Rule 602.4. A broker-dealer filing an initial registration which becomes effective between July 1 and December 31, or filing a renewal registration, shall pay a filing fee of $100.00. A broker-dealer whose initial registration becomes effective between January 1 and June 30, shall pay a filing fee of $50.00. Initial and renewal registration fees for all agents are $10.00, without reduction for periods of less than 1 year.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.5 Fees; broker-dealers' branch offices.

Rule 602.5. A broker-dealer maintaining more than 1 office for the purpose of conducting his business within this state shall pay an additional filing fee of $50.00 for each additional office for a registration which becomes effective between July

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1 and December 31, and for a renewal registration. For a registration which becomes effective between January 1 and June 30, the additional filing fee shall be $25.00 for each additional office. An office is a permanent place regularly maintained and used, or held out to be used, by a broker-dealer for the conduct of his business through his agents or employees, whether they are in attendance full time or part time.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968.

R 451.602.6 Broker-dealer's net capital.

Rule 602.6. (1) A securities broker-dealer registered with the United States securities and exchange commission shall maintain net capital and ratio of aggregate indebtedness to net capital in accordance with rule 15c3-1 under the securities exchange act of 1934.

(2) A securities broker-dealer not registered with the United States securities and exchange commission shall have the net capital necessary to comply with all of the following conditions:

(a) The aggregate indebtedness to all other persons of a securities broker-dealer which has been registered with the administrator for at least 1 year shall not exceed 2,000% of its net capital. The aggregate indebtedness to all other persons of a securities broker-dealer which has been registered with the administrator for less than 1 year shall not exceed 1,000% of its net capital.

(b) Except as provided by subdivisions (c) and (d) it shall have and maintain net capital of not less than $10,000.00.

(c) Notwithstanding the provisions of subdivision (b) a broker-dealer shall have and maintain net capital of not less than $5,000.00 if it does not hold funds or securities for, or owe money or securities to, customers, and does not carry accounts of or for customers, except as provided for in paragraph (v) below, and if it conducts its business in accordance with 1 or more of the following conditions, and does not engage in any other securities activities:

(i) It introduces and forwards as a broker all transactions and accounts of customers to another broker or dealer who carries such accounts on a fully disclosed basis, and the introducing broker-dealer promptly forwards all of the funds and securities of customers received in connection with its activities as a broker-dealer.

(ii) It participates in underwritings on a "best efforts" or "all or none" basis in accordance with the provisions of rule 15c2-4(b)(2) under the securities exchange act of 1934, and it promptly forwards to an independent escrow agent customers' checks, drafts, notes, or other evidences of indebtedness received in connection therewith which shall be made payable to that escrow agent.

(iii) It promptly forwards subscriptions for securities to the issuer, underwriter, sponsor, or other distributor of such securities and receives checks, drafts, notes, or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor, or other distributor who delivers the securities purchased directly to the subscriber.

(iv) It effects an occasional transaction in securities for its own investment account with or through another registered broker-dealer.

(v) It acts as broker or dealer with respect to the purchase, sale, and redemption of redeemable shares of registered investment companies, and it promptly transmits all funds and delivers all securities received in connection with such activities.

(vi) It introduces and forwards all customer and all principal transactions with customers to another broker-dealer who carries such accounts on a fully disclosed

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basis and promptly forwards all funds and securities received in connection with its activities as a broker-dealer, and does not otherwise hold securities or funds for, or owe money or securities to, customers, and does not otherwise carry proprietary accounts, except as provided in paragraph (iv) above, or customer accounts, and its activities as dealer are limited to holding firm orders of customers and in connection therewith:

(A) In the case of a buy order, prior to executing the customer's orders, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order, which shall be cleared through another broker or dealer.

(B) In the case of a sell order, prior to executing the customer's order, sells as principal the same number of shares or a portion thereof which shall be cleared through another broker or dealer.

(vii) It effects, but does not clear, transactions in securities as a broker on a registered national securities exchange for the account of another member of that exchange.

(d) Notwithstanding the provisions of subdivision (b) a broker-dealer shall have and maintain net capital of not less than $2,500.00 if it engages in no other securities activities except those prescribed in this subdivision and meets all of the following conditions:

(i) Its transactions are limited to both of the following:

(A) The purchase, sale, and redemption of redeemable shares of registered investment companies, except that it may also effect an occasional transaction in other securities for its own investment account with or through another registered broker-dealer.

(B) The sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies.

(ii) It promptly transmits all funds and delivers all securities received in connection with its activities as a broker-dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers.

(3) A commodity issuer registered with the administrator and a broker-dealer registered with the administrator transacting business primarily in commodity contracts shall have the net capital and cash reserve necessary to comply with the following conditions:

(a) The aggregate indebtedness to all other persons of a registrant which has been registered for at least 1 year shall not exceed 1,500% of its net capital. The aggregate indebtedness to all other persons of a registrant which has been registered for less than 1 year shall not exceed 1,000% of its net capital.

(b) It shall have and maintain net capital of not less than $25,000.00.

(c) It shall have and maintain a reserve of not less than $10,000.00 in a checking or savings account in a bank or savings institution organized under the laws of the United States or of any state or in a certificate of deposit issued by a bank or savings institution so organized.

(4) The administrator, by order which may apply individually or to a class, may establish a lower net capital requirement, a lower cash reserve requirement, or a higher maximum ratio of aggregate indebtedness to net capital, either unconditionally or upon special terms or conditions, for a registrant which satisfies the administrator that because of the special nature of its business and its financial condition, and the safeguards that have been established for the protection of customers' funds, investors would not be adversely affected.

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(5) A registrant not in compliance with the aggregate indebtedness, net capital, or cash reserve requirements shall cease soliciting new business and immediately notify the administrator in writing.

(6) For the purposes of this rule and to insure uniform interpretation, the terms "aggregate indebtedness" and "net capital" shall have the respective meanings as defined in rule 15c3-1 under the securities exchange act of 1934. A copy of any pertinent subordination agreement shall be filed with the administrator within 10 days after the agreement has been entered into, and shall meet the requirements of a "satisfactory subordination agreement" as that term is defined in rule 15c3-1.

History: 1954 ACS 55, p. 29, Eff. Aug. 14, 1968; 1954 ACS 90, p. 50, Eff. Feb. 17, 1977.

R 451.602.7 Broker-dealers' bonds; surety.

Rule 602.7. A broker-dealer whose net capital as defined by rule, regardless of whether or not he is exempt from that rule, does not exceed $50,000.00 shall file with the administrator a surety bond in the amount of $10,000.00 on a form provided by the administrator and shall maintain such bond in that amount at all times while registered as a broker-dealer. If a suit is brought to enforce any liability on the bond, the broker-dealer as principal shall promptly notify the administrator thereof; and if the bond principal amount is reduced by any recovery against it, the bond shall be immediately restored to $10,000.00. In addition to causes of action under section 410 of the act, the bond shall also be for the use and benefit of any persons who may have a cause of action in this state by reason of any embezzlement, defalcation or misappropriation of securities or funds by the principal, its agents and employees. The administrator may exempt a registered broker-dealer from this bond requirement or may vary its terms, only if justified and appropriate under special circumstances.

History: 1954 ACS 55, p. 30, Eff. Aug. 14, 1968.

R 451.602.8 Broker-dealers' bonds; cash or securities.

Rule 602.8. In lieu of the bond required under R 451.602.7, a broker-dealer may make a deposit of $10,000.00 or a deposit of securities having a market value of $12,500.00 on the date of deposit which shall be restored to $12,500.00 in the event of any recovery. Such deposit shall consist of securities which are the obligations of and are guaranteed as to both principal and interest by the government of the United States, the government of a state, or a municipality within the United States. The deposit of cash or securities shall be held in trust or in escrow with a state or national bank within Michigan, and subject to an agreement satisfactory to the administrator with the same coverage as is required in a surety bond under R 451.602.7.

History: 1954 ACS 55, p. 30, Eff. Aug. 14, 1968.

R 451.602.9 Commodity issuers' and broker-dealers' bond; surety.

Rule 602.9. (1) A registered commodity issuer and a registered broker-dealer transacting business primarily in commodity contracts shall file with the administrator a surety bond in the amount of $25,000.00 on a form provided by the administrator, and shall maintain the bond in that amount at all times while registered. If an action is brought to enforce any liability on the bond, the registrant as principal shall promptly notify the administrator thereof. If the bond principal amount is reduced by a recovery against it, the bond shall be restored to $25,000.00 immediately. In addition to causes of action under section 410 of the act, the bond shall also be for the use and benefit of any persons who may have a cause of action in this state by reason of any embezzlement, defalcation, or

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misappropriation of commodity contracts or funds by the principal, its agents, and employees. If a registrant has net capital in excess of $100,000.00, a surety bond shall not be required.

(2) The administrator, by order which may apply individually or to a class, may establish a lower bond requirement, either unconditionally or under special terms and conditions, for any registrant which satisfies the administrator that because of the special nature of its business and its financial condition, and the safeguards that have been established for the protection of customers' funds, investors would not be adversely affected.

History: 1954 ACS 90, p. 51, Eff. Feb. 17, 1977.

R 451.602.10 Commodity issuer and broker-dealers; bond; fidelity.

Rule 602.10. A commodity issuer, commodity broker-dealer, and a commodity investment adviser registered under the act shall carry fidelity bonds in a form approved by the administrator covering its general partners and employees or covering its officers and employees. The minimum coverage afforded by fidelity bonds shall be $100,000.00 for commodity investment advisers, and $400,000.00 for all other commodity issuers or broker-dealers, unless a lower amount is approved by the administrator.

History: 1954 ACS 90, p. 52, Eff. Feb. 17, 1977.

R 451.602.11 Segregation of customers' funds.

Rule 602.11. (1) All money, securities, and property coming into the custody of a commodity issuer or commodity broker-dealer to margin, guarantee, or secure trades, contracts, and purchases of clients, and all money accruing to clients as the result of trades, contracts, or sales, shall be separately accounted for and be segregated as belonging to the clients. Unless promptly delivered to the client, the money, securities, and property shall be deposited in bank accounts in the case of money, or, in the case of securities and property held in safekeeping, in some place reasonably free from risk of destruction or other loss. When deposited with a bank or trust company, the money shall be deposited under an account name which shows clearly that it is clients' money, and a record shall be maintained by the registrant showing the places in which money, securities, and property of each client is deposited. Any money received in payment for commodities to be delivered in the future shall be deposited in that bank account until actual delivery of the commodity has been made.

(2) A registrant shall not obligate, or permit another person to obligate, the money, securities, or property of a client, except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made on behalf of the client, or hold, dispose of, or use, or permit another to hold, dispose of, or use, the money, securities, or property of a customer as belonging to the registrant or a person other than the customer. Payment by a depository of interest on the funds maintained in a segregated account to and for the account of a registrant is not a violation of this provision.

(3) A registrant shall promptly furnish, in writing, directly to each client, as of the close of the last business day of each calendar month or as of any regular monthly date selected, both of the following:

(a) A statement which shows clearly the open contracts, with prices at which acquired, and the ledger balance carried for the client's account.

(b) A statement which shows clearly any securities or other property which the client has deposited with the registrant to margin, guarantee, or secure the account, or to pay for commodities not yet delivered.

History: 1954 ACS 90, p. 52, Eff. Feb. 17, 1977.

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R 451.602.12 Insolvency of commodity issuer or broker-dealer.

Rule 602.12. A registered commodity issuer or a registered broker-dealer which is insolvent, either in the sense that its liabilities exceed its assets or in the sense that it cannot meet its obligations as they mature, shall cease all business and immediately notify the administrator in writing.

History: 1954 ACS 90, p. 52, Eff. Feb. 17, 1977.

R 451.602.13 Failure to meet delivery dates.

Rule 602.13. A registered commodity issuer or a registered broker-dealer transacting business primarily in commodity contracts, which fails to meet the delivery dates promised to its customers for any reason other than failure of a common carrier to transport the commodity to the customer in accordance with the carrier's normal shipping or promised time, shall notify the administrator in writing and cease accepting new business, unless continuation of business is approved by the administrator.

History: 1954 ACS 90, p. 53, Eff. Feb. 17, 1977.

R 451.602.14 Ten-day delivery exemption.

Rule 602.14. (1) The exemption from registration set forth in section 201(e)(1) of the act is subject to the following conditions:

(a) The person relying on the exemption, or an officer, director, or partner of such a person:

(i) Has not been convicted of a misdemeanor involving moral turpitude, a felony, or a violation of state or federal securities, commodities, or franchise laws.

(ii) Is not permanently or temporarily enjoined by a court of competent jurisdiction from violating state or federal commodities, securities, or franchise laws.

(iii) Is not the subject of an order of the administrator denying, suspending, or revoking registration as a broker-dealer, agent, investment adviser, or commodities issuer.

(iv) Is not the subject of an order of the administrator to cease and desist violations of the act or of the franchise investment law.

(v) Is not the subject of an order entered by the securities, commodities, or franchise administrator of any other state to cease and desist, or the substantial equivalent of that term.

(vi) Is not the subject of an order entered by the securities, commodities, or franchise administrator of any other state, the securities and exchange commission, or the commodity futures trading commission denying or revoking registration as a broker-dealer, municipal securities dealer, agent, investment adviser, futures commission merchant, floor broker, person associated with a futures commission merchant or with an agent of a futures commission merchant, commodity trading adviser, or commodity pool operator, or the substantial equivalent of those terms as defined in the act, the securities exchange act of 1934, or the commodity futures trading commission act of 1974.

(vii) Is not the subject of an order denying, suspending, or expelling such person from a national securities exchange or a national securities association registered under the securities exchange act of 1934.

(viii) Is not the subject of a United States post office fraud order.

(b) There is no advertising by or on behalf of the seller or its agents, except under a plan accepted by the administrator not involving the offer of a commodity as an investment.

(c) A commission or other remuneration is not paid or given directly or indirectly for soliciting a prospective buyer.

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(2) The administrator may by order grant the exemption with respect to a person who does not meet the conditions of subrule (1) if the administrator is satisfied that it is in the public interest to do so and that investors will not be adversely affected.

History: 1954 ACS 90, p. 53. Eff. Feb 17, 1977.

R 451.603.1 Broker-dealers' records.

Rule 603.1. (1) A broker-dealer shall make and keep current the following books and records relating to his business:

(a) Blotters, or other records of original entry, containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash, and all other debits and credits.

(b) Ledgers, or other records, reflecting all assets and liabilities, and income, expense, and capital accounts.

(c) Ledger accounts, or other records, itemizing separately as to each cash and margin account of every customer and of such member, broker, or dealer and the partners thereof, all purchases, sales, receipts, and deliveries of securities and commodities for that account and all other debits and credits of that account.

(d) Ledgers, or other records, reflecting the following:

(i) Securities in transfer.

(ii) Dividends and interest received.

(iii) Securities borrowed and securities loaned.

(iv) Monies borrowed and monies loaned, together with a record of the collateral therefor and any substitutions in such collateral.

(v) Securities failed to receive and failed to deliver.

(e) A securities record or ledger reflecting separately for each security as of the clearance date of "long" or "short" positions, including securities in safekeeping, carried by each member, broker, or dealer for his account or for the account of his customers or partners, and showing the location of all securities long and the offsetting position to all securities short and, in all cases, the name or designation of the account in which each position is carried.

(f) A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted.

(g) A memorandum of each purchase and sale of securities for the account of such member, broker, or dealer, showing the price and, to the extent feasible, the time of execution.

(h) Copies of confirmations of all purchases and sale of securities and copies of notices of all other debits and credits for securities, cash, and other items for the account of customers and partners of such member, broker, or dealer.

(2) A broker-dealer shall preserve, for not less than 6 years, all records required to be made pursuant to subdivisions (a), (b), (c), and (e) of subrule (1), and, for not less than 3 years, all records required to be made pursuant to subdivisions (d), (f), (g), and (h) of subrule (1).

(3) A registered commodities issuer and a broker-dealer transacting business primarily in commodity contracts shall make and keep true, accurate, and current the following books and records relating to its business:

(a) Journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in a ledger.

(b) General and auxiliary ledgers, or other comparable records, reflecting asset, liability, reserve, capital, income, and expense accounts.

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(c) A memorandum of each order given by the registrant for the purchase or sale of any commodity contract, of any instruction received by the registrant from a client concerning the purchase, sale, receipt, or delivery of a particular commodity contract, and a memorandum of any modification or cancellation of any such order or instruction. The memoranda shall show the terms and conditions of the order, instruction, modification, or cancellation, shall identify the person connected with the registrant who recommended the transaction to the client and the person who placed the order, and shall show the account for which entered, the date of the entry, and the registrant by or through whom executed where appropriate. An order entered pursuant to the exercise of a power of attorney shall be so designated.

(d) All check books, bank statements, cancelled checks, and cash reconciliations of the registrant.

(e) All bills or statements, or copies thereof, paid or unpaid, relating to the business of the registrant.

(f) All trial balances, financial statements, and internal audit working papers relating to the business of the registrant.

(g) A financial ledger record which shows separately for each customer all charges against and credits of a customer's account, including, but not limited to, funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions.

(h) A record of transactions which show separately for each account, including house accounts, all commodity contract transactions executed for the account, including the date, price, quantity, market, commodity, and, when applicable, the delivery date, option expiration date, or other relevant date.

(i) A record or journal which shows separately for each business day complete details of all commodity contract transactions executed on that day, including the date, price, quantity, market, commodity, future if applicable, and the person for whom the transaction was made.

(j) A record of all securities and property received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of the customers. The records shall show separately for each customer a description of the securities or property received, the name and address of the customer, the dates when the securities or property were received, the identity of the depositories or other places where the securities or property are segregated, the dates of deposits and withdrawals from the depositories, and the dates of return of the securities or property to the customer, or other disposition thereof, together with the facts and circumstances of the other disposition.

(k) Originals of all written communications received, and copies of all written communications sent, by the registrant relating to any recommendation made, or proposed to be made, and any advice given, or proposed to be given; any receipt, disbursement, or delivery of funds, commodity contracts, securities, or other property; the placing or execution of any order to purchase or sell any commodity contract; or market information or conditions that affect, or tend to affect, the price of a commodity. The registrant is not required to keep any unsolicited market letters and other similar communication of general public distribution not prepared by or for the registrant.

(l) A record, in permanent form, which shows for each customer the customer's full name, home address, home telephone number, business address, business telephone number, social security number, occupation, marital status, approximate age, approximate income, approximate net worth, investment

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objectives, other information concerning the customer's financial situation and needs, and the name and address of any other person guaranteeing the account.

(m) A file for each agent who is or has been employed by the registrant, copies of the agents' application for registration with the administrator, copies of all correspondence sent to or received from the administrator with respect to the agent, a record of disciplinary actions which have been taken against the agent by the registrant, and all administrative, civil, or criminal proceedings in which the agent has been named as a respondent or defendant in connection with commodity or securities activities.

(n) Minutes and other appropriate records with respect to meetings of the board of directors.

(o) A copy of each advertisement used, showing the dates and publications in which the advertisement appeared.

(p) A copy of each notice, circular, investment letter, bulletin, report, analysis, brochure, disclosure document, prospectus, form letter, or other sales literature circulated by the registrant.

(q) A file with a copy of each complaint letter received from customers, together with a copy of the response.

(r) A copy of every confirmation and every statement sent to a customer.

(s) A consolidation record of all commodity transactions outstanding, showing, as to each appropriate classification of each commodity, the position of the registrant and its aggregate liability to its customers.

(4) A registrant shall preserve, for not less than 6 years, all records required to be made pursuant to subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (q), (r), and (s) of subrule (3), and, for not less than 3 years, all records required to be made pursuant to subdivisions (o) and (p) of subrule (3).

History: 1954 ACS 55, p. 30, Eff. Aug. 14, 1968; 1954 ACS 90, p. 53, Eff. Feb. 17, 1977.

R 451.603.2 Broker-dealers' confirmations.

Rule 603.2. A confirmation of each transaction for or with a customer shall be sent to the customer before the close of the next full business day after the transaction is made, unless unusual circumstances are present in which event it shall be sent as promptly as possible. The confirmation shall set forth with particularity all pertinent information including all charges and shall clearly show in what capacity the broker-dealer acted.

History: 1954 ACS 55, p. 31, Eff. Aug. 14, 1968.

R 451.603.4 Broker-dealers' reports.

Rule 603.4. (1) A broker-dealer shall file a detailed balance sheet with the administrator as of a date 6 months, or about 6 months, after the date of the last previous balance sheet filed. This balance sheet, if not pursuant to audit, shall be certified as to correctness by an officer, partner, or the proprietor of the broker-dealer, except that 1 balance sheet submitted during each registration year ending June 30 shall be pursuant to certified audit by independent or certified public accountants. An unaudited balance sheet shall be as of a date not more than 45 days prior to its submittal date, unless an extension of time is granted. An audited balance sheet shall be as of a date not more than 90 days prior to its submittal date, unless an extension of time is granted.

(2) If the net capital, as defined by R 451.602.6, of the broker-dealer does not exceed $100,000.00, the following schedules shall accompany the above balance sheets:

(a) Firm investments priced at current market and extended.

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(b) Customers' debit balances, with dates incurred and security positions.

(c) Notes receivable and notes payable, listing all collateral thereto.

(d) Subordinated capital, listing in detail the type and amount of the loan, including securities by name, market price, and total market value, date and maturity of the loan, and the name of the lender.

(3) A broker-dealer may simultaneously file a duplicate copy of the report of financial condition filed with the securities and exchange commission as required by rule 17a-5 under the securities exchange act of 1934 in lieu of 1 of the reports under subrule (1). Submission of such a report, if not certified by a certified public accountant, does not relieve the broker-dealer from filing 1 certified report during the registration year.

(4) A broker-dealer who is a member of a national securities exchange may simultaneously file duplicate copies of balance sheet statements and schedules pertaining thereto filed with the exchange of which he is a member in lieu of the reports under subrule (1), 1 of which shall be pursuant to certified audit by independent or certified public accountants.

(5) If a broker-dealer is a sole proprietorship, a personal balance sheet of the proprietor shall be submitted with, and as of the same date as, the balance sheet of the firm.

(6) The administrator may require at any time the filing of special financial reports by a registered broker-dealer if it finds that such filing is in the public interest and for the protection of investors.

(7) A registered commodity issuer and a registered broker-dealer transacting business primarily in commodity contracts shall file with the administrator monthly, within 10 business days after the close of the month for which the report is made, a report showing all purchases and sales of commodities during the month, and its commodity positions and obligations to customers as of the close of the month, segregated by classification of commodity, as well as a report showing the registrant's net capital position and ratio of aggregate indebtedness to net capital, unless the registration is waived or modified by the administrator.

History: 1954 ACS 55, p. 31, Eff. Aug. 14, 1968; 1954 ACS 90, p. 55, Eff. Feb. 17, 1977.

R 451.604.1 Incomplete applications for registration.

Rule 604.1. If an applicant for registration as a broker-dealer, agent or investment adviser fails to complete or withdraw an application within 7 months from the date of filing, the administrator may commence proceedings to deny on the basis of sections 204(a)(1) and 204(a)(2)(A) of the act.

History: 1954 ACS 55, p. 31, Eff. Aug. 14, 1968.

R 451.604.2 Unethical business practices of broker-dealers and agents.

Rule 604.2. The following are unethical business practices by a broker-dealer or agent within the purview of section 204(a)(2)(G) of the act, without restricting that term to the practices listed herein:

(a) Unreasonable delays attributable to the broker-dealer or agent in delivering securities.

(b) Representation that securities will be listed or that application for listing will be made, without basis in fact for such representation.

(c) Inducing excessive trading in a customer's account, or inducing trading beyond the customer's known financial resources, if done in disregard of the customer's best interests as they reasonably appeared at the time of the transaction and if improper under the then existing circumstances.

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(d) Recommending to a customer the purchase, sale, or exchange of any securities without reasonable grounds to believe that the recommendation is suitable for such customer on the basis of information furnished by the customer after such reasonable inquiry as may be necessary under the circumstances concerning the customer's investment objectives, financial situation and needs, and other information known by the broker-dealer or agent.

(e) Executing a transaction on behalf of a customer without authority to do so.

(f) Executing transactions pursuant to general discretionary authority to execute transactions for the account of the customer without first obtaining such general discretionary authority in writing from the customer; however, such written authorization is not required if the discretionary authority relates solely to the execution of an order, as, for example, a limited authority permitting the broker-dealer to seek the best price or time of execution.

(g) Failure to segregate and earmark customers' free securities or securities in safekeeping.

(h) Hypothecation of a customer's securities without having a lien thereon, unless written consent of the customer is first obtained.

(i) Acting on an agency basis for both the seller and the purchaser of a security without disclosing that fact to both on the confirmation.

(j) While acting on an agency basis for a customer in any transaction, charging the customer more than a fair commission or service charge, taking into consideration all relevant circumstances, including market conditions, with respect to the security at the time of the transaction, the expense of executing the order, and the value of any service he may have rendered by reason of his experience in, and knowledge of the security and the market therefor.

(k) Entering into a transaction with a customer in a security at a price not reasonably related to the market price of the security.

(l) In the case of an agent:

(i) Borrowing money from a customer.

(ii) Effecting securities transactions with a customer in a security at a price not reasonably related to the market price of the security.

(iii) Operating an account under a fictitious name, unless done under such circumstances and with such disclosure to his employer broker-dealer and others as would negate wrongful intent.

(m) Extension of credit to a customer in violation of the securities exchange act of 1934 or the regulations of the federal reserve board.

(n) In the offer of a commodity contract or security, failure to reveal the existence of a markup over cost charged by the seller.

History: 1954 ACS 55, p. 31, Eff. Aug. 14, 1968; 1954 ACS 90, p. 58, Eff Feb. 17, 1977.

R 451.604.3 Examination of applicants.

Rule 604.3. (1) An applicant for registration as a broker-dealer which is a proprietorship, and an applicant for registration as an agent, as a condition to obtaining registration, shall take and pass a written examination testing his knowledge of the securities business, the act, and the rules thereunder, which shall be evidence of his qualifications as to training and knowledge. This examination and the minimum passing grade may be varied for any class of applicants. Ordinarily the administrator shall waive this examination requirement in the case of applicants for renewal registrations effective any July 1, or applicants who were registered within the past 6 months, and may waive it in whole or in part in the case of applicants who have passed this examination or a comparable examination within 2 years, who meet certain standards of experience, or whose

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activities will be so restricted as to make imposition of the examination requirements inappropriate.

(2) An applicant for registration as a broker-dealer which is a proprietorship transacting business primarily in commodities and an applicant for registration as a commodities agent or commodities investment adviser, as a condition to obtaining a registration, shall take and pass a written examination testing his knowledge of the commodities business, the act, and the rules thereunder. The administrator may waive this examination requirement in the case of applicants for renewal registration effective any July 1, or applicants who were registered within the past 6 months, and may waive it in whole or in part in the case of applicants who have passed this examination or a comparable examination within 2 years, who meet certain standards of experience, or whose activities will be so restricted as to make imposition of the examination inappropriate.

History: 1954 ACS 55, p. 32, Eff. Aug. 14, 1968; 1954 ACS 90, p. 57, Eff. Feb. 17, 1977.

R 451.604.4 Outside business of issuer or broker-dealer.

Rule 604.4. A registered commodities issuer or a registered broker-dealer transacting business primarily in commodity contracts shall not engage in any other business without advising the administrator in writing.

History: 1954 ACS 90, p. 57, Eff. Feb. 17, 1977.

R 451.605.1 Disclosure statement.

Rule 605.1. (1) A disclosure statement shall be delivered to each person to whom an offer is made at least 2 days prior to the sale of any commodity contract, unless the administrator, by order, otherwise provides. The administrator may enter such an order if it is satisfied that it is in the public interest to do so and that investors will not be adversely affected.

(2) The disclosure statement shall set forth the following information:

(a) The identity of the commodity issuer, if applicable. The following information should be set forth with respect to the issuer:

(i) Full name.

(ii) Physical address and, if different, mailing address.

(iii) Type of business.

(iv) State of formation.

(v) Full names and titles of the issuer's officers and directors, or partners, as applicable.

(vi) Telephone number.

(b) The identity of the broker-dealer. The following information should be set forth with respect to the broker-dealer:

(i) Full name of the broker-dealer.

(ii) Physical address and, if different, mailing address.

(iii) Type of business entity.

(iv) State of formation.

(v) Full name and title of each of the broker-dealer's officers and directors, or partners, as applicable.

(vi) Telephone number.

(c) A complete description of the commodity contract to be offered including the type of commodity, the type of contract, obligations of the buyer and the seller under the contract, and complete information about the initial and deferred price of the contract or price range if prices vary frequently.

(d) A statement and explanation of the special and general risk to the customer of the investment.

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(e) A complete explanation of any deferred payment arrangements relating to the transaction.

(f) Audited financial statements, including a balance sheet, an income statement, and a statement of changes in financial condition. The administrator may waive audit requirements.

(g) If the most recent audited financial statements are more than 6 months old, or if there has been a substantial change in the offeror's financial condition since the date of the audited statements, supplemental unaudited financial statements which are current.

(h) An explanation of how the offeror will cover its obligations or contingent obligations to deliver commodities under the contract, including, but not limited to, the following information:

(i) If the offeror owns physical commodities, a statement of whether the actual commodities are under the physical control of the offeror.

(ii) If the commodities are stored in depositories, the names and addresses of the depositories.

(iii) An explanation of any arrangements under which the offeror will cover by purchasing commodity futures contracts or commodity options.

(i) An explanation of how the offeror's prices are determined for both sales and repurchases, if any, from the investor, and an explanation of how these prices are related to the current spot price of the commodity, if any, including, but not limited to:

(i) Commission on initial investment.

(ii) Commission on resale.

(iii) Maximum markup formula.

(iv) Interest charges.

(v) Storage fees.

(vi) An explanation of the services provided in return for storage fees.

(vii) A statement of the proceeds which would be realized by the investor upon liquidation of the investment on the same day as the initial investment, assuming no change in the market price, and an explanation of how this is computed.

(j) An explanation of any undertaking by the seller to repurchase the commodity contract, or to assist the investor to resell the commodity contract.

(k) An explanation of any guarantees by the seller or a third party and identification of third party guarantors.

(l) A description of any litigation which is pending against the seller.

(m) A description of all enforcement actions which have been taken against the seller, its corporate predecessors, officers, directors, or partners by state or federal regulatory agencies, by securities or commodity exchanges or markets, or by other self-regulatory bodies constituted under federal commodities or securities laws.

(n) An explanation of any bankruptcy proceedings or arrangements with creditors with respect to the seller or its officers, directors, partners, or corporate predecessors.

(o) A history of the business experience of the principal officers of the seller, including information about the length and nature of each person's experience in dealing in commodities.

(p) An explanation of to whom and under what normal terms the investor can liquidate his investment, including a statement as to whether the seller will repurchase the commodity contract, and any conditions or limitations on the seller's obligation to repurchase. An explanation of any limitations of the buyer's legal or practical ability to resell to, or through another dealer.

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(q) A statement of the maximum delivery time within which a commodity will be delivered and the mean delivery time experienced by the seller in the previous 6 months.

(r) All additional material information.

(s) Any additional information required by the administrator.

History: 1954 ACS 90, p. 57, Eff. Feb. 17, 1977.

PART 3. REGISTRATION OF SECURITIES

R 451.702.1 Registration by notification; copies of statement.

Rule 702.1. The administrator may require by order, as a condition to registration by notification in case of a public offering of a substantial amount of securities where an inadequate, or no prospectus or offering circular is proposed to be used, that a copy of the registration statement under section 302(b) of the act be given or sent to each person to whom an offer is made before or concurrently with such offer.

History: 1954 ACS 55, p. 32, Eff. Aug. 14, 1968.

R 451.703.1 Registration by coordination; exhibits.

Rule 703.1. (1) A registration statement by coordination shall be submitted on a form supplied by the administrator or on the uniform application to register securities form, together with any consent to service required by section 414(g) and 3 copies of the latest form of prospectus filed under the securities act of 1933, and, unless the administrator in a specific instance permits otherwise, shall be accompanied by:

(a) A copy of the articles of incorporation and a copy of the bylaws or their substantial equivalents, currently in effect.

(b) A copy of any agreement with or among underwriters.

(c) A copy of any indenture or other instrument governing the issuance of the security to be registered.

(d) A specimen or copy of the security.

(2) The administrator may request other information or copies of other documents filed under the securities act of 1933. A document filed under the act or a predecessor act within 5 years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate.

History: 1954 ACS 55, p. 32, Eff. Aug. 14, 1968.

R 451.703.2 Acceleration of effectiveness of registration.

Rule 703.2. If the administrator accelerates effectiveness of a registration by notification, or after all other conditions are met, the administrator accelerates effectiveness of a registration by coordination, it will so advise the registrant by collect telegram stating the date and time of effectiveness. If the administrator does not accelerate effectiveness of a registration by coordination, it will advise the registrant by collect telegram when all other conditions are satisfied and no adverse proceeding is contemplated, whereupon registration becomes effective with effectiveness of the federal registration.

History: 1954 ACS 55, p. 33, Eff. Aug. 14, 1968.

R 451.704.1 Registration by qualification; prospectus.

Rule 704.1. In the case of a registration by qualification, unless the administrator in a specific instance permits otherwise, a prospectus prepared in accord-

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ance with prospectus instructions (form PI) and previously filed with the administrator shall be sent or given to each prospective purchaser within a reasonable time before a commitment to purchase is made. If the prospectus or any part thereof becomes misleading as to any material fact, or facts, or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, it shall be revised or supplemented, and the revision or supplementation shall be submitted to the administrator prior to use. A prospectus shall not be used if the administrator has informed the registrant of an objection thereto. A prospectus shall not be used without revision or supplementation for more than 13 months from its date.

History: 1954 ACS 55, p. 33, Eff. Aug. 14, 1968.

R 451.704.2 Registration by qualification; reports and investigations.

Rule 704.2. As a condition of registration by qualification, the administrator may require that a report by an accountant, engineer, appraiser or other professional person be filed, and may require that the estimated cost of such report be deposited in advance by the registrant in an escrow account. The administrator may also designate an employee to make an investigation of the books, records and affairs of any applicant for registration by qualification and may require the estimated cost thereof to be deposited in advance by the applicant in an escrow account. Unless waived by the administrator, a registrant by qualification shall submit a complete audit report of the issuer covering the last fiscal year, certified by independent or certified public accountants.

History: 1954 ACS 55, p. 33, Eff. Aug. 14, 1968.

R 451.705.1 Registration statements; who may file.

Rule 705.1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a registered broker-dealer. A registration statement shall have 1 or more registrants and may ordinarily have no more than 1 issuer but may cover more than 1 class of securities of that issuer.

History: 1954 ACS 55, p. 33, Eff. Aug. 14, 1968.

R 451.705.2 Escrow of securities.

Rule 705.2. (1) As a condition of registration by qualification or coordination, the administrator may require that any security issued or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow. The administrator, or a governmental agency or bank or trust company acceptable to the administrator, may be the depositary.

(2) The conditions of escrow may be any or all of the following:

(a) To prohibit assignment, sale or transfer of the securities for a stated period of time.

(b) To insure that such securities will not share in assets in dissolution or liquidation until and unless the remaining security holders have been paid a liquidating dividend equal to the public offering price.

(c) To permit the administrator, where necessary for the protection of security holders, and after prior notice and opportunity for hearings, to order the cancellation in whole or in part of any such security.

(3) Securities in escrow may be subject to release after lapse of the term of escrow or on a petition including a showing based on an audit by independent certified public accountants that an average net income of 5% a year, for a 2-year period subsequent to the date of escrow, has been earned on the class of securities

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in escrow based on the offering price and that the issuer is in sound financial condition. Notwithstanding the foregoing, securities may be released if the public offering is terminated and no securities were sold, or if all of the purchasers join in petitioning for release of the securities from escrow, or other equitable reasons justify the release.

(4) Securities in escrow may not be transferred except by will or pursuant to the laws of descent and distribution, without the consent of the administrator. A request to permit transfer shall be in writing, state the reason and consideration for the transfer, and the transferee shall agree to redeposit the shares in escrow under the same terms.

History: 1954 ACS 55, p. 33, Eff. Aug. 14, 1968.

R 451.705.3 Impoundment of proceeds of sale of securities.

Rule 705.3. (1) As a condition to registration by qualification or coordination, the administrator may require that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security in this state or elsewhere, sufficient to accomplish the purposes of the offering, or until certain stipulated requirements are met.

(2) In a new promotional enterprise, the administrator will ordinarily require that 100% of the sales price be impounded and that the 100% be returned to investors entitled thereto upon order of the administrator in case of failure to raise the specified amount within 1 year or during the effectiveness of the registration, or if certain stipulated requirements are not met. In such case, the promoters will be required, by equity investment or otherwise in a manner satisfactory to the administrator, to defray the discount, commission and expenses of the public offering including the expense of the impoundment and possible refunds. Consideration will be given to reduction of this percentage to defray some or all of the public offering costs in any instance of an enterprise with reduced promotional remuneration and advantages. No funds may be released except upon order of the administrator and all funds may be subject to audit before release.

(3) A bank or trust company may act as depositary or escrow agent for the impoundment of proceeds. Checks, drafts and money orders shall be made payable to the depositary. If a broker-dealer is acting as underwriter or selling agent for the issuer, payments may be made directly to such broker-dealer who shall promptly, after payment or settlement, make remittance to the depositary.

(4) A request for the release of impounded funds when requirements are met shall be by petition in writing affirming compliance with the registration and shall be accompanied by a statement from the depositary setting forth the total amount on deposit.

History: 1954 ACS 55, p. 34, Eff. Aug. 14, 1968.

R 451.705.4 Reports by registrants.

Rule 705.4. So long as a securities registration statement is effective a registrant shall file reports as required by order of the administrator.

History: 1954 ACS 55, p. 34, Eff. Aug. 14, 1968.

R 451.705.5 Mutual funds and contractuals.

Rule 705.5. A securities registration statement covering mutual fund shares, periodic payment plan certificates, or face-amount certificates, shall initially be within the unsold authorized amount registered with the securities and exchange commission. The initial Michigan registration statement and subsequent amend-

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ments to register additional securities shall cover not more than the amount of securities estimated to be sold in Michigan within the next 2 years, and sales subsequently made in Michigan will be applied thereagainst in determining the unsold allotment under the registration.

History: 1954 ACS 55, p. 34, Eff. Aug. 14, 1968.

R 451.706.1 Incomplete registration statements.

Rule 706.1. If a registrant fails to complete or withdraw a registration statement within 7 months from the date of filing, the administrator may commence proceedings to deny on the basis of section 306(a)(1) and 306(a)(2)(A) of the act.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

R 451.706.2 Debt securities and preferred stock; junior equity.

Rule 706.2. An offering of debt securities or preferred stock may be deemed to be on unfair terms within the meaning of section 306(a)(2)(E) of the act unless there are junior securities and surplus of an amount equal to at least 50% of the class of securities being offered. This requirement will be waived only when justified by the normal debt-capital ratios prevailing in the particular industry, the history of interest or dividend coverage, the participation in earnings and management, or the restricted nature of the offering.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

R 451.706.3 Open-end investment companies; expense ratio.

Rule 706.3. An application for registration of securities of an open-end management investment company will ordinarily be regarded as an imposition and on unfair terms and subject to denial if the total expenses, exclusive of interest and taxes, exceed 1% of the average net assets of the company for the preceding year. An irrevocable written undertaking by the sponsor, general distributor or management company to absorb any such excess will be considered if its resources appear adequate.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

R 451.706.4 Contractuals; 30-day letter.

Rule 706.4. A securities registration statement covering mutual fund periodic payment plan certificates will be deemed to tend to work an imposition and be an offering upon unfair terms unless the registrant furnishes an undertaking to send or cause to be sent by first class mail to each purchaser, at the time the certificate is issued or prior thereto, (a) a separate printed statement showing the sales load, fees, deductions and other charges to be deducted from each installment payment, (b) a duplicate copy of any application or request letter signed by the purchaser at the time he applied for or agreed to purchase, and (c) a letter specifically calling attention to the statement of charges. The letter shall also advise the purchaser that if after making his initial payment, whether for 1 or more installments, he shall for any reason whatever elect to surrender his certificate for cancellation, he will be refunded the full amount paid in by him, if the written request for such cancellation is made within 30 days, or any longer period indicated, after the mailing of such letter, or after the mailing of the certificate when the letter advises the certificate will be mailed at a later date. In lieu of the foregoing, the administrator may accept a satisfactory alternative undertaking. The requirement of this rule is in addition to, and does not preclude the purchaser from pursuing, any remedy afforded by section 410 of the act.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

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R 451.706.5 Underwriters' discounts, commissions or other compensation.

Rule 706.5. An offering may be deemed to be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation within the meaning of section 306(a)(2)(F) of the act, if such amounts, exclusive of other expenses attributable to the sale of an offering, exceed 15%, or such lesser percentage as may be indicated based upon the type of security being offered, size of offering, and prevailing market conditions. All other expenses shall be reasonable in kind and amount.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

R 451.706.6 Promotional securities or "cheap stock."

Rule 706.6. Securities to be sold or issued, or sold or issued by an issuer which is in the promotional or development stage, to underwriters, promoters or insiders for a consideration less than the proposed public offering price are presumed to be "cheap stock." Registration of securities where cheap stock has been or will be issued may be looked upon with disfavor and as tending to work an imposition, as being an offering upon unfair terms, and as involving an unreasonable amount of promoters' profit and participation or unreasonable amount of underwriters' and sellers' discounts, commissions or other compensation, unless the following minimum conditions are met:

(a) The number of shares shall be justifiable in amount and the consideration therefor shall have a reasonable relationship to the public offering price.

(b) If the shares were or are to be acquired by an underwriter, the difference between the consideration for the shares and the proposed public offering price, when added to the other discounts, commissions and expenses of the sale shall not exceed the maximum customarily allowable therefor.

(c) The shares of cheap stock issued shall not result in a dilution of more than 33⅓% of the value of the shares outstanding in the hands of the public at any time.

(d) The administrator, unless satisfactory earnings history meeting standards comparable to those stated in R 451.705.2(3) is shown, may require all cheap stock to be deposited in escrow under such terms and conditions as the administrator shall prescribe.

(e) The same test shall be applied to cheap stock acquired from selling shareholders unless such shareholders are so lacking in control of the corporate entity as to require different treatment.

History: 1954 ACS 55, p. 35, Eff. Aug. 14, 1968.

R 451.706.7 Promoters' participation.

Rule 706.7. Promoters' participation may be deemed unreasonable under section 306(a)(2)(F) of the act, unless in the case of an issuing company in a promotional or development stage seeking equity public financing, the promoters shall have first made an investment in cash or tangible property of a fair value equal to 15% or more of the minimum or impounded amount of the proposed public financing. Tangible assets turned in by promoters after being held by them less than 1 year will be presumed to have a fair value not greater than the cost to them, however, this presumption may be rebutted.

History: 1954 ACS 55, p. 36, Eff. Aug. 14, 1968.

R 451.706.8 Warrants and stock purchase options.

Rule 706.8. (1) A registration statement covering an offering of capital stock involving warrants or stock purchase options to others than all the purchasers of securities will generally be regarded as not being in the public interest and as being objectionable under subparagraphs (E) and (F) of section 306(a)(2) of the

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act unless the requirements hereinafter set forth are met and justify the issuance of the warrants or stock options.

(2) Options to management in the nature of restricted or qualified stock options for incentive purposes will be considered justified if reasonable in number and method of exercise.

(3) Options to employees, or their nominees, pursuant to stock purchase plans or profit sharing plans will be considered justified if reasonable in number and method of exercise.

(4) Options to underwriters will be considered justified if all of the following conditions are met:

(a) When issued to managing underwriters under a firm underwriting agreement if they are not transferable except in cases where the managing underwriter is a partnership and then only among the partnership.

(b) If the number of shares covered by all options or warrants does not exceed 10% of the securities to be outstanding at the completion of the offering.

(c) If the options or warrants do not exceed 5 years in duration and are exercisable no sooner than the twelfth month after issuance with initial exercise price at least equal to offering price.

(d) If the exercise price of the options thereafter is at least equal to the public offering price plus a step-up of the public offering price of either:

(i) Seven percent each year they are outstanding so that the exercise price throughout the second year is 107%; throughout the third year 114%; throughout the fourth year 121%; and throughout the fifth year 128%, or

(ii) Twenty percent at any time after 1 year from the date of issuance.

An election as to either alternative shall be made by the underwriters at the time that the options are issued to the underwriters.

(e) If the options and warrants are issued by a relatively small company, which is in the promotional stage, or which, because of its size, lack of public ownership of its shares, or other facts and circumstances makes it appear to the administrator that the issuance of options is necessary to obtain competent investment banking services, if the direct commissions to the underwriters are lower than the usual and customary commissions would be in the absence of such options.

(f) The prospectus issued in connection with the registration statement contains a full disclosure as to the terms and the reason for the issuance of the options and warrants; and if such reason is in connection with future advisory services to be performed by the underwriter without compensation in consideration for the issuance of the options, a statement to that effect shall be placed in the prospectus.

(g) When it is necessary to include the value of the options in the computation of commissions, the market value of the options shall be used. When no market value exists, an arbitrary value of 20% of the public offering price of the securities to which the options pertain shall be used, unless evidence indicates that a different valuation exists.

(h) The same tests shall be applied to options issued by selling shareholders unless evidence indicates that the selling shareholders are so separated from the corporate entity and so lacking in control of the corporate entity as to require more liberal treatment.

History: 1954 ACS 55, p. 36, Eff. Aug. 14, 1968.

R 451.706.9 Real estate investment trusts (REIT).

Rule 706.9. (1) "Real estate investment trust" means an unincorporated trust or association which intends to comply with sections 856, 857, and 858 of the internal revenue code of 1954, as amended.

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(2) A registration statement covering an offering of securities of a real estate investment trust will be regarded as not being in the public interest and as being objectionable under subparagraphs (E) and (F) of section 306(a)(2) of the act unless the requirements of this rule and R 451.706.10 to R 451.706.23 are met.

History: 1954 ACS 55, p. 37, Eff. Aug. 14, 1968.

R 451.706.10 REIT; capital; filing of contracts and trust instruments.

Rule 706.10. (1) A real estate investment trust shall ordinarily have a net capital of not less than $300,000.00 represented by outstanding shares or certificates of beneficial interest.

(2) A copy of all contracts with independent contractors for the management, operation or furnishing of services to tenants of trust properties shall be filed with the administrator accompanied by satisfactory evidence that the fees therein provided are in accord with the prevailing costs for such services in the area in which the property is located.

(3) The declaration of trust, or other instrument forming the trust, shall be filed for record in the office of the register of deeds in the county where the principal business of the trust is located and in any other county where property of the trust is located.

(4) The declaration of trust, or other instrument forming the trust, shall ordinarily provide for the matters set forth in R 451.706.11 to R 451.706.23.

History: 1954 ACS 55, p. 37, Eff. Aug. 14, 1968.

R 451.706.11 REIT; trustees.

Rule 706.11. (1) A real estate investment trust shall have a minimum of 3 trustees all of whom are elected for a term not to exceed 3 years by the outstanding shares of beneficial interest.

(2) No assets of the trust shall be acquired, directly or indirectly, from or through or conveyed to any trustee, investment adviser of the trust, officer, independent contractor of the trust or employee, except for the acquisition of assets at the formation of the trust, or shortly thereafter, and then only if the acquisition price of such assets is based on an independent appraisal acceptable to the administrator; nor may any such person receive a commission or other remuneration, directly or indirectly, in connection with the disposal or acquisition of trust assets.

(3) The declaration of trust, or other instrument forming the trust shall not contain any provisions relieving any trustee from liability to the trust or its security holders to which it or he might otherwise be subject by reason of acts constituting bad faith, wilful misfeasance, gross negligence or reckless disregard of his duties.

(4) A trustee may be removed by the vote or written consent of the holders of ⅔ of the outstanding shares of beneficial interest.

History: 1954 ACS 55, p. 37, Eff. Aug. 14, 1968.

R 451.706.12 REIT; liability of shareholders, beneficial owners, and the trust.

Rule 706.12. The shares or certificates of a real estate investment trust are nonassessable. The shareholders or beneficial owners shall not be personally liable on account of any of the obligations of the trust. Written contracts to which the trust is a party shall include a provision that the shareholders or beneficial owners shall not be personally liable thereon. The trustees shall maintain adequate insurance against possible liability on the part of the trust, ex delicto.

History: 1954 ACS 55, p. 37, Eff. Aug. 14, 1968.

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R 451.706.13 REIT; annual and interim reports.

Rule 706.13. (1) A real estate investment trust shall cause to be prepared an annual report consisting of a detailed report of the activities of the trust during the period covered by the report and of a balance sheet, statement of income, and surplus of the trust and an opinion thereon of an independent certified accountant or independent public accountant based on an examination of the books and records of the trust not materially limited in scope, and made in accordance with generally accepted auditing procedures.

(2) The annual report shall be filed with the trustees and the administrator, and a copy thereof delivered to each shareholder or beneficial owner within 120 days after the close of the period covered by the report. The copies delivered to the trustees and administrator shall be manually signed.

(3) An interim report, at least quarterly, containing a current balance sheet which may be unaudited; and other pertinent information regarding the trust and its activities in the quarter covered by the report shall be filed with the administrator within 60 days after the end of the quarter.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.14 REIT; meetings of shareholders and beneficial owners.

Rule 706.14. (1) An annual meeting of the shareholders or beneficial owners of a real estate investment trust shall be held at a convenient location on proper notice to the shareholders, or beneficial owners, following delivery of the annual report required in R 451.706.13.

(2) A special meeting of the shareholders or beneficial owners may be called by the president, or by a majority of the trustees and shall be called by any officer of the trust upon written request of shareholders holding together not less than 25% of the outstanding shares of the trust entitled to vote at such meeting. The call shall state the nature of the business to be transacted and no other business shall be considered.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.15 REIT; inspection of records.

Rule 706.15. The declaration of trust or other instrument forming the real estate investment trust shall provide for inspection of the trust records by the administrator at a reasonable time, and inspection of the trust records by a shareholder or beneficial owner as permitted under Michigan law to the same extent as is permitted a corporate shareholder.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.16 REIT; distributions.

Rule 706.16. A distribution to shareholders or certificate holders of a real estate investment trust shall be accompanied by a statement in writing advising of the source of the funds so distributed. If there is doubt as to this, the communication shall so state, in which event, the necessary statement shall be forwarded to shareholders or certificate holders not later than 60 days after the close of the fiscal year in which the distribution was made.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.17 REIT; changes and termination.

Rule 706.17. (1) No change shall be made in the declaration of trust, or other instrument forming the real estate investment trust, without the vote or written consent of the holders of ⅔ of the outstanding shares of beneficial interest.

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(2) The trust may be terminated at any time, by a vote or written consent of the holders of ⅔ of the outstanding shares of beneficial interest.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.18 REIT; investment policy and contracts.

Rule 706.18. (1) The trustees shall have absolute and exclusive control over the management of the real estate investment trust and its property and the disposition thereof. The investment policies intended to be followed by the trustee shall be stated with reasonable particularity in the declaration of trust or other instrument forming the trust.

(2) An investment advisory contract entered into by the trustees initially may not be for more than 3 years, and be terminable by either party on 60 days' notice. An investment advisory contract entered into by the trustees thereafter shall not be for more than 1 year. Total compensation of the investment advisor shall not exceed ½ of 1% annually of the net assets of the trust managed. In case of real property it shall be calculated on the basis of cost less depreciation or, in the judgment of the trustees, fair market value of the net assets of the trust, whichever is less.

History: 1954 ACS 55, p. 38, Eff. Aug. 14, 1968.

R 451.706.19 REIT; expense limitation.

Rule 706.19. (1) There shall be a reasonable limitation on selling and promotional expenses of a real estate investment trust, based on requirements under Michigan law. Selling and promotional expenses shall not be included in the annual expense limitation, and shall include printing costs for the prospectus and other advertising material, initial issue securities sales commissions, legal costs and filing fees related to registration of the securities.

(2) The aggregate annual expenses of every character, exclusive of interest, taxes, maintenance and upkeep of trust assets, payments to independent contractors, compensation to investment adviser, and reasonable sales commissions in the disposition of properties, legal fees relating to the acquisition of real estate, and title insurance or abstract expenses, shall not exceed $5,000.00 or 1% of the average net assets of the trust calculated on a semi-annual or more frequent basis, consistently applied, whichever is greater. If the trust has no investment adviser, or if the compensation of the adviser is less than ½ of 1%, the expenses, including compensation to the adviser may not exceed 1½% annually. Net assets shall be calculated on the basis of cost less depreciation or, in the judgment of the trustees, fair market value of the net assets of the trust, whichever is less. The maximum amount of such expenses shall be stated in the prospectus.

History: 1954 ACS 55, p. 39, Eff. Aug. 14, 1968.

R 451.706.20 REIT; appraisal of real estate acquired.

Rule 706.20. The consideration paid for real property acquired by a real estate investment trust shall ordinarily be based upon fair market value of the property as determined by a real estate appraisal prepared by a qualified, disinterested and independent appraiser. If an appraisal may be required under this or any other provision of these rules, an appraisal may not be required if there is a record of uninterrupted payment of principal and interest for the preceding 5 years on any encumbrance on the property, and the earnings of the property, before depreciation, during the preceding 5 years are such that when capitalized annually at an 8% rate the capitalized figure approximates the purchase price paid or to be paid for the property.

History: 1954 ACS 55, p. 39, Eff. Aug. 14, 1968.

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R 451.706.21 REIT; prohibited investments.

Rule 706.21. A real estate investment trust shall not:

(a) Invest more than 5% of its assets in unimproved real property. Unimproved property includes, among other things, vacant land, lots on which the permanent buildings have not been completed, and agricultural or ranching land. Agricultural or ranching land which is purchased at substantially its value for agricultural or ranching land and used as such shall not be regarded as unimproved property.

(b) Invest in commodities.

(c) Invest in a mortgage or trust deed on unimproved real property or in a mortgage or trust deed other than a first mortgage or first trust deed not in a greater percentage of value, as confirmed by a competent independent appraiser, than permitted under local law to a savings and loan association.

(d) Invest more than 1% of its assets in real estate contracts of sale.

(e) Invest in any real property subject to a mortgage, trust deed or other encumbrance to other than a bank, insurance company, pension fund, or other institutional lender, or corporation engaged in the business of mortgage investments, except in the case of a purchase money mortgage.

History: 1954 ACS 55, p. 39, Eff. Aug. 14, 1968.

R 451.706.22 REIT; prohibited activities.

Rule 706.22. A real estate investment trust shall not:

(a) Engage in a short sale or borrow, unsecured, more than 8% of the value of its net assets. The total amount of encumbrance to which all of its real property shall be subject shall not be more than 66⅔% of the fair market value of the property as confirmed by a competent independent appraiser. Real property, subject to FHA or other governmentally insured encumbrances, is not subject to the 66⅔% limitation.

(b) Acquire or convey an interest in property in which a trustee, adviser of the trust, independent contractor or employee for the trust also has an interest, directly or indirectly, except as permitted in R 451.706.11(2).

(c) Engage in trading as compared with investment activities.

(d) Issue securities of more than 1 class.

(e) Issue redeemable securities.

(f) Hold securities in a company holding investments or engaging in activities prohibited by this rule or R 451.706.21.

(g) Engage in underwriting or agency distribution of securities issued by others.

(h) Issue warrants, options or similar evidence of a right to buy its securities, other than to all the shareholders ratably.

(i) Acquire options at a cost of more than 1% of the purchase price of the property involved.

History: 1954 ACS 55, p. 39, Eff. Aug. 14, 1968.

R 451.706.23 REIT; conflicts with internal revenue code.

Rule 706.23. The provisions of the declaration of trust of a real estate investment trust giving the shareholders the right to elect and remove trustees and the right to amend and terminate the declaration of trust are subject to the requirements of the internal revenue code of 1954, as amended, and the rules and regulations promulgated thereunder. If any provision granting or limiting such shareholder right conflicts with the requirements of the internal revenue code of

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1954 and the rules and regulations promulgated thereunder, such provisions shall be deemed to be without force and effect. If the provision relating to the election of trustees by the beneficiaries of the trust is deemed to be without force and effect, the trustees in office shall be deemed to be the qualified and acting trustees until such time as a successor trustee or trustees have been named and qualified. However, on or before the next meeting of shareholders, after the trustees have notified the shareholders that any or all shareholders rights create such a conflict and therefore shall be without force and effect, the trustees shall submit to the shareholders for their approval or disapproval, by a majority of those voting, the question as to whether such shareholder right or rights shall be continued.

History: 1954 ACS 55, p. 40, Eff. Aug. 14, 1968.

PART 4. GENERAL PROVISIONS

R 451.801.1 Definitions for rules.

Rule 801.1. As used in these rules:

(a) Except when the context clearly indicates otherwise, terms have the same meaning as given to them in the act.

(b) "Act" means Act No. 265 of the Public Acts of 1964, as amended, being §§451.501 to 451.818 of the Michigan Compiled Laws.

(c) "Administrator" means department of commerce or any other agency authorized by law to enforce the provisions of the act.

History: 1954 ACS 55, p. 40, Eff. Aug. 14, 1968.

R 451.801.2 Definitions.

Rule 801.2. As used in the act and in these rules:

(a) "A specified number of days" means calendar days, including Saturdays, Sundays, and holidays, unless the act or rule specifically indicates that business days are intended.

(b) "Officer" means the president, vice president, secretary, or treasurer of a corporation, or a person occupying a similar status or performing similar functions.

(c) "Commodities contract," as defined by section 401(o) of the act, includes, but is not limited to, an agreement or document evidencing the sale of a commodity for present delivery where the value of the commodity is difficult to ascertain, except by a person expert in the analysis of the commodity, and the commodity is offered for sale to the general public as an investment for future appreciation.

(d) "Goods commonly classified as commodities within the normal course of business dealings" include, but are not limited to:

(i) Precious or semi-precious gems or imitations thereof.

(ii) Warehouse receipts for, casks of, or other containers of whiskey or other alcoholic beverage.

History: 1954 ACS 55, p. 40, Eff. Aug. 14, 1968; 1954 ACS 90, p. 59, Eff. Feb. 17, 1977.

R 451.802.1 Employees' benefit plans.

Rule 802.1. Notification in writing to the administrator pursuant to section 402(a)(10) of the act, of an investment contract or option issued in connection with an employees' stock purchase, option, savings, pension, profit-sharing or similar benefit plan if the employee makes a contribution to that plan, before the issuance thereof shall consist of the submittal of the plan itself or an accurate summary

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thereof including information identifying generally the employees or class of employees covered and the effective date. A similar notification shall be filed for any major amendment to the plan. This applies to plans effective January 1, 1965, and thereafter; no notification is required of the granting of specific options or the issuance of specific securities to any person under a plan.

History: 1954 ACS 55, p. 40, Eff. Aug. 14, 1968.

R 451.802.2 Recognized manuals.

Rule 802.2. The administrator recognizes the following securities manuals under section 402(b)(2)(A) of the act:

Moody's Industrial Manual
Moody's Transportation Manual
Moody's Public Utility Manual
Moody's Bank and Finance Manual
Moody's Municipal and Government Manual
Standard and Poor's Corporation Records
Best's Life Insurance Reports
Best's Insurance Reports (fire and casualty)

History: 1954 ACS 55, p. 40, Eff. Aug. 14, 1968.

R 451.802.3 Fifteen-offeree exemption.

Rule 802.3. (1) Only transactions effected in compliance with this rule are exempt under section 402(b)(9) of the act, provided that the administrator may by order and within the limitations of section 402(b)(9) exempt transactions not conforming to this rule. The following transactions, in addition to those designated in section 402(b)(8) are exempt under this rule:

(a) Transactions pursuant to offers of its securities, regardless of type or class, by an incorporated issuer directed to an aggregate of not more than 15 persons in this state during the initial period of 12 months after incorporation, and to an aggregate of not more than 10 persons during any subsequent period of 12 consecutive months.

(b) Transactions pursuant to offers of securities of a particular issuer, regardless of type or class, or of a particular venture, by a nonissuer offeror directed in the case of each issuer or venture, to an aggregate of not more than 10 persons in this state during any period of 12 consecutive months.

(c) Transactions pursuant to offers of certificates of interest or participation in a particular venture by the organizers of a partnership, unincorporated joint venture, voluntary association or trust, or by persons who effect transactions in certificates of interest or participation in oil, gas or mining titles or leases or in payments out of production under such titles or leases, to an aggregate of not more than 25 persons in this state during the initial period of 12 months after formation of the venture, and to an aggregate of not more than 10 persons during any subsequent period of 12 consecutive months, if in each case:

(i) The seller, before consummating sales, makes inquiry and reasonably believes that the buyers in this state as hereinbefore limited are purchasing for investment; and

(ii) No commission or other remuneration is paid or given directly or indirectly for soliciting any of the prospective buyers in this state as hereinbefore limited, unless this requirement is waived by order.

(2) In furtherance of any investigation the administrator may require that an offeror availing himself of an exemption under this rule file a written statement

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identifying the issuer or venture and the offeror, describing the securities offered or to be offered, and listing the name and address of every offeree and every purchaser. Failure to file such information within 15 days of request, or filing incomplete or false information, will constitute ground for the administrator to withdraw the exemption as provided in section 402(b)(9)(B) of the act and to start proceedings under section 408 of the act.

History: 1954 ACS 55, p. 41, Eff. Aug. 14, 1968.

R 451.803.1 Sales literature and advertising.

Rule 803.1. (1) A copy of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed to, or intended for distribution to prospective investors, unless the security or transaction is exempted by section 402 of the act, shall be submitted to the administrator contemporaneous with its use, unless the administrator specifically requires otherwise. It shall not be used if the administrator finds it obsolete or misleading, and has stated its disapproval in writing. The requirement of submittal ordinarily does not apply to the following:

(a) Advertisement in newspapers or periodicals of securities, with respect to which a registration statement is effective, which do no more than state the identity of the issuer of the security; the title of the security, amount offered, and the per-unit offering price to the public; the names and addresses of broker-dealers participating or from whom prospectuses may be obtained; the reason for publication of the advertisement; any hedge clauses necessary to effect compliance with state or federal regulatory requirements; and the date.

(b) Dividend notices.

(c) Advertisements in newspapers or periodicals by registered broker-dealers which do no more than state the name, address, and telephone number of the broker-dealer and like information as to branches; identify securities which he may legally buy, sell, or trade; state where information may be obtained; and state his affiliations with securities and commodities exchanges.

(d) Advertisements in newspapers or periodicals by registered broker-dealers in which no specific security is mentioned. The administrator may withdraw this exemption as to any broker-dealer for cause.

(e) Advertisements appearing in a newspaper or other publication of general, regular, or paid circulation which is not published in this state, or, if published in this state, has had more than ⅔ of its circulation outside this state during the past 12 months.

(f) Radio or television scripts for programs originating outside this state, or if originating within this state and limited to a broadcast of market quotations.

(2) All advertising relating to nonexempt commodity contracts shall be filed with the administrator at least 10 business days prior to publication unless a shorter time is approved by the administrator, and all advertising shall be subject to the following:

(a) An advertisement shall not contain any statement or inference that an investment in a commodity contract is a safe investment, that loss is impossible or unlikely, or that profits are assured.

(b) An advertisement shall contain the name and address of the person responsible for sponsoring the advertisement, and shall state the full name and address of the commodities issuer or commodity broker-dealer, or both, as applicable.

(c) An advertisement shall not directly or indirectly refer to any specific prior recommendations, transactions, or prior offerings of the seller.

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(d) An advertisement shall not represent that a report, analysis, or other service will be furnished free unless the report, analysis, or other service actually is or will be furnished free and without any condition or obligation, directly or indirectly.

(e) An advertisement shall not refer to the seller as an exchange or indicate that the seller's name includes the term "exchange" unless the term is used to refer to an existing contract market registered with the commodity futures trading commission.

(f) An advertisement shall not use the term "guarantee" without fully and clearly detailing the guarantee made, and the limitations thereof, and stating the basis upon which the guarantee will be made and the basis for the ability of the guarantor to fulfill the guarantee. If the guarantor is not the seller, the guarantor shall be identified by true name and address.

(g) An advertisement shall not state a past percentage change in the price of a commodity without providing, in the same advertisement, a comparable statement, in similar type size and style, of the price of that commodity each year for the past 5 years and without providing a statement of the price on a month-end basis for each month of the current year and the preceding 6 months of the previous year, and a statement of the price as of the date immediately prior to the date of the advertisement.

(3) For purposes of this rule, "advertisement" means a written or printed communication or a communication by means of recorded telephone message, or spoken on radio, television, or similar communication media, published in connection with an offer to buy or sell a commodity contract, or to provide commodity investment advisory services.

History: 1954 ACS 55, p. 41, Eff. Aug. 14, 1968; 1954 ACS 90, p. 59, Eff. Feb. 17, 1977.

R 451.812.1 Financial statements.

Rule 812.1. When a report pursuant to any of these rules is prepared by an independent or certified public accountant who holds, or intends to acquire, any position or interest in the registrant covered by the report, full disclosure thereof shall be made to the administrator.

History: 1954 ACS 55, p. 42, Eff. Aug. 14, 1968.

R 451.814.1 Irrevocable consent to service of process.

Rule 814.1. An applicant for registration under the act and an issuer which proposes to offer a security in this state through a broker-dealer as his agent shall file, or have on file, with the administrator an irrevocable consent to service of process pursuant to section 414(g) of the act in the prescribed form CA appearing in the appendix to these rules, or a uniform form satisfactory to the administrator containing substantially the same provisions may be filed.

History: 1954 ACS 55, p. 42, Eff Aug. 14, 1968.

R 451.817.1 Rescission.

Rule 817.1. Rules 1 to 30, 101 to 120, and 201 to 208 of the corporation and securities commission pertaining to securities, being R 451.1 to R 451.30, R 451.101 to R 451.120, and R 451.201 to R 451.208 of the Michigan Administrative Code, and appearing on pages 5501 to 5514 of the 1954 volume of the Code and the amendments and additions thereto appearing on page 133 of the 1955 Supplement to the Code, pages 739 to 741 of the 1957 Supplement to the Code, and page 2911 of the 1963 Supplement to the Code, are rescinded.

History: 1954 ACS 55, p. 42, Eff. Aug. 14, 1968.

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APPENDIX

Form BR

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
SECURITIES BUREAU
(Herein designated as the administrator)

Lansing, Michigan 48904

APPLICATION FOR BROKER-DEALER REGISTRATION
(Under Uniform Securities Act)

(Do not fill in)
Application
Received _____

_____

Effective _____

_____

1. Name of applicant _____
   (a) Principal business address _____
   (b) Offices in Michigan:

	Address	Name of person in charge
Principal Office:	_____	_____
Branch Offices:	_____	_____
	_____	_____
	_____	_____

   (c) State recent net worth of firm per rule 602.6 $_____ Date _____
   (d) If not exchange member, state dates on which applicant will file semi-annual reports _____
   (e) State date of applicant's fiscal year end _____
2. State type of organization, i.e. corporation, partnership, or sole proprietorship:

   _____
   (a) If corporation, date incorporated _____ under laws of _____ _____; if foreign corporation, date admitted into Michigan_____
   (state)
   (b) If partnership, certificate was filed in _____ on _____
   (county) (date)
   under Michigan Public Act No. _____, year _____.
   (c) If individual (sole proprietorship) is to be licensed under assumed name, state name of Michigan county in which an assumed name certificate was filed _____, and date of filing _____, pursuant to Act 101, P.A. 1907, as amended.
3. If applicant is a corporation or a partnership, give the following information:

Officers, Directors, Partners and Controlling Stockholders	Positions Held	Age	Residence Address (including street and number)	Shares of Interest owned directly or otherwise (state if pledged)

4. Will applicant (a) conduct a margin business? _____ ; (b) deal in commodities? _____ ; (c) sell mutual fund shares? _____ ; (d) sell

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contractual plans? _____; (e) underwrite or participate in underwritings? _____; (f) in securities transactions act as principal? _____ or agent? _____ or both? _____; (g) deal in listed securities? _____; (h) deal in unlisted securities? _____.

5. State number of years applicant has engaged in the securities business _____. Describe the general character and method of doing business in Michigan, stating the kind of securities business in which the applicant will be principally engaged:
6. Give names of other states in which applicant operates as a broker-dealer _____
7. Is applicant a member of the NASD or of a national stock exchange? (give details) _____
8. Has applicant or any of its officers, directors, or partners ever been:
   (a) Convicted of a misdemeanor involving moral turpitude or any felony? ___
   (b) Enjoined by a court from engaging in or continuing any conduct or practice involving any aspect of the securities business? _____
   (c) The subject of an order by a governmental agency denying, suspending, or revoking registration as a broker-dealer or agent? _____
   (d) The subject of a disciplinary order suspending or expelling him from membership in a national exchange or the NASD? _____

   If the answer is "yes" to any part of the above question, attach a separate sheet and give full details.
9. **Renewal Registration.** Unless a balance sheet has been filed as of a date within the present calendar year, a balance sheet conforming to the requirements of Exhibit I below should accompany this application; also any other exhibits accompanying the last application should be brought up to date, if necessary.
10. **Initial Registration.** The following exhibits are to be filed with all initial registrations. These exhibits, which are made a part of this application by reference and identification, are as follows:

    Exhibit I. Detailed balance sheet as of a date within 45 days preceding the filing of this application. Also if in business 1 year or more and last certified audit report is not on file with administrator, enclose copy. If applicant is sole proprietorship, a personal balance sheet as of the same date as the more recent balance sheet of the firm shall also be submitted.

    NOTE: If net capital does not exceed $100,000.00, submit the following supporting schedules as of the date of the more recent balance sheet submitted.
    (a) Firm investments priced at current market and extended.
    (b) Customers' debit balances with dates incurred and security positions.
    (c) Notes receivable and notes payable, listing all collateral thereto.

    Exhibit II. An irrevocable consent to service of process appointing the administrator, or its successor in office, to be applicant's attorney to receive service of any lawful process in any noncriminal suit, action or proceeding. (Form CA)

    Exhibit III. If applicant's net capital does not exceed $50,000.00 (as defined by rule), a $10,000.00 Broker-dealer's bond (Form BB) or arrange-

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ment for appropriate deposit of cash or securities pursuant to the rule applying thereto.

Exhibit IV. If applicant is a corporation, copy of articles of incorporation as amended to date; or if applicant is a partnership, copy of articles of partnership as amended to date.

Exhibit V. If applicant also operates in states other than Michigan, submit a Business History (Form BH) for each officer or partner in charge of Michigan operations. If applicant operates only in Michigan submit Business History for the proprietor (if a proprietorship), each partner (if a partnership), and each officer and director (if a corporation). Omit any Business History if applicant is a member of the New York Stock Exchange, or if already on file, or if for an individual immediately previously licensed or registered in any capacity under this act.

Exhibit VI. Broker-dealer records and location (Form RL).

Exhibit VII. If applicant is a proprietorship then, unless he has had an effective Michigan registration as a broker-dealer or agent within 6 months prior to the date of filing his application, he shall furnish Michigan State Police and FBI fingerprint cards obtainable at the Lansing office of the department. Also the proprietor may be required to take and pass a written principal's examination (unless he has previously passed a comparable examination) and the Michigan state law examination (unless he has previously passed this examination).

Fee: The registration filing fee for a broker-dealer registration becoming effective between July 1 and December 31, inclusive, of any year is $100.00 plus $50.00 for each office more than 1 maintained in Michigan. These fees are reduced to $50.00 and $25.00 respectively for registrations becoming effective between January 1 and June 30, inclusive, of any year (being for ½ year or less). Make remittances payable to State of Michigan.

Date of signing _____

_____
(broker-dealer)

By _____
(officer, partner, or proprietor)

_____
(title)

STATE OF _____ }
} ss.
County _____ }

Subscribed and sworn to before me this ____ day of _____, A.D. 19___.

_____ Notary Public.

My commission expires _____; County of _____; State of _____.

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Form AR

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
SECURITIES BUREAU

Lansing, Michigan 48904

Do not fill in Application Received _____ Effective _____	APPLICATION FOR AGENT REGISTRATION (Under Uniform Securities Act)	Attach Photo Taken Within Three Years

1. Name of applicant _____
2. Address of applicant (residence) _____
   (number, street, city and state)
3. Name of employer (broker-dealer or issuer) _____
4. Address of employer (office to which you are attached) _____
5. Applicant's birth date _____ Place of birth _____ Weight _____ Height _____ Color eyes _____ Color hair _____.
6. Are you a U.S. Citizen? ____ How long have you resided in Michigan? ____
7. Have you ever been registered as an agent or broker-dealer in securities in Michigan or elsewhere? _____ If so, state when and where and capacity
   _____
   _____
8. Have you ever had such a registration denied, suspended or revoked? ____ If so, explain fully _____
   _____
9. Have you every had a license to engage in any other business or profession denied, suspended or revoked? _____ If so, explain fully _____
   _____
10. Employment or occupation during past 10 years.

Beginning Date	Ending Date	Name of Employer	Business of Employer	Position Held

(a) Account for time in military service since 1940, and also state type of discharge:

11. Education (state amount of formal education and when and where obtained)
    _____
12. Have you ever been
    (a) convicted of any misdemeanor (other than minor traffic violations)? _____; or convicted of a felony? _____; (b) enjoined by any court

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from engaging in or continuing any conduct or practice involving any aspect of the securities business? _____; (c) the subject of any disciplinary order by a national securities exchange or a national securities association or the S.E.C.? _____; (d) the subject of a disciplinary order, or cease and desist order, by any state regulatory agency? _____.
If the answer is "yes" to any part of the above question, attach a separate sheet and give full details.

13. Have you, or has any company in which you had a controlling interest, ever been adjudicated bankrupt? _____ If so, attach separate sheet and give full details.

14. Will you be engaged in the sale of securities on a full-time or part-time basis? _____ If part-time, what other employment and employer will you have? _____ Principally what type of securities will you sell? _____

15. NASD Members only
    (a) Have you previously been registered as an agent by the State of Michigan?
    Yes _____ No _____
    (b) Duplicate copy of "Request for Michigan State Law Examination" shall be enclosed with this application and 1 copy should be submitted to the NASD. Has this been done?
    Yes _____ No _____
    (c) Is evidence of registration with the NYSE, ASE, or NASD enclosed?
    Yes _____ No _____
    (If registration is pending, evidence of registration must be submitted by applicant at time of effectiveness)

    NON-NASD Members only
    (a) Have you previously been registered as an agent by the State of Michigan?
    Yes _____ No _____
    (b) Will you be writing the General Securities Exam as administered for the State of Michigan by the NASD?
    Yes _____ No _____
    (In lieu of the above, enclosed with this application is evidence of passing of a SECO or comparable examination)

    NOTE: You will be furnished with the forms to be used for requesting the Michigan State Law Examination, and the General Securities Examination if same is to be written.

I, _____, the undersigned applicant do solemnly swear that the answers to the above questions and the statements herein made are true, and that I have not herein made any statement, which is at this time and in the light of the circumstances under which it is made, false or misleading in any material respect.

Date of signing _____ _____
(Signature of Applicant)

(Notarization of Applicant's Signature)

STATE OF _____ }
County _____ } ss.

Subscribed and sworn to before me this ____ day of _____ A.D., 19___.

_____ Notary Public.

My commission expires _____ County of _____ State of _____

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DEALER'S STATEMENT

The following is to be signed by an officer, general partner, or proprietor of the broker-dealer or issuer employing the applicant agent.

I, _____, certify on behalf of
(name and title)

_____ that, based upon information available
(name of broker-dealer or issuer)

to me or resulting from my investigation of the applicant's background, I believe that he is honest, of good moral character, and qualified by training and experience or knowledge to be registered as an agent and that as such he will receive reasonable supervision. I have communicated, or will communicate, with applicant's last employer as listed in this application and have verified, or will verify prior to employment, the statements I have here made.

Date of signing _____ _____
(broker-dealer or issuer)

By _____
(officer, partner, or proprietor)

_____
(title)

Instructions to Applicants:

Applicant must have passed (1) the written Michigan State Law Examination of the Uniform Securities Act and (2) the General Securities Examination before he can be registered. In lieu of (2), applicant may submit evidence of registration with either the NYSE, ASE, or the NASD, or the passing of a SECO or comparable examination.

Applicant must be at least 21 years of age.

Applications must be accompanied by a $10.00 fee.

Unless the applicant has had an effective Michigan registration as agent within 6 months prior to the date of filing an application, he must furnish Michigan State Police and Federal Bureau of Investigation fingerprint cards. Fingerprint cards are available at the Lansing office of the department, and are to be submitted with the filing of an application.

ANY WILFUL MISREPRESENTATION OR FALSE STATEMENT WILL BE CAUSE FOR DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION AND MAY RESULT IN CRIMINAL PROSECUTION.

CONSENT TO SERVICE (Form CA) MUST BE COMPLETED AND SUBMITTED, UNLESS ALREADY ON FILE WITHIN 10 YEARS.

Form IR

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
SECURITIES BUREAU

Lansing, Michigan 48904

APPLICATION FOR INVESTMENT ADVISER REGISTRATION
(Under Uniform Securities Act)

Pursuant to the provisions of the Uniform Securities Act of the State of Michigan, the undersigned hereby makes application for registration as investment adviser and in compliance therewith submits the following information and agrees to amend this application promptly to reflect any material change:

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1. Name, principal business address, and telephone number of applicant:
   _____ _____ (telephone)
   _____
   _____

2. Address and telephone number of each branch office, if any, in this state, and name of the branch manager: (indicate those not yet opened for business.)
   (a) _____ _____ (telephone)
   Manager: _____
   (b) _____ _____ (telephone)
   Manager: _____

ATTACH EXHIBIT LISTING ADDITIONAL BRANCH OFFICES

3. This application is filed as a(an):
   Original _____ Renewal* _____ Amended* _____
   If *, give date of original application: _____
4. State net worth of applicant: $ _____ Date _____
5. State date of applicant's fiscal year end: _____
6. (a) If applicant is a corporation:
   Date of incorporation: _____ State of incorporation: _____
   (If foreign corporation, give date admitted into Michigan: _____)
   (b) If a partnership:
   Date: _____ County: _____ Date of filing certificate: _____
   (c) If an individual (sole proprietorship):
   Date: _____ County _____, in which Assumed Name Certificate (if any) was filed, pursuant to Act 101, P.A. 1907, as amended.
   (d) If none of the above are applicable, give:
   (1) Description of the organization:
   (2) List the name and residence address of each person, including trustee or trustees, who direct, manage, or participate in directing or managing its affairs:

NAME	ADDRESS	TITLE OR POSITION HELD

7. If applicant is NOT a sole proprietorship, give the following information:

All Officers, Directors, Partners, Trustees as well as Controlling Stockholders, holding more than 10%	Positions Held	Age	Residence Address (including street and number)	Shares of Interest Owned Directly or Otherwise

8. Does or will applicant or any person employed by the applicant:
   (a) Furnish "investment supervisory services" defined as the giving of continuous advice to clients as to the investment of funds on the basis of the individual needs of each client? _____.
   If so, state in detail the basis of compensation, how fees will be computed, the period covered by each fee, when fees are payable, and estimate percentage of total business accounted for by such services.
   (b) Furnish investment advice through consultation (not as part of (a), above)? _____.
   If so, state basis of compensation: _____.
   (c) Issue periodic publications relating to securities on a subscription basis? _____.

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If so, furnish name of each publication, subscription price, period covered by subscription price, and include as an exhibit copies of the last 4 of such periodicals issued, or, if only a proposed report has been drafted, a sample copy of such report.

(d) Either prepare or issue special reports or analyses relating to securities, not included in any service described above? _____.
If so, state price, fee, or basis of compensation and furnish copies of last 4 reports issued, or, if only a proposed report has been drafted, a sample copy of such report.

(e) Either prepare or issue, not as a part of any service described above, any charts, graphs, formulae, or other devices which clients may use to evaluate securities? _____.
If so, describe such service in detail and state basis of computation of fee and furnish copies of last 4 such items issued, or, if only a proposed draft has been prepared, a sample copy of such draft.

(f) Furnish investment advice in any manner not described above?_____.
If so, describe such service in detail and state basis of compensation.

(g) Engage in any business or profession not described above? _____.
If so, describe each such other business or profession and estimate percentage of total time devoted to each. (If 1 of these is engaging in the business as a Securities Broker-Dealer, contact the department.)

9. Applicant is attaching herewith and incorporating as a part of the application a written commitment that neither the applicant nor any persons connected with the applicant shall have custody or possession or authority to obtain custody or possession of the securities or the funds or any other property of any client.

Yes _____ No _____

10. If applicant is not succeeding to the business of another, give date operations commenced in Michigan or it is expected that they will be commenced in Michigan: _____.

11. If applicant is succeeding to the business of another, give the name and address of the predecessor and the date of succession:

_____ _____
(date)

_____

_____

12. State where applicant has engaged in business as investment adviser and when commenced and when terminated and reasons for termination, and, if any license has been terminated in connection therewith, give the date of termination identifying the authority terminating the license and state the reasons for termination: _____

13. Has the applicant or any of the persons listed in item 7 or item 6(d)(2) or any of its officers, directors, partners, or any person employed by the applicant in connection with the applicant's business ever been:

(a) Convicted of any misdemeanor involving moral turpitude or any felony? _____

(b) Enjoined by any court from engaging in or continuing any conduct or practice involving any aspect of the securities business? _____

(c) The subject of an order by a governmental agency denying, suspending, or revoking registration as an investment adviser or broker-dealer or agent? _____

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(d) The subject of a disciplinary order suspending or expelling him from membership in a national exchange or the NASD? _____

If the answer is "yes" to any part of the above question, attach a separate sheet and give full details.

14. Does applicant have written rules and regulations governing employees? _____.

15. State whether applicant is under direct or indirect control with or is controlled by or directly or indirectly controls or holds a substantial interest in any other person or entity operating as an investment adviser, broker-dealer in securities, or investment company: _____

If so, give the names and addresses of such affiliated persons or entity and the nature and extent of such relationship.

16. Outline general plan and character of applicant's business or method of operation: _____

17. Applicant is attaching herewith and incorporating as a part of the application a written commitment that adequate and complete office records will be maintained of securities transactions of any partner, officer, director, person in a control relationship, employee who makes any securities recommendations or determines which recommendations are to be made or who in connection with his duties obtains information concerning securities being recommended.

18. If the Michigan State Securities Law examination has not been passed by the applicant, forms for applying for the examination will be sent upon receipt of properly executed application for registration as an investment adviser. Have you, since January 1, 1965, passed the Michigan State Securities Law examination?

19. Before becoming registered as an investment adviser, evidence must be on file with the bureau that the applicant has passed 1 of the following competency examinations on securities. Check the appropriate box below and for that examination check whether passed or to be passed and give information requested below:

(1) State Securities Law Examination ☐
(2) General Securities Examination administered by NASD ☐
(3) U.S. Securities & Exchange Commission's General Securities Examination ☐

PASSED ☐ and _____ (Name of Examining Authority) is submitting ☐ has submitted ☐ to the bureau the name of the examination passed and the date of passing.

TO BE PASSED ☐ and _____ (Name of Examining Authority), after the examination is passed will submit to the bureau the name of the examination passed and the date of passing.

20. The qualifying examinations will be taken by:

Name	(1)_____	(2)_____	(3)_____
Title	_____	_____	_____
Date	_____	_____	_____

21. The following exhibits are filed herewith:

All the following exhibits are to be filed in complete form in connection with initial registration, and these exhibits are hereby made a part of this application by reference and identification. In the case of a renewal application,

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the exhibits may be incorporated in the renewal application by reference, if any amendments or changes thereto are filed with the renewal application.

Exhibit I. Detailed balance sheet as of a date within 60 days preceding the filing of this application. Also, if in business 1 year or more and last certified audit report is not on file with the bureau, enclose copy. If applicant is a sole proprietorship, a personal balance sheet as of the same date as the more recent balance sheet of the firm must, also, be submitted.

Exhibit II. Irrevocable consent to service of process appointing the administrator or its successor in office to be applicant's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding (form CA).

Exhibit III. If applicant is a corporation, copy of articles of incorporation, as amended to date, or, if applicant is a partnership, copy of articles of partnership, as amended to date.

Exhibit IV. Submit a business history (form BH) for each officer or partner in charge of Michigan operations, and for the proprietor if a sole proprietorship.

Exhibit V. Investment adviser records and location.

FILING FEE OF $ _____ is submitted.

The registration filing fee for investment adviser registration is $25.00.

Make remittances payable to "State of Michigan."

Date of signing _____ _____
(Investment Adviser)

By _____
(Officer, Partner, or Proprietor)

_____
(Title)

STATE OF _____ }
} ss.
County of _____ }

Subscribed and sworn to before me this ____ day of _____, A.D. 19___.

_____ Notary Public.

My commission expires _____; County of _____; State of _____.

Form CA

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
SECURITIES BUREAU

Lansing, Michigan 48904

CONSENT TO SERVICE OF PROCESS
(Applicant or Issuer)

KNOW ALL MEN BY THESE PRESENTS:

That _____
(name of applicant or issuer)

a _____

an (designate whether an individual or an organization, and, if latter, name state of organization)

of _____
(number, street, city and state)

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for the purpose of complying with the laws of the state of Michigan, hereby irrevocably appoints the director of commerce, or his successor in office, to be its or his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against it or him, or its or his successor, executor or administrator which may arise under the Michigan Uniform Securities Act (being Act Number 265 of the Public Acts of 1964, as amended) or any rule or order thereunder after the filing hereof; and the undersigned does hereby consent that any such suit, action or proceeding against it or him may be commenced in any court of competent jurisdiction and proper venue within the state of Michigan by service of process upon the said director with the same force and validity as if served upon the undersigned by service personally on its president or other chief officer, if a corporation, or on 1 of its partners, if a partnership, or on 1 of its trustees, if a trust, or on the individual, if an individual.

Signed at _____ in the state of _____
this _____ day of _____, 19____.

Signed:

_____
(name of applicant or issuer)

(if an organization) By _____

_____
(title)

STATE OF _____ }
} ss.
County of _____ }

Subscribed and sworn to before me this _____ day of _____, A.D. 19____.

_____ Notary Public.

My commission expires _____; County of _____; State of _____.

IF CORPORATION, EXECUTE AND ATTACH RESOLUTION AUTHORIZING CONSENT TO SERVICE OF PROCESS.

History: 1954 ACS 55, p. 42, Eff. Aug. 14, 1968.

DEBT MANAGEMENT

R 451.1201—R 451.1217 Rescinded.

History: 1954 ACS 62, pp. 45-48, Eff. May 18, 1970; rescinded 1954 ACS 94, p. 121, Eff. Feb. 7, 1978.

DEBT MANAGEMENT

(By authority conferred on the director of the department of commerce by section 22 of Act No. 148 of the Public Acts of 1975, being §451.432 of the Michigan Compiled Laws)

R 451.1221 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 148 of the Public Acts of 1975, being §451.411 et seq. of the Michigan Compiled Laws, known as the debt management act.

(b) "Firm" means a debt management licensee or exempt person.

(c) "Monthly amortizable amount" means the payment made in equal monthly amounts, extinguishing the fees and charges stated in the contract, less the $25.00 initial fee. No more than 1 monthly fee may be taken in any calendar month.

(d) "Qualified person" means a person who has successfully completed the examination required by section 6(3) of the act.

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(e) "Rate" means the percentage of a firm's fees or charges in relation to the debt to be liquidated during the life of the contract.

(f) "Trainee" means a person who has not successfully completed the qualification examination provided by section 6(3) of the act.

History: 1954 ACS 94, p. 114, Eff. Feb. 7, 1978.

R 451.1222 Application for license or exemption order; renewal application.

Rule 2. (1) The application for license or exemption order shall be on the form prescribed by the bureau.

(2) The application shall be accompanied by the financial statements of the applicant for its last fiscal year and as of a date not more than 45 days prior to the filing.

(3) Financial statements, for the purposes of this rule, shall include a balance sheet and income statement prepared in accordance with generally accepted accounting principles.

(4) Payment of fees shall be made by a check payable to the "State of Michigan."

(5) The original application shall be accompanied by a business history form, 3 affidavits of character, and a fingerprint card for each officer and director of an association or corporation, for each partner if a partnership, and for each proprietor, counselor, and office manager. A credit report on the firm shall also be submitted.

(6) Firms that have operated without interruption during the past year under a license or exemption order may file a renewal application on the form prescribed by the bureau.

(7) The application shall request a license or exemption order for each location from which the business of debt management is conducted.

(8) In the event of a change of business form, a new application shall be filed prior to the effective date of the change. The application shall include payment of a new fee as on renewal application.

(9) The bureau shall not accept for filing an applicant with a name that would cause confusion with the name of an existing firm or governmental agency, or cause confusion about services to be received from a licensee.

History: 1954 ACS 94, p. 115, Eff. Feb. 7, 1978.

R 451.1223 Amended application.

Rule 3. (1) A proposed change of name of a firm shall be filed with the bureau for approval prior to effecting the change. The bureau shall not accept a name change that would be confusing with the name of an existing firm or governmental agency, or cause confusion about services to be received from a licensee. An amended application shall be filed contemporaneously with the name change.

(2) A firm shall file an amended application with the bureau within 5 days of the occurrence of any of the following:

(a) If a firm is a corporation, a change in its officers or directors.

(b) If a firm is a partnership, a change in its members.

(c) If a firm is a sole proprietorship, a change in ownership.

(d) Conviction of an officer, director, partner, or sole proprietor of the firm of a felony or misdemeanor involving moral turpitude.

(e) Insolvency, filing in bankruptcy, receivership, or assignment for the benefit of creditors of the licensee.

(3) If a firm transfers its debt management business to another office at a different address, its license shall be deemed to apply to its new office only if the following requirements are met:

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(a) The bureau amends its application to reflect the effective date of the transfer.

(b) The firm ceases to conduct debt management business at the old address on the date indicated, and has notified its clients of the change of address not less than 5 days prior to the change.

(c) The surety company has notified the bureau that the bond furnished pursuant to the act shall apply in full force and effect to the new office after the date of the transfer.

(d) The firm has submitted its license certificate or order to the bureau for reissuance to cover the new office, and the license or order has been so reissued.

(4) The firm shall promptly file an amended application upon the occurrence of any material event affecting the accuracy of the information contained in the current application.

(5) When the partnership agreement of a firm provides for the substitution, withdrawal, or addition of members of the partnership without winding up the partnership business, it shall not be necessary to obtain a new license or exemption order because of substitutions, withdrawals, or additions if evidence satisfactory to the bureau is furnished as to the following:

(a) That the surety bond furnished pursuant to the act shall continue in full force and effect.

(b) The financial responsibility, experience, character, and general fitness of new members. The licensee shall furnish an executed business history form, 3 affidavits of character, and a fingerprint card for each new partner.

(c) That the withdrawal or substitution of new partners will not render the partnership insolvent.

(d) That at least ⅔ in number and interest of those who were partners when the license was applied for and issued are continuing as members of the partnership, or that 1 of the original partners remains in a 2-person partnership and a new partner is added simultaneously with the departure of an original partner.

(6) A change in the ownership of a sole proprietorship firm shall operate to terminate the license and require the filing of a new application and the issuance of a new license before continuance of the debt management business.

(7) If the firm seeks to open an additional branch office, it shall amend its current application to reflect the address of the additional office and the name of the office manager. The licensee or exempted person shall file the appropriate forms with the bureau and pay the statutory fee.

History: 1954 ACS 94, p. 115, Eff. Feb. 7, 1978.

R 451.1224 Exemptions.

Rule 4. Persons receiving an order of exemption pursuant to section 4(2), (3), or (4) of the act shall file an annual request for renewal of the exemption on a form prescribed by the bureau.

History: 1954 ACS 94, p. 116, Eff. Feb. 7, 1978.

R 451.1225 Bond; cash or securities in lieu of bond.

Rule 5. (1) Bond coverage in the penal amount of $5,000.00 for each office shall be filed with an original or a renewal application. An extension of an existing bond shall not be acceptable.

(2) If a surety company gives 30 days' notice of termination of a bond, the firm, if continuing in the debt management business, shall furnish a satisfactory new bond before the expiration of the 30 days. Failure to maintain a bond shall be cause for issuance of a summary suspension order.

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(3) In lieu of bond, the bureau may approve for a firm which maintains net worth of at least $10,000.00 for each licensed or exempted office the following:

(a) A deposit of cash in a certificate of deposit or savings account, which may be withdrawn only upon order of the bureau.

(b) A deposit in escrow at a Michigan-based bank or savings and loan association of securities which have sufficient trading volume to assure immediate liquidity, which securities may only be removed from escrow upon order of the bureau and over which the bureau is given a stock power. The bureau shall assess a discount of 25% of the market value of the securities in determining the appropriate amount of deposit.

(c) The amount of deposit of cash or securities in lieu of bond and the duration of the deposit shall be determined by, but not be limited to, the following:

(i) The financial condition of the applicant.

(ii) The liabilities of the applicant.

(iii) The number of debtors assisted by the applicant.

(iv) The current asset position of the applicant.

(v) The existence of appropriate fidelity bond.

(vi) The number of employees of the firm.

History: 1954 ACS 94, p. 116, Eff. Feb. 7, 1978.

R 451.1226 Debt management contract; budget analysis format; creditors agreement form.

Rule 6. (1) The applicant shall file a copy of its proposed debt management contract for debtors at the time of filing its application for review and acceptance by the bureau. The contract or revised contract shall not be used without bureau review and letter of acceptance.

(2) The applicant shall file a copy of its proposed budget analysis format with the bureau. This format, as accepted by the bureau, shall be completed for each debtor prior to entry into any contract with the debtor. The format shall contain not less than the following information:

(a) Name and address of the debtor.

(b) Marital status and number of dependents.

(c) All wages, salary, and other income, as well as the source thereof, which shall include, but not be limited to, aid to dependent children, food stamps, welfare, or child support.

(d) Number of exemptions claimed for federal income tax withholding.

(e) Payroll deductions and net take-home pay.

(f) If the debtor is the owner of a home, any encumbrance, tax not included in monthly payment, and monthly payment on the home; if a tenant, monthly rent.

(g) Amount and kind of other fixed periodic payments.

(h) Complete list of living expenses for food, clothing, utilities, auto, insurance, and other expenses.

(i) List of creditors, showing accounts to be adjusted and accounts not to be adjusted.

(j) Information on any existing garnishments and judgments.

(k) Periodic amount available for payment toward the plan.

(3) A true copy of the budget analysis shall be provided to each debtor before a contract is signed.

(4) The applicant shall file a copy of its proposed creditor's agreement form with the bureau. This form shall be accepted as to form and content by the bureau prior to use.

History: 1954 ACS 94, p. 116, Eff. Feb. 7, 1978.

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R 451.1227 Books and records.

Rule 7. The firm shall make and keep current the following books and records relating to its business:

(a) Journals or other records of original entry containing an itemized daily record of all payments and receipts for, or on behalf of, debtors of the firm, all receipts and disbursements of cash, and all other debits and credits.

(b) Ledgers or other records reflecting all assets, liabilities, income, expense, and capital accounts.

(c) Ledger accounts or other records, itemizing separately as to each debtor all receipts from the debtor, payments to the firm, and disbursements on behalf of the debtor, the creditor's representative contacted, the response obtained or whether there has been a response within 14 days after the mailing of the creditor consent form, any revised or special conditions or arrangements conditioning the consent, and the date at which the required consents were secured. The record shall also contain a certification by an officer, partner, sole proprietor, or office manager that consents required by section 13(1) of the act have been obtained, the date that the requirement was satisfied, and an identification of the creditors constituting the acceptance base.

(d) A complaint file containing copies of all written complaints made to the firm by debtors.

(e) Personnel files for all employees, listing name, current home address, home phone number, social security number, and a record of all compensation.

History: 1954 ACS 94, p. 117, Eff. Feb. 7, 1978.

R 451.1228 Financial reports; audit.

Rule 8. (1) Each firm shall submit a detailed balance sheet and income statement within 4 months after the end of its fiscal year. The bureau may modify or waive the income statement requirement. These statements, if not pursuant to audit, shall be certified as to correctness by an officer, partner, or proprietor of the firm. If the firm is a sole proprietorship a personal balance sheet of the proprietor shall be submitted with, and as of the same date as, the balance sheet of the firm.

(2) The bureau may at any time require the filing of special financial or other operational reports if it finds that such filing is in the public interest and for the protection of debtors.

(3) If a firm services more than 100 debtors, an audit shall be required of the firm annually. The audit shall be done pursuant to an approved audit plan submitted by an independent accountant and accepted by the bureau in writing.

History: 1954 ACS 94, p. 117, Eff. Feb. 7, 1978.

R 451.1229 Incomplete applications.

Rule 9. If an applicant fails to complete, or, if an applicant withdraws, an application within 6 months from the date of filing, the administrator may summarily deny the application as an inactive filing without prejudice to reapplication.

History: 1954 ACS 94, p. 117, Eff. Feb. 7, 1978.

R 451.1230 Cancellation of contract.

Rule 10. Upon written notice of cancellation of a contract, the firm shall promptly refund to the debtor all the amounts due the debtor. Failure to make prompt repayment shall constitute an unethical business practice, and may constitute grounds for summary suspension. The firm shall not be required to stop

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payment of checks to creditors pursuant to this cancellation, and may retain in the account funds relating to lost checks for subsequent reissue to the same creditor.

History: 1954 ACS 94, p. 117, Eff. Feb. 7, 1978.

R 451.1231 Qualifications of applicant; examination; trainees; fee; terms of qualified person; termination of employment.

Rule 11. (1) An applicant for a license or exemption order shall demonstrate education or experience sufficient to provide understanding of laws governing debtor-creditor relationships, business transactions, the debt management act, the rules promulgated pursuant thereto, and an understanding of accounting procedures by the successful completion of an examination administered by the bureau or its designee.

(2) Each officer, partner, or proprietor of an applicant, each person serving in a managerial capacity involving counseling, and each individual counselor to be employed by an applicant shall take and pass an examination administered by the bureau or its designee pursuant to section 6(e) of the act.

(3) Trainees may not serve as office managers, and shall be under the complete supervision of a person who has successfully completed the examination or a person exempted by section 7 of the act.

(4) All persons not exempted from the examination provisions of the act pursuant to section 7 shall successfully complete the examination not later than January 1, 1978.

(5) A nonrefundable fee of $25.00 shall be assessed for each examination.

(6) A qualified person may be transferred from one firm to another, if both of the following apply:

(a) Prior to transfer, the qualified person terminates the employment with the original firm, and that firm and the person file a notice of termination on the form prescribed by the bureau.

(b) The new firm and the person transferring file a notice of employment on the form prescribed by the bureau.

(7) A firm or person shall not refuse to sign a termination form when requested.

(8) If a qualified person's employment is terminated, the employing firm and the person shall file a notice of termination on the form prescribed by the bureau within 7 days of the termination.

(9) If a qualified person has not been employed by a firm for the past 12 months, that person must retake and successfully complete the examination prior to conducting a scheduling, counseling, or budget analysis function, except as a trainee under the direct supervision of a qualified person.

History: 1954 ACS 94, p. 118, Eff. Feb. 7, 1978.

R 451.1232 Change in business form not requiring examination.

Rule 12. A person exempt from the examination requirement of section 6(3) of the act by section 7 of the act shall not be required to complete an examination because of a change in the business form of the firm if there is no interruption of the services provided by the firm.

History: 1954 ACS 94, p. 118, Eff. Feb. 7, 1978.

R 451.1233 Renewal applications.

Rule 13. Renewal applications shall be filed at the central bureau office by December 1 of each year. Failure to file by that date may result in summary suspension until the application is received.

History: 1954 ACS 94, p. 118, Eff. Feb. 7, 1978.

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R 451.1234 Dishonest or unethical business conduct.

Rule 14. Dishonest or unethical business conduct, as provided in section 9 of the act, includes, but is not limited to, the following:

(a) Failure to promptly refund a debtor's money upon written cancellation of a contract.

(b) Borrowing money from a debtor.

(c) Giving preference to creditors for the convenience or benefit of the firm rather than the primary benefit of the debtor.

(d) Receiving money from the debtor, except as provided in the contract with the debtor, which contract has been accepted as to form and content by the bureau.

(e) Failing to promptly record on the books of the firm any transaction involving funds of the debtor.

(f) Paying funds of a debtor to a fictitious creditor.

(g) Accepting a rebate, kickback, or other remuneration for payment of a debtor's obligations, except under a plan approved by the bureau and fully disclosed to the debtor.

(h) Using debtors' funds as compensating balances for loans.

(i) Making erasures or changes on the portion of the client account card used for recording payments received from the debtor, on checks issued to creditors, on fees taken, or on the dates of such entries. If a correction is needed, the error shall have 1 line drawn through it and be initialed by a qualified person who did not make the correction or change. All entries should be made with ink, shall be typewritten, or shall be made by other machine entry.

History: 1954 ACS 94, p. 118, Eff. Feb. 7, 1978.

R 451.1235 Posting statutory provision, address, and phone number; filing fee schedule and amendments thereto.

Rule 15. (1) The firm shall prominently post at all offices, in not less than 8-point type, the provisions of sections 13(1), 14(1), and 18 of the act, as well as the address and phone number of the bureau.

(2) The firm shall annually file with the bureau its fee schedule or a schedule of its range of fees, and shall file amendments to that schedule 5 days prior to any change in fees charged to the debtor.

History: 1954 ACS 94, p. 119, Eff. Feb. 7, 1978.

R 451.1236 Employment qualifications.

Rule 16. A firm shall not knowingly employ a person, except as approved by the administrator, as an office manager or counselor who has:

(a) Been convicted of a crime involving moral turpitude, which shall include forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other like offense.

(b) Violated or failed to comply with a provision of the act, or a rule or order promulgated or issued pursuant to the act.

(c) Had a license to engage in the business of debt management revoked or suspended in this state or another state for any reason other than failure to pay licensing fees.

(d) Defaulted in the payment of money collected for others, including the discharge of debts, because of bankruptcy proceedings. The director may, at his discretion, waive this restriction if provided with evidence of justifiable cause for the bankruptcy, plus convincing evidence of the fitness of the bankrupt party to carry out his or her functions under the act.

History: 1954 ACS 94, p. 119, Eff. Feb. 7, 1978.

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R 451.1237 Procedures; review; verification of receipts and disbursements.

Rule 17. (1) Each firm shall prepare and maintain a manual detailing the procedures for compliance with the act.

(2) Each qualified person or trainee of the firm shall be provided with the manual.

(3) An officer, partner, or sole proprietor, or a person under the direct supervision of such a person, shall review the following at least quarterly:

(a) Debtors' accounts.

(b) Checks paid by the firm.

(c) Procedures for handling cash and checks of the firm.

(d) The firm complaint file.

(e) Selected creditor accounts to verify payment.

(f) Selected counselor records and work papers of each counselor to verify the accuracy of counselor guidance to the debtor.

(4) At least annually, the firm or its accountant shall verify the receipts and disbursements with the debtor.

History: 1954 ACS 94, p. 119, Eff. Feb. 7, 1978.

R 451.1238 License.

Rule 18. (1) A license shall be issued for each main office and branch office rendering debt management service.

(2) Whenever a licensee or exempt person discontinues the business of debt management, whether totally or at a specific location, the license certificate, or exemption order, shall be mailed to the bureau's central office within 5 days. An explanation of the reason for discontinuance, a statement of any amounts remaining in the client trust account, and the plan and timetable for disbursement shall accompany the license certificate, or exemption order, unless all accounts are transferred, without interruption in service, to another of the firm's branches.

(3) A license shall not be terminated for a firm unless it is revoked or unless all payments due creditors or debtors have been made, and the bureau issues an order terminating the license.

History: 1954 ACS 94, p. 119, Eff. Feb. 7, 1978.

R 451.1239 Budget analysis.

Rule 19. (1) A copy of the budget analysis shall be retained in the debtor's file for a period of 6 years after the last transaction.

(2) The budget analysis shall be signed by a qualified person of the firm who participated in the preparation of the analysis.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1240 Certification of compliance.

Rule 20. (1) Every contract between a licensee or exempted person and the debtor shall be signed by both parties, and the debtor's copy shall also be manually executed. The copy retained by the licensee or exempted person shall be kept in the debtor's file for 6 years after the date of the last transaction.

(2) Every contract shall specify in detail the amount and method of taking any fees or charges which the debtor shall be assessed during the life of the contract.

(3) Every contract shall set forth, in bold type, the set-up and cancellation fee provisions and amounts, and advise the prospective client to note these carefully before signing the contract.

(4) The bureau may approve the accumulation of debtor's funds in payment of obligations which are required to be paid in large lump sums, such as income and

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property taxes, insurance premiums, and house payments. All such accumulations, however, shall be designated for a specific purpose and shall not be used to pay for fees and charges, including the close out fee of the firm.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1241 Reconciliation.

Rule 21. (1) The trust account reconciliation shall contain provisions for recording and identifying the balance in each debtor's account, the balance from the bank statement, the check number and amount of each outstanding check, the date and amount of deposits not yet credited by the bank, the reconciled bank balance, the balance from the checkbook, and a detailed breakdown of any differences.

(2) Remedial action, as provided in section 15(4) of the act, shall be either an immediate replacement of funds, or an immediate cessation of business until sufficient funds are placed in the account.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1242 Receipt; statement of disbursements.

Rule 22. (1) A receipt, as provided in section 16(c) of the act, shall not be required for payments by check or money order made payable to the firm.

(2) The statement prepared in compliance with section 16(e) of the act shall be prepared as of a date no earlier than the date of the first full distribution to creditors under the contract.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1243 Separate remuneration prohibition; waiver or modification.

Rule 23. All requests for waiver or modification of the separate remuneration prohibition of section 19(h) of the act shall be made in writing to the central office of the bureau, setting forth in detail the need for such waiver or modification; the persons or entities from which the benefit will be solicited or sought; the amount or percentage of contribution solicited from donors in the capacity of creditor for a debtor; any relationship, affiliation, or connection creating an actual or potential conflict of interest between the parties involved; and any reciprocal arrangements made or to be made. The bureau shall examine the proposal promptly and shall, within 15 days, notify the licensee or exempted person of its decision, or of the necessity for additional information. All such decisions shall be in writing and shall give the effective date of the declaratory ruling.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1244 Advertising.

Rule 24. (1) Tombstone advertisements which contain only the information provided below shall be exempt from the filing provisions of section 20(1) of the act, unless the bureau, by order, revokes the exemption as to a firm or individual:

(a) Name of the firm.
(b) Address.
(c) Phone number.
(d) Brief description of the service.
(e) Name of the officer, partner, sole proprietor, or office manager, if desired.
(f) Logotype or similar symbol, if desired.

(2) Advertisements filed pursuant to section 20(1) of the act shall be filed in duplicate.

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(3) The following items include, but are not limited to, actions which constitute false, misleading, or deceptive advertising:

(a) Failure to clearly identify the firm in all advertising.

(b) Publication or dissemination of advertising which confuses, or tends to confuse, the public as to the actual identity of the firm or service to be performed.

(c) Statement guaranteeing, or otherwise stating or excessively implying, the success of a debt management program for a prospective client.

(d) Representation that services are offered at a reduction from normal or competitive fees, if the statement is not true.

(e) Representation that the fees or charges are otherwise than in the contract and fee schedules on file with the bureau.

(f) Representation that services offered to the prospective client are other than debt management services.

(g) Representation that the firm is sponsored, endorsed, or approved by any organization or governmental agency when, in fact, a written document to that effect, acceptable to the bureau, is not on file with the bureau.

History: 1954 ACS 94, p. 120, Eff. Feb. 7, 1978.

R 451.1245 Charges for other services.

Rule 25. (1) A firm or affiliate thereof shall not charge a debtor for any services or goods, or make other charges, unless the firm or affiliate has filed with the bureau a plan setting forth the basis of charges, and the bureau has determined that such charges in the future do not result in an excessive fee in violation of section 18 of the act.

(2) If a firm or affiliate thereof proposes to alter its plan of charges, the amended plan shall be filed with the bureau and approved prior to use.

History: 1954 ACS 94, p. 121, Eff. Feb. 7, 1978.

R 451.1246 Rescission.

Rule 26. Rules 1201 to 1217 of the rules entitled "Debt Management," being R 451.1201 to R 451.1217 of the Michigan Administrative Code and appearing on pages 5792 to 5795 of the 1970-71 Annual Supplements to the Code, are rescinded.

History: 1954 ACS 94, p. 121, Eff. Feb. 7, 1978.

CONDOMINIUMS

(By authority conferred on the department of commerce by section 31 of Act No. 229 of the Public Acts of 1963, as added, being §559.31 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 451.1301 Definitions; A.

Rule 1301. (1) The terms used in the act have the same meaning given therein when used in these rules.

(2) "Act" means Act No. 229 of the Public Acts of 1963, as amended, being §§559.1 to 559.31 of the Michigan Compiled Laws.

(3) "Administrator" means the agency authorized by law to administer the provisions of the act.

(4) "Advertising material" means a prospectus, pamphlet, circular, form letter, fact sheet, sign, newspaper or magazine ad, or any other sales literature or advertising communication addressed to or intended for distribution to prospective subscribers or purchasers.

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(5) "Association of co-owners" means the entity which is responsible for the management and administration of the condominium project and which is comprised of all the co-owners of apartments in the project.

History: 1954 ACS 67, p. 53, Eff. Apr. 27, 1971.

R 451.1302 Definitions; C to G.

Rule 1302. (1) "Co-owner" includes a land contract vendee who is entitled by the terms of his contract to the use and and possession of the apartment.

(2) "Escrow agent" means a commercial escrow depository licensed to do business in this state and regulated either by an agency of this state or the federal government such as a state or national bank, a federal or state savings and loan association, title insurance company or a trust company.

(3) "Escrow agreement" means an agreement:

(a) Signed by a developer and an escrow agent setting forth terms of the escrow of subscriber's funds and the conditions on which the funds shall be paid over to the subscriber or to the developer.

(b) Incorporated by reference into the reservation and subscription or other agreement between the subscriber and developer.

(c) Permitting the escrow agent to require proof of the basis for any forfeiture and which may set forth a course of action to be taken by the escrow agent in case conflicting claims are made upon it.

(4) "Fifty-one percent of the co-owners in number" as used in section 2(j) of the act shall be computed by giving the co-owner of each apartment, regardless of size or whether owned by an individual, a partnership, a corporation or in joint tenancy, 1 vote for each apartment owned and then computing 51% of such number.

(5) "Given description" as used in section 2(a) of the act means only that area underneath a structure itself and does not include any area not underneath the structure.

History: 1954 ACS 67, p. 53, Eff. Apr. 27, 1971; 1954 ACS 68, p. 54, Eff. June 3, 1971.

R 451.1304 Definitions; P to S.

Rule 1304. (1) "Permit to take reservations" means an order issued by the administrator after approval of an application for a permit to take reservations and supporting documentation.

(2) "Reservation and subscription agreement" means an agreement prescribing the obligations of a subscriber and a developer before issuance of a permit to sell.

(3) "Single family residence" as used in section 2(a) of the act does not include a trailer coach as defined in Act No. 243 of the Public Acts of 1959, as amended, being §§125.1001 to 125.1097 of the Michigan Compiled Laws and a condominium project shall not be composed of 1 or more such trailer coaches.

(4) "Subscriber" means a prospective purchaser of a condominium apartment pursuant to a written agreement, whether pursuant to a reservation and subscription or a purchase contract.

History: 1954 ACS 67, p. 53, Eff. Apr. 27, 1971; 1954 ACS 68, p. 54, Eff. June 3, 1971.

R 451.1307 Inapplicability to sales by co-owners.

Rule 1307. A co-owner who is not the developer of a condominium project is not subject to the act or these rules in the offer and sale of his individual apartment.

History: 1954 ACS 67, p. 53, Eff. Apr. 27, 1971.

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R 451.1309 Processing of condominium projects.

Rule 1309. (1) Processing a condominium project will ordinarily occur in the following steps:

(a) Submission of an application for a permit to take reservations with exhibits.

(b) Issuance of a permit to take reservations.

(c) Submission of application for approval of master deed and permit to sell and exhibit.

(d) Issuance of a certificate of approval of master deed.

(e) Recording of master deed.

(f) Issuance of a permit to sell.

(2) Approvals or permits regarding a condominium project will be by written order and mailed to the developer or his attorney at the address given in the application.

History: 1954 ACS 67, p. 54, Eff. Apr. 27, 1971.

R 451.1311 Reservation of names.

Rule 1311. The name of a proposed condominium project shall not be such as to confuse or mislead the public. A developer who desires to reserve a name shall make written request to the administrator stating the condominium project name he desires to reserve. If the administrator determines that the name requested is not similar or identical to that of another condominium project and is not likely to mislead the public, the administrator shall reserve the name for the use and benefit of the developer for 45 days after receipt of the request. If the administrator determines that the name might confuse or mislead the public the administrator shall advise the developer within 20 days after receipt of the written request.

History: 1954 ACS 67, p. 54, Eff. Apr. 27, 1971.

R 451.1315 Documents filed with administrator.

Rule 1315. A document filed with the administrator shall be typewritten or in legible handwriting on 1 side of the paper only. One copy of each exhibit or document shall be submitted; however, the administrator may require more than 1 copy of any exhibit or document. All papers filed pursuant to these rules shall become part of the administrator's records.

History: 1954 ACS 67, p. 54, Eff. Apr. 27, 1971.

R 451.1317 Modification of rules.

Rule 1317. The administrator, in order to achieve the purposes intended by the act, may either add to or waive or modify or otherwise condition or change any requirement created by these rules.

History: 1954 ACS 67, p. 54, Eff. Apr. 27, 1971.

PART 2. PERMIT TO TAKE RESERVATIONS

R 451.1321 Applications.

Rule 1321. (1) A developer desiring to advertise a proposed condominium project or to take reservations for the purchase of an apartment before issuance of a permit to sell shall file a request for, and have received from the administrator, a permit to take reservations. A permit to take reservations does not constitute a permit to sell.

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(2) Request for a permit to take reservations shall include:

(a) An application for a permit to take reservations in the form prescribed by the administrator, properly and completely filled in and executed.

(b) A copy of the proposed reservation and subscription agreement form.

(c) A copy of the executed escrow agreement.

(d) Proposed advertising, if prepared.

(e) If the project is not to be served by an existing municipal water or sewerage system the developer shall furnish to the administrator:

(i) His proposal for the sewer or water system or both.

(ii) A site feasibility report on a form provided by the administrator.

(iii) Name, address and phone number of the engineer preparing the plan.

(f) A statement of whether any lake, stream, channel or floodplain exists on or near the proposed site.

(g) Evidence satisfactory to the administrator that the project is or will be at the time of approval of the master deed in compliance with local zoning requirements and that the local unit of government has or will issue a building permit for construction of the project.

(3) The reservation and subscription agreement and the escrow agreement may be integrated into 1 document.

(4) The administrator shall issue a permit to take reservations or its intent to deny order within 30 days after receipt by the administrator of an application for a permit to take reservations.

History: 1954 ACS 67, p. 54, Eff. Apr. 27, 1971.

R 451.1322 Reservation and subscription agreements.

Rule 1322. (1) A reservation and subscription agreement shall provide that all funds paid by the subscriber shall be deposited in an escrow account in accordance with an escrow agreement approved by the administrator and that the subscriber may withdraw from the agreement without cause and without penalty, at any time before issuance of a permit to sell and notice thereof.

(2) When the reservation and subscription agreement provides that it automatically becomes a binding purchase contract upon the happening of certain events, the administrator shall require that it not become binding until the lapse of 10 days after notice to the subscriber of issuance of a permit to sell and the furnishing to the subscriber of a copy of the recorded master deed. A waiver of such notice before it is given is void and of no legal effect.

(3) A provision in a purchase agreement for liquidated damages in case of a subscriber's default shall be limited in amount to 5% of the purchase price of the apartment. However, the administrator may either increase or decrease or otherwise condition a provision for liquidated damages. Except as may be approved by the administrator, an agreement shall not permit the developer to receive any escrowed funds until conveyance of title to the subscriber.

History: 1954 ACS 67, p. 55, Eff. Apr. 27, 1971.

R 451.1324 Procedure after issuance of permit.

Rule 1324. A permit to take reservations allows the developer to advertise the project as a proposed condominium and permits him to accept reservations for apartments. Reservation deposits shall be promptly remitted to the escrow agent and held in accordance with the terms of the escrow agreement approved by the administrator. Where the reservation deposit exceeds 50% of the purchase price or the period of holding deposits exceeds 1 year the administrator may require that deposits be invested and interest earned be credited to the subscriber. A

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reservation does not constitute a binding contract but is voidable by either party without penalty. A subscriber shall be furnished a copy of the approved signed escrow agreement at the time he signs a reservation and subscription or other agreement.

History: 1954 ACS 67, p. 55, Eff. Apr. 27, 1971.

R 451.1325 Statements of facts for prospective purchasers.

Rule 1325. (1) The administrator may require that a developer of a proposed condominium project submit with his application for a permit to take reservations, a proposed statement of facts for prospective purchasers setting forth the size, nature, location and other facts about the proposed condominium project.

(2) Where the developer proposes to enter into binding contracts of sale before substantially completing the project, or where apartments are offered on the basis of their income-producing capacity a statement of facts for prospective purchasers shall be furnished to all subscribers.

History: 1954 ACS 67, p. 55, Eff. Apr. 27, 1971.

PART 3. GENERAL CONTENTS OF A MASTER DEED

R 451.1331 Condominium subdivision plan; contents.

Rule 1331. A master deed shall contain as an exhibit a condominium subdivision plan. The drawings constituting the plan shall be made by an architect, land surveyor or civil engineer licensed to practice in this state. Drawings shall be reproductions of original drawings, preferably printed in black and white. Reproductions shall be on 24 inch by 36 inch sheets and lettering shall be a minimum of $\frac{3}{16}$ inch freehand, standard pica type or no. 175 Leroy guide. Each sheet shall contain the name and address of the firm responsible for the preparation of that sheet and shall be sealed with the embossed seal or stamp of the professional responsible for the preparation of that sheet. All certificates shall be dated. A complete condominium subdivision plan shall be comprised of a cover sheet, survey plan, site plan, a utility plan and building floor plans, sections and elevations. Where appropriate, plans may be combined, provided this does not impair legibility.

History: 1954 ACS 67, p. 55, Eff. Apr. 27, 1971.

R 451.1332 Condominium subdivision plan; cover sheet.

Rule 1332. A cover sheet shall include:

(a) The name and location of the condominium project.

(b) Name and address of the developer.

(c) Names and addresses of all architectural, engineering or surveying firms involved.

(d) Complete and accurate property description including a description of any beneficial easements serving the project.

(e) Comprehensive sheet index.

(f) Certificate verifying registration of the architect, engineer or surveyor responsible for preparation of the condominium plan.

(g) Certificate verifying that the survey was made on the site, is accurate and could be retraced by a competent land surveyor, that momuments have been placed as indicated on the plans, and that the buildings shown are actually built or are designated as proposed.

(h) Embossed seal or stamp of the registered architect, engineer or surveyor responsible for preparation of the condominium plan.

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(i) Certificate for the property owner's consent to establishment of the property as a condominium project.

(j) Mortgagee's or other interested person's certificate of consent to establishment of the property as a condominium project.

(k) Certificate of approval of the master deed to be signed by the administrator.

History: 1954 ACS 67, p. 56, Eff. Apr. 27, 1971.

R 451.1333 Condominium subdivision plan; survey plan.

Rule 1333. A survey plan shall show all details of the survey of the land on which the condominium project is or is to be located and shall be made by a registered land surveyor or engineer licensed to practice in this state. The survey shall be completed showing true north, easements whether of benefit or burden, encroachments, boundaries, property corners and verification of their existence, bearings, distances and curve data necessary to completely traverse the parcel or parcels. A survey bench mark shall be shown with proper symbol and described with the elevation on United States coast and geodetic survey datum or with conversion factor provided. If the bench mark is located more than 200 feet from the site, a permanent bench mark shall be established on the site in accordance with generally accepted standards for establishment of such a bench mark. Concrete monuments shall be set at the major boundary corners of the project unless adequate monuments already exist.

History: 1954 ACS 67, p. 56, Eff. Apr. 27, 1971.

R 451.1334 Condominium subdivision plan; site plans.

Rule 1334. A site plan shall specifically locate the condominium buildings and other improvements. The location shall be identified by reference dimensions on a true north-south, east-west system. Values shall be established on all property corners and the most northwesterly corner of each building. These coordinate values shall be established in the form of latitudes and departures in north-south and east-west directions from an established point, preferably a property corner. Any coordinate value may be assigned to this point initially. "X" coordinates shall be those coordinates parallel to the axis most nearly oriented north to south. The "X" coordinate base shall be the westernmost of these and shall be accurately located with reference to the Michigan coordinate system, prescribed by Act No. 9 of the Public Acts of 1964, being §§54.231 to 54.239 of the Michigan Compiled Laws, or to a monument set during the survey if such coordinates have not been established. "Y" coordinates shall be those coordinates parallel to the axis most nearly oriented east to west. The "Y" coordinate base shall be the northernmost of these and shall be accurately located with reference to the Michigan coordinate system or to a monument set during the survey if such coordinates have not been established. In establishing a coordinate system for a condominium project the architect, engineer or surveyor may designate building north which shall be referenced to the survey monument or markers.

History: 1954 ACS 67, p. 56, Eff. Apr 27, 1971.

R 451.1335 Condominium subdivision plan; utility plans.

Rule 1335. A utility plan shall be a plan of the site showing the location of utility lines, both above and below ground, and stating the source from which location information was obtained. The plan shall show the size and nature of the utility lines and the point at which these lines enter the condominium project and

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individual buildings and units. Utility lines shall include heat, light, power, sewer, water and communication lines.

History: 1954 ACS 67, p. 57, Eff. Apr. 27, 1971.

R 451.1336 Condominium subdivision plans; floor plans.

Rule 1336. A comprehensive set of floor plans shall show all structures and the specific location of each apartment in the project which may be by a system of dimensioned descriptions. The floor plans shall show each floor of each building including general and limited common elements, exterior boundaries of each unit, the number assigned to each unit, its size, location, area and volume. General and limited common elements shall be designated so that they may be differentiated from the unit areas and each other; each sheet shall have appropriate legends. The boundary limits of each co-owner's ownership shall be shown by a heavy black line around the perimeter of the unit. Normally the unpainted interior boundary walls and the unpainted ceiling and unfinished floors shall be such boundaries. Each unit's size and location in the structure shall be shown by including all measurements, including wall thickness, in sufficient detail to completely enclose and describe each unit. These measurements shall be dimensionally referenced to the corner of the structure corresponding to the corner referenced on the site plan. X, Y and Z planes or coordinates need not be established for each apartment. The area and volume for each unit shall be indicated on the plans. True north shall be indicated and if the structure is not oriented in a true north-south east-west direction, its orientation shall be clearly shown by indicating the bearing of the building walls or by showing the angle dimensions from a true north-south coordinate system.

History: 1954 ACS 67, p. 57, Eff. Apr. 27, 1971.

R 451.1337 Condominium subdivision plan; sections and elevations.

Rule 1337. (1) Cross and longitudinal sections of each building shall indicate the vertical boundaries of the units. The location of these vertical boundaries shall be identified and referenced to the United States coast and geodetic survey datum. The number of sections drawn and submitted shall be such that general and limited common elements and unit areas are clearly located. The boundary limits of the co-owner's ownership shall be shown by a heavy black line around the perimeter of the unit.

(2) Elevations shall show representative faces of the entire building or buildings, both above and below grade. Windows, doors and openings shall be shown. Vertical boundaries of common elements and units shall be identified and referenced to United States coast and geodetic survey datum.

History: 1954 ACS 67, p. 57, Eff. Apr. 27, 1971.

R 451.1338 Correction of plans.

Rule 1338. Condominium subdivision plans shall be submitted only in complete sets. Where review uncovers any error which requires correction of certain pages of the plan, insert pages will not be accepted but only complete sets of fully corrected plans. Where the signatures of all necessary persons have been affixed to the cover sheet of the condominium subdivision plan when first submitted, these signatures need not be obtained again in order to submit a corrected plan. However, the plan recorded with the county register of deeds shall be fully executed by the time of recording.

History: 1954 ACS 67, p. 57, Eff. Apr. 27, 1971.

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R 451.1339 Assignment of value and references to plan and bylaws.

Rule 1339. (1) A master deed shall include:

(a) A statement assigning a value of 100 to the condominium project.

(b) The percentage of the value assigned to each apartment which shall be reasonable.

(c) A statement that the percentage of value shall not be changed except by unanimous consent of the co-owners expressed in an amendment to the master deed approved and recorded.

(2) A master deed shall contain a statement referring to the condominium subdivison plan and the condominium bylaws and shall incorporate them by reference.

History: 1954 ACS 67, p. 57, Eff. Apr. 27, 1971.

R 451.1340 Easements, common elements, and other provisions.

Rule 1340. (1) A master deed shall provide for reciprocal easements for a change of boundaries of apartments due to shifting, settling or moving of a building in the condominium project.

(2) A master deed shall provide for easements for installation, maintenance and service for all utilities including light, heat, power, sewer, water and communications.

(3) If the project is not served by an existing municipal water and sewerage system and any component of the system is not located on property to be owned by the condominium, an easement shall be obtained for repair and maintenance of such components, so long as the system continues to be used by the project.

(4) Such other easements as may be necessary for continued use and enjoyment of the project.

(5) A master deed shall contain a statement of the general and limited common elements. Main structural members, including but not limited to roofs, floors, ceilings, windows, doors and boundary walls, shall ordinarily be general common elements. Limited common elements shall be assigned to specific apartments in the master deed unless pursuant to approval by the administrator the power to amend the master deed to make such assignments is reserved to the developer.

(6) A master deed may contain such other provisions as may be deemed necessary or appropriate, if they do not conflict with the act or these rules.

History: 1954 ACS 67, p. 58, Eff. Apr. 27, 1971.

PART 4. BYLAWS IN A MASTER DEED

R 451.1341 General provisions.

Rule 1341. (1) The condominium bylaws shall be attached to and included in the master deed.

(2) The bylaws of a condominium shall contain the mandatory provisions of section 13 of the act and those provisions hereinafter set forth. As a part of the master deed, changes in the condominium bylaws shall be approved by the administrator before they are effective and the master deed or bylaws shall so state. Before recording an approved master deed, the condominium bylaws shall be attached as an exhibit. If the association of co-owners administering the affairs of the condominium project is a corporation, then its bylaws are hereinafter designated corporate bylaws and are not to be confused with the condominium bylaws.

(3) The bylaws shall state the name and location of the condominium project to which they are applicable, the purpose, whether residential or commercial, and any restrictions affecting the use of individual apartments or common elements.

History: 1954 ACS 67, p. 58, Eff. Apr. 27, 1971.

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R 451.1342 Administration and membership provisions.

Rule 1342. (1) The bylaws shall designate the association of co-owners as responsible for management and administration of the common elements, property, easements and the affairs of the condominium project. The association of co-owners may form or organize an entity, or otherwise provide for independent management of the project. If a governmental agency participates in, guarantees or insures loans on a proposed condominium project, the association of co-owners shall be created and operated as a nonprofit corporation in accordance with applicable provisions of the Michigan general corporation laws. The bylaws may provide reasonable provisions for control of the project by the developer until completion of the project.

(2) Membership in the association of co-owners shall be limited to persons who own 1 or more apartments in the condominium project and each co-owner shall be a member of the association of co-owners.

History: 1954 ACS 67, p. 58, Eff. Apr. 27, 1971.

R 451.1343 Meetings.

Rule 1343. (1) An annual meeting of the members of the association of co-owners shall be held and other meetings may be provided for in the bylaws. A minimum of 10 days notice shall be provided.

(2) The presence in person or by written consent of ⅓ of the co-owners in number and in value shall constitute a quorum for holding a meeting. The bylaws may provide that a greater number shall constitute a quorum. A quorum shall be empowered to act on all matters affecting the condominium except as to matters where the act, the master deed or the bylaws require otherwise.

(3) The value of each vote shall be equal to the total percentage of value assigned to the apartments owned by such co-owner. Voting shall be by value except where it is required to be by number and value. The bylaws shall provide that no co-owner shall be entitled to vote at a meeting of the association of co-owners until he has presented evidence of ownership of an apartment in the condominium project to the association. The vote of a co-owner may only be cast in person, by the individual representative designated by the co-owner as provided by subrule (4) or by a proxy delivered to the secretary of the association before each meeting.

(4) A co-owner may file a written notice with the association of co-owners designating the individual who shall vote at meetings of the association of co-owners and receive notices and other communications from the association on behalf of such co-owner. The notice shall state the name and address of the individual representative designated, the numbers of the apartments owned by the co-owner, and the name and address of the persons, firm, corporation, partnership, association, trust or other legal entity who is the co-owner. The notice shall be signed by the co-owner. The individual designated may be changed by the co-owner at any time by filing a new notice as herein required.

(5) The bylaws shall state the majority required for approval or disapproval of any matter brought up at any meeting of the association of co-owners. This majority may be greater than required by the act.

History: 1954 ACS 67, p. 58, Eff. Apr. 27, 1971.

R 451.1344 Accounts.

Rule 1344. The books shall be maintained as required by section 13 of the act and shall be audited at least once each year by qualified independent auditors. The cost of such audit shall be an expense of administration. The right of

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inspection by co-owners may be limited to a time and place specified in the bylaws.

History: 1954 ACS 67, p. 59, Eff. Apr. 27, 1971.

R 451.1345 Destruction or condemnation of property.

Rule 1345. The bylaws shall provide for the action to be taken in case of partial or complete destruction or partial condemnation of the condominium project and that action by a minimum of 75% of the co-owners in value and in number shall be determinative of whether to rebuild or repair the property. The bylaws shall set forth the rights of the co-owners and the procedures to be followed in case of a partial taking by condemnation or partial or complete destruction.

History: 1954 ACS 67, p. 59, Eff. Apr. 27, 1971.

R 451.1346 Mortgages.

Rule 1346. The bylaws shall provide that a co-owner who mortgages his apartment shall notify the association of co-owners of the name and address of its mortgagee and the association of co-owners shall maintain such information in a book entitled "Mortgages of Apartments." The association of co-owners, at the written request of a mortgagee of any such apartment, may notify the mortgagee of unpaid assessments due from the co-owner of such apartment. The association of co-owners shall furnish the individual mortgagees with complete information on all insurance carried by the association of co-owners.

History: 1954 ACS 67, p. 59, Eff. Apr. 27, 1971.

R 451.1347 Insurance.

Rule 1347. The bylaws shall provide that the association of co-owners shall carry insurance for fire and extended coverage, vandalism and malicious mischief, and if applicable liability and workmen's compensation, pertinent to the ownership, use and maintenance of the premises and that all premiums for insurance carried by the association shall be an expense of administration. The association may carry other insurance coverage, including cross-coverage for damages done by 1 co-owner to another.

History: 1954 ACS 67, p. 59, Eff. Apr. 27, 1971.

R 451.1348 Repair or modification of, and access to, apartments.

Rule 1348. (1) The bylaws shall provide that a co-owner who desires to make a repair or structural modification of his apartment shall first obtain written consent of the association of co-owners. The association need not give consent if such repair or modification might jeopardize or impair the structural soundness or safety or both of the project.

(2) The bylaws shall provide that any person designated by the association of co-owners shall have access to each apartment as necessary during reasonable hours upon notice to the occupant thereof for maintenance, repair or replacement of any of the common elements therein or accessible therefrom and shall have access to each apartment without notice for making emergency repairs necessary to prevent damage to other apartments, the common elements, or both.

History: 1954 ACS 67, p. 59, Eff. Apr. 27, 1971.

R 451.1349 Compliance with law and documents.

Rule 1349. The bylaws shall provide that all present and future co-owners, tenants, and any other persons or occupants using the facilities of the project in

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any manner, are subject to and shall comply with the act, the master deed and bylaws, and the articles of association, rules and regulations adopted by the association of co-owners.

History: 1954 ACS 67, p. 60, Eff. Apr. 27, 1971.

R 451.1350 Settlement of disputes; other provisions; amendments.

Rule 1350. (1) The bylaws may provide for procedures, including arbitration, to resolve any dispute, claim or grievance arising out of or relating to the interpretation or the application of the master deed, the bylaws, or the management agreement, if any, or to any dispute, claim or grievance arising among or between co-owners or between co-owners and the association of co-owners or between a management company and the association of co-owners. If arbitration is requested by the parties to such a dispute, claim or grievance, then such dispute, claim or grievance may be submitted to arbitration and the parties shall accept the arbitrator's decision as final and binding. The bylaws may provide for the application of the commercial arbitration rules, as amended, of the American arbitration association. Any such procedure shall be definite.

(2) The bylaws shall provide that a co-owner shall not be precluded from petitioning a court to resolve a dispute, claim or grievance.

(3) The bylaws may contain such other provisions as may be deemed necessary or appropriate which are not in conflict with the act or these rules.

(4) The bylaws may be amended by the association of co-owners in accordance with section 11 of the act.

History: 1954 ACS 67, p. 60, Eff. Apr. 27, 1971.

PART 5. APPROVAL OF A MASTER DEED

R 451.1351 Applications.

Rule 1351. (1) A developer may apply for a certificate of approval of a master deed when the following are prepared and submitted in accordance with the act and these rules:

(a) The master deed, the condominium bylaws and the condominium subdivision plan.

(b) The exhibits specified in these rules.

(c) Such other information as may be required, either on the application form prescribed by the administrator, or otherwise.

History: 1954 ACS 67, p. 60, Eff. Apr. 27, 1971.

R 451.1352 Consent of mortgagees.

Rule 1352. Written consent of the mortgagees and other parties interested in the property being submitted to the condominium project shall be obtained, and evidence thereof shall accompany the application. The consent shall state, or be accompanied by a statement setting forth, the manner in which any such interest will be released at or before the time of conveyance of title to an apartment to a purchaser.

History: 1954 ACS 67, p. 60, Eff. Apr. 27, 1971.

R 451.1353 Evidence of title to property.

Rule 1353. A developer shall furnish with his application, a copy of the existing title policy on the land or an attorney's opinion letter showing merchantable title in the developer. If the developer does not have an insurable interest in the land, he shall furnish evidence satisfactory to the administrator that he will be able to transfer merchantable title to apartment purchasers. A copy of the purchasers'

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proposed title insurance policies and a commitment to write such policies shall be furnished to the administrator.

History: 1954 ACS 67, p. 60, Eff. Apr 27, 1971

R 451.1354 Advice from other state agencies.

Rule 1354. The administrator may request advice from other state agencies in the following situations and may require that engineering reports, site reports, topographic and other maps and other data be furnished to facilitate such review:

(a) If the proposed condominium project is not to be served by an existing municipal water or sewerage system, the administrator shall notify the department of public health and the water resources commission who, after investigation, will inform the administrator whether in its opinion adequate provision has been made to protect the health of purchasers and the public, or what requirements are necessary to do so.

(b) If the proposed condominium project abuts a lake, stream or channel or lies wholly or in part within the floodplain of a lake, stream or channel the administrator shall notify the water resources commission and the local county drain commissioner, if any, who will inform the administrator whether in its opinion adequate provision has been made to protect the health, safety and welfare of purchasers and the public, or what requirements are necessary to do so.

(c) If the proposed condominium project abuts a state highway or trunkline, the administrator shall notify the department of state highways and, if it abuts a county road, it shall give notice to the county road commission, who in each case will inform the administrator whether in its opinion adequate provision has been made for the safety of entrance upon, and departure from, the state highway trunkline or county road, or what requirements are necessary to do so.

History: 1954 ACS 67, p. 60, Eff. Apr 27, 1971.

R 451.1355 Compliance with local ordinances.

Rule 1355. The act contemplates that a condominium project shall comply with zoning, building and other applicable local ordinances. The administrator will require that evidence of such compliance be submitted. This may include, but not be limited to, zoning approval, a building permit, certificate of occupancy and certificates of approval of any private roads, sewers or water systems.

History: 1954 ACS 67, p. 61, Eff. Apr 27, 1971.

R 451.1356 Management contracts.

Rule 1356. Initial contracts for management, rental operation or maintenance of the condominium project including contracts for nonpublic water and sewer, shall be submitted to the administrator for approval.

History: 1954 ACS 67, p. 61, Eff. Apr 27, 1971.

R 451.1357 Conversion of existing buildings.

Rule 1357. Where a developer proposes to establish a condominium project by conversion of an existing apartment building and where more than 1 year has elapsed since construction of the building, the administrator shall evaluate the building to determine whether it is suitable for conversion to a condominium project. The administrator may require the developer to comply with local building codes at the time of conversion. He may require evaluation of the plumbing, heating, electrical and structural components of the building and an appraisal of the property, to determine that the offer and sale of units will not tend

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to work a fraud or imposition on the purchasers or on the public. The administrator may require the developer to provide prospective purchasers with copies or summaries of such reports, evaluations or appraisals.

History: 1954 ACS 67, p. 61, Eff. Apr. 27, 1971.

R 451.1358 Sectional developments.

Rule 1358. (1) Where a developer proposes to establish a condominium project in a series of sections or stages, the administrator shall require each section or stage to be established as an integrated condominium project, fully able to function independently even if subsequent sections are never completed. This shall not prevent merging sections as completed into the previously completed and recorded condominium project. The administrator shall require the developer to disclose to subscribers the scope of his proposed development.

(2) Where a developer properly reserves power to amend the master deed to merge subsequent sections into 1 integrated condominium without the vote of co-owners or others interested in the condominium, the master deed of each section shall disclose the scope of the proposed development, and state generally the maximum number of units to be included in the condominium project, a time limit within which expansion of the condominium will be completed and the manner in which percentages of value will then be modified.

History: 1954 ACS 67, p. 61, Eff. Apr. 27, 1971.

R 451.1359 Condominiums involving long-term leases.

Rule 1359. Where a developer proposes to establish a condominium project on a leasehold interest in land, a copy of the lease shall be filed with the administrator when the developer first applies for approval. The administrator may approve the proposed condominium project if it affirmatively finds that the terms of the lease are appropriate and reasonable, and that the offer and sale of the apartments will not tend to work a fraud or imposition on the purchasers or on the public. The lease shall provide that, in case of default, the lessor may proceed against only those co-owners who are in default as to their proportion of the lease payments. The lease may provide the lessor a lien against an individual unit for the amount of the defaulted payment. The administrator may require that individual leases between the lessor and each co-owner also be used. The master deed shall describe the lease and shall provide that a co-owner may elect to pay his proportionate lease rental directly to the lessor. A lease shall be for a term not less than 99 years, and at expiration the terms of renewal shall be subject to arbitration.

History: 1954 ACS 67, p. 61, Eff. Apr. 27, 1971.

R 451.1361 Plan of financing.

Rule 1361. A developer who proposes to use subscribers' funds as part of his financing of a project shall submit his plan of financing to the administrator for review. Before the developer may use purchasers' deposits as part of his financing of the project, he shall deposit with the escrow agent irrevocable letters of credit or guarantee bonds in the full amount of the purchasers' funds he desires to withdraw. The escrow agent shall release the purchasers' funds to the developer only up to the amount of the letters of credit or guarantee bonds. Letters of credit and guarantee bonds shall be in a form satisfactory to the administrator. The administrator shall be satisfied that the bank issuing a letter of credit and the escrow agent receiving it will be able to meet their commitments. Those arrangements shall be fully set forth in the escrow agreement and in the reservation and subscription agreement.

History: 1954 ACS 67, p. 62, Eff. Apr. 27, 1971.

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R 451.1363 Approval of master deeds and field inspection.

Rule 1363. (1) Approval of a master deed shall be by a separate order but shall not constitute a permit to sell. A certificate of approval of the master deed shall also be affixed to the cover sheet of the condominium subdivision plan.

(2) A site inspection at the expense of the developer as set forth in section 25 of the act may be conducted before approval of a master deed.

History: 1954 ACS 67, p. 62, Eff. Apr. 27, 1971.

PART 6. PERMIT TO SELL AND SALES

R 451.1371 Application for a permit to sell.

Rule 1371. (1) A permit to sell enables a developer to enter into binding contracts of sale and to convey individual apartments. The form of such contracts of sale shall be approved before use by the administrator. When the approved master deed has been recorded with the register of deeds and a certified copy returned to the administrator, the developer may request a permit to sell.

(2) Before obtaining a permit to sell a developer shall submit 1 complete set of the architectural plans with detailed specifications on 35mm microfilm jacket cards and shall certify that these prints are complete and correct and a true copy of those actually used to construct the project. This requirement may be waived for a conversion project where no architectural plans exist.

History: 1954 ACS 67, p. 62, Eff. Apr. 27, 1971.

R 451.1372 Conditional permit to sell.

Rule 1372. (1) A conditional permit to sell is a permit to sell containing such further conditions to be satisfied by the developer as the administrator may require. If the condominium buildings have not been constructed when the plan is submitted, the structures shall be designated in the plan as "proposed." A conditional permit to sell, except as specifically provided therein, is effective as a permit to sell and allows the developer to convey completed apartments and enter into binding contracts of sale. The administrator may issue a conditional permit to sell before actual completion of all apartments or the entire project. Such a permit may be issued only after completion of all aspects of the application for approval of the master deed and conditional permit to sell, including approval and recording of the master deed and bylaws of the condominium and the condominium subdivision plan.

(2) Funds paid for the purchase of an apartment and held in escrow may ordinarily be released to the developer only upon conveyance of such an apartment to the purchaser. In case the developer, pursuant to a conditional permit to sell conveys any apartment before issuance of a final permit to sell, the administrator may require the developer to retain in or deposit with an escrow agent sufficient funds or other security as determined by the administrator to insure the completion of those common elements necessary for use and enjoyment of the project.

(3) A final permit to sell will only be issued after completion of the project and the submission, approval and recording of the master deed with changes, if any, and the condominium subdivision plan certified "as built" by the architect, engineer, or surveyor.

History: 1954 ACS 67, p. 62, Eff. Apr. 27, 1971.

R 451.1373 Amendment of master deeds.

Rule 1373. (1) Amendment of a master deed shall require the written consent of all co-owners, mortgagees and other persons interested in the condominium

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project. Where the developer reserves in the master deed the right to amend the master deed for a proper and stated purpose, the administrator may approve such amendment without consent of all the co-owners, mortgagees and other interested persons. Such purposes may include, but not be limited to, modification of percentages of value, reassignment of limited common elements, merger of sectional condominium developments or correction of minor errors in the master deed.

(2) Where the developer has received approval of a proposed condominium subdivision plan before construction of the buildings, a re-survey to bring the plans into conformity with buildings as actually built and to correct minor errors in the plans may be permitted by amendment of the master deed.

History: 1954 ACS 67, p. 63, Eff. Apr. 27, 1971.

R 451.1374 Advertising.

Rule 1374. (1) A project shall not be advertised or represented as a condominium until a permit to take reservations or a permit to sell has been granted to the developer. All advertising shall be submitted to the administrator and approved before use.

(2) Advertising, sales material and oral representations shall be truthful and accurate and intended to fully inform the public about the project. They shall not be framed in such a way as to create a false impression about the nature, status, quality or cost of a proposed condominium project or its location.

(3) A developer and his agent shall not represent to any person that the administrator has inspected or approved the quality, value or price of any apartment.

History: 1954 ACS 67, p. 63, Eff. Apr. 27, 1971.

R 451.1377 Conveyances of title.

Rule 1377. Title to a condominium apartment may not be tendered or conveyed by a developer until the apartment is substantially ready for occupancy and a permit to sell (either conditional or final) has been issued by the administrator.

History: 1954 ACS 67, p. 63, Eff. Apr. 27, 1971.

PART 7. HEARINGS

R 451.1381 Notice of intent to deny.

Rule 1381. (1) The administrator may deny approval of an application for a condominium project if a developer has failed to comply with the act or the rules promulgated pursuant thereto or the administrator's requirements thereunder, or if he affirmatively finds that the project as proposed or constructed will be detrimental to the health, safety or welfare of the purchasers or to the public. Before entering an order of denial, the administrator shall notify the developer by certified mail of its decision in a notice of intent to deny.

(2) The final decision shall be by further order.

(3) An order of denial will be entered after the expiration of 15 days after the date of mailing of the notice of intent to deny unless the developer requests in writing a hearing before the administrator within that time.

History: 1954 ACS 67, p. 63, Eff. Apr. 27, 1971.

R 451.1382 Conduct and notices.

Rule 1382. (1) A hearing shall be conducted by the administrator or by such person as it shall designate.

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(2) A hearing shall be open to the public and shall be conducted in accordance with the administrative procedures act of 1969, being Act No. 306 of the Public Acts of 1969, as amended, and §§24.201 to 24.315 of the Michigan Compiled Laws.

(3) Parties shall be notified of a hearing by certified mail, at their last known address, which shall be posted at least 15 days before the date of hearing and shall state the date, time, place, issues involved and reasons for holding the hearing, and the applicable law.

History: 1954 ACS 67, p. 63, Eff. Apr. 27, 1971.

R 451.1383 Appearances, pleadings, briefs, and adjournments.

Rule 1383. (1) A party may appear at a hearing in person or by a duly authorized representative or attorney.

(2) A party may file a written answer to charges or claims made or may present an oral statement at the time of hearing. Copies of written pleadings and briefs shall be served on the administrator and all other parties at least 5 days before the date set for hearing.

(3) If any party fails to appear after proper service of notice, the administrator, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of such parties.

(4) An adjournment or continuance may be granted by the administrator in its discretion, for good cause shown by a party to the hearing or on his own motion or after stipulation and agreement between all such parties, but a request for adjournment shall be made in writing at least 5 days before the date assigned for hearing.

History: 1954 ACS 67, p. 64, Eff. Apr. 27, 1971.

R 451.1384 Depositions.

Rule 1384. A deposition shall be taken only upon the order of the administrator upon a showing that it is impracticable or impossible to obtain necessary evidence otherwise. Where permitted, it shall be taken in accordance with the provisions for taking depositions in civil cases, as set forth in Michigan general court rules or other applicable court rules.

History: 1954 ACS 67, p. 64, Eff. Apr. 27, 1971.

R 451.1386 Orders.

Rule 1386. Within a reasonable time after completion of a hearing, the administrator shall send by certified mail to the last known address of the parties the decision or order which shall include findings of fact and conclusions of law.

History: 1954 ACS 67, p. 64, Eff. Apr. 27, 1971.

R 451.1387 Rehearings.

Rule 1387. A rehearing may be granted by the administrator upon application in writing by a party to the hearing or upon its own motion in accordance with the administrative procedures act of 1969. A rehearing shall be noticed and conducted in the same manner as an original hearing.

History: 1954 ACS 67, p. 64, Eff. Apr. 27, 1971.

HEARINGS

(By authority conferred on the director of commerce by sections 2 and 4 of Act No. 197 of the Public Acts of 1952, as amended, being §§24.102 and 24.104 of the Michigan Compiled Laws)

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R 451.1901 Applicability of rules.

Rule 1. These rules apply to hearings conducted by the securities bureau in the administration of the following acts:

(a) Uniform securities act, being Act No. 265 of the Public Acts of 1964, as amended, and §§451.501 to 451.818 of the Michigan Compiled Laws.

(b) Horizontal real property act being Act No. 229 of the Public Acts of 1963, as amended, and §§559.1 to 559.31 of the Michigan Compiled Laws.

(c) Act No. 135 of the Public Acts of 1961, as amended, being §§451.451 to 451.468 of the Michigan Compiled Laws.

History: 1954 ACS 55, p. 51, Eff. Aug. 14, 1968.

R 451.1902 Requests for hearings.

Rule 2. A party requesting a hearing shall submit in writing a fair and accurate statement of the facts to the securities bureau and all interested parties. The facts shall be accepted as evidence unless a written answer is filed, denying the facts relied upon, with the securities bureau and all interested parties.

History: 1954 ACS 55, p. 51, Eff. Aug. 14, 1968.

R 451.1903 Notices of hearings.

Rule 3. Notice of a hearing before the securities bureau shall be by registered or certified mail, and shall state the date, time, place, issues involved and reasons for holding the hearing. The notice shall be mailed at least 10 days prior to the hearing.

History: 1954 ACS 55, p. 51, Eff. Aug. 14, 1968.

R 451.1904 Appearances and defaults.

Rule 4. (1) An appearance at a hearing shall be made either in person or by a duly authorized representative or counsel.

(2) If a person who has been previously served with notice of hearing fails to appear at a noticed hearing, the securities bureau may proceed with a hearing of the case and, on the evidence presented, may make the decision.

History: 1954 ACS 55, p. 51, Eff. Aug. 14, 1968.

R 451.1905 Adjournments and continuances.

Rule 5. No hearing shall be adjourned or continued except upon an order of the securities bureau or the department employee conducting the hearing. Unless waived by the securities bureau, a motion or request for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance shall be considered unless it is filed with the securities bureau at least 5 days prior to the date assigned for the hearing, except upon order of the securities bureau, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 55, p. 51, Eff. Aug. 14, 1968.

R 451.1906 Written answers; oral statements; briefs and arguments.

Rule 6. A person who has been served with a notice of hearing may file a written answer thereto prior to the date set for hearing, or at the hearing may appear and present an oral statement, on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served

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upon the securities bureau and opposite parties at least 5 days prior to the date set for the hearing.

History: 1954 ACS 55, p. 52, Eff. Aug. 14, 1968.

R 451.1907 Stipulations.

Rule 7. The parties to a hearing before the securities bureau, by a stipulation in writing filed with the securities bureau or by a statement in the record, may agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence in the hearing. Parties are requested to thus agree upon the facts when practicable.

History: 1954 ACS 55, p. 52, Eff. Aug. 14, 1968.

R 451.1908 Depositions.

Rule 8. A deposition shall only be taken upon written authority of the securities bureau where it is proved in writing to the securities bureau that it is impractical or impossible to otherwise obtain the evidence. Where a deposition is permitted, it shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being rules 302 and 304 to 309 of the Michigan general court rules of 1963, with all parties given an opportunity to cross-examine the witness under oath.

History: 1954 ACS 55, p. 52, Eff. Aug. 14, 1968.

CEMETERY COMMISSION

GENERAL RULES

R 456.1—R 456.52 Rescinded.

History: 1954 ACS 56, pp. 42-44, Eff. Nov. 14, 1968; rescinded 1954 ACS 63, p. 23, Eff. Aug. 14, 1970.

GENERAL RULES

(By authority conferred on the state cemetery commission by section 8 of Act No. 251 of the Public Acts of 1968, as amended, being §456.528 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 456.101 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 251 of the Public Acts of 1968, as amended, being §§456.521 to 456.543 of the Michigan Compiled Laws.

(b) "Cemetery" means a cemetery or entity subject to the act.

(c) "Commission" means the state cemetery commission created by the act.

(d) "Remains" means human remains.

(e) "Memorials" means any object on which is inscribed the name and generally the inclusive dates of life of the deceased that is used to identify a grave.

(f) "Trainee" means a person who has not been previously licensed by the commission to sell interment rights, cemetery merchandise or services.

(g) "Business entity" means a group of persons formed into a corporation, association, organization, partnership or copartnership.

(h) "Agent" means a person who acts with authority for or in the place of another person in the sale of interment rights or cemetery merchandise and services.

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(i) "Seller" means a person who offers for sale interment rights, cemetery merchandise or services.

(j) "Cemetery lots" means an area for earth interment.

(k) "Pre-need" or "advance of need" means interment rights, cemetery merchandise or services sold to a purchaser before time of death.

(l) "Turf top crypts" means a section of a cemetery in which preconstructed underground outside containers have been installed for use of interments.

(m) "Vendor" means a cemetery company or its authorized agents.

(n) "Interment right" means 1 of the following:

(i) Burial right (earth burial).

(ii) Entombment right (crypt).

(iii) Columbarium right (inurnment).

(o) "Escrow" means an unallocated account held pursuant to the terms of a written trust agreement.

History: 1954 ACS 63, p. 23, Eff. Aug. 14, 1970; 1954 ACS 79, p. 108, Eff. Apr. 11, 1974.

R 456.111 Rescission.

Rule 11. The General Rules of the predecessor state cemetery commission, being R 456.1 to R 456.52 of the Michigan Administrative Code and appearing on pages 4821 to 4823 of the 1968 Annual Supplement to the Code, are rescinded.

History: 1954 ACS 63, p. 23, Eff. Aug. 14, 1970.

PART 2. PERMITS, REGISTRATIONS, LICENSES, AND RECORDS

R 456.121 Permits, registrations, and licenses.

Rule 21. A permit, registration or license issued pursuant to the act is valid from July 1 to June 30. An application for a permit, registration or license shall be filed with the commission at least 30 days before July 1 of each year.

History: 1954 ACS 63, p. 23, Eff. Aug. 14, 1970.

R 456.122 Licensing of salespersons.

Rule 22. (1) A person who is in training to sell interment rights or cemetery merchandise or services shall apply forthwith for a trainee license on forms provided by the commission accompanied by the required fee of $10.00. At the end of 50 days a person holding a valid trainee license shall apply to the commission, on forms provided, for a regular license, accompanied by the required fee of $15.00.

(2) If a salesperson allows his license to lapse 1 year or more, he shall apply for a new license and not a renewal.

(3) A salesperson changing places of employment shall submit his current license to the commission for the issuance of a corrected license indicating the new place of employment.

(4) A cemetery required to register under the act or an agent of such cemetery, shall not employ a person required to be licensed unless the person has in possession a valid license issued by the commission or has submitted to the commission an application for a trainee license accompanied by the required fee.

(5) A person selling interment rights originally purchased for the use of himself or his immediate family or a person acting as a receiver, administrator or executor or otherwise acting under any order or authorization of a court is not required to be licensed.

History: 1954 ACS 63, p. 23, Eff. Aug. 14, 1970; 1954 ACS 79, p. 109, Eff. Apr. 11, 1974.

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R 456.123 Property and unit descriptions.

Rule 23. (1) A cemetery shall file with the commission:

(a) A map containing a legal description of all land that has been purchased for cemetery purposes and adopted as part of the plan or design of the cemetery.

(b) Platted maps designating all locations of burial rights developed and completed for burial.

(2) A cemetery shall not sell or assign burial rights in a section or part of the cemetery which has not been developed and completed for burial unless a certified copy of the platted map designating burial rights contained in the section, has been filed with the commission.

(3) In case of a mausoleum, a burial structure or a columbarium, a cemetery shall file with the commission a substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations and other divisions with descriptive names and numbers. If a structure has not been completed for entombment or inurnment as of the effective date of this rule, the map shall be filed before any rights in this structure are sold.

History: 1954 ACS 63, p. 24, Eff. Aug. 14, 1970.

R 456.124 Ownership and location records.

Rule 24. (1) A cemetery shall keep a record of the ownership of all interment, entombment and inurnment rights in the cemetery.

(2) A cemetery shall keep record of all interments, entombments and inurnments showing the name, age, date of service, cemetery sections, lot numbers, grave number and, in case of a mausoleum or columbarium, all information necessary to easily locate an interment, entombment or inurnment.

(3) A cemetery shall keep a record of remains cremated in the cemetery and whether or not the cremated remains are interred, entombed or inurned on the premises.

(4) A cemetery shall keep records either in duplicate forms in separate buildings or in single copies within a container which has at least 1 hour fire proof rating. These records shall be available at all reasonable times to official inspection by the commission or any of its officers or agents.

History: 1954 ACS 63, p. 24, Eff. Aug. 14, 1970; 1954 ACS 79, p. 109, Eff. Apr. 11, 1974.

R 456.125 Records of future obligations.

Rule 25. On December 31 of each year a cemetery shall have available for examination by the commission, an annual statement or record as of its most recent fiscal year which ended at least 6 months prior to the December 31 date, certified to by the owners, or in case of a corporation by 2 directors or trustees, showing the financial status of all contractual liabilities and obligations for future performance of services by the cemetery corporation or the organization so obligated which is affiliated with the cemetery. This statement or record shall contain the following information:

(a) Complete description of the future performance obligations involved.

(b) Total cost of full performance of all obligations as of the date of statement.

(c) Complete information on the means, provision, trust or other vehicle which will assure fulfillment of all obligations, stating ledger and market values of the vehicle, its location, nature of investments and trustees including fees paid to trustees.

History: 1954 ACS 63, p. 24, Eff. Aug. 14, 1970.

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R 456.126 Financial statements.

Rule 26. A cemetery shall have available each year for examination by the commission, an annual statement or record as of its most recent fiscal year. The statement shall be available 6 months after the end of the fiscal year. The statement or record shall be certified to by the owners, or in case of a corporation, by 2 directors or trustees, as to the financial condition of the cemetery entity or corporation. This statement or record shall contain substantially all of the following information:

(a) List of all assets, current and fixed, showing costs and depreciation.

(b) List of all liabilities, current and long term.

(c) Stockholders' equity.

(d) Statement of income and expenses.

(e) Information on all insurance coverage of cemetery assets and responsibilities.

History: 1954 ACS 63, p. 24, Eff. Aug. 14, 1970; 1954 ACS 79, p. 109, Eff. Apr. 11, 1974.

PART 3. ENDOWED CARE FUND, MERCHANDISE FUND, AUDITS, REPORTS, AND SALES

R 456.131 Sales of interment rights, cemetery merchandise or services.

Rule 31. (1) A contract or agreement in which payments are to be made as consideration toward the purchase or option to purchase of interment rights, cemetery merchandise or services and which is signed by a purchaser and a vendor, constitutes a sale as referred to in subsection (2) of section 7a of Act No. 12 of the Public Acts of 1869, as amended, being §456.107a of the Michigan Compiled Laws in subsection (2) of section 35a of Act No. 87 of the Public Acts of 1855, as amended, being §456.35a of the Michigan Compiled Laws and in subsections (1), (2), and (3) of section 16 of Act No. 251 of the Public Acts of 1968, as amended, being §456.536 of the Michigan Compiled Laws.

(2) If a cemetery uses sales contracts or purchase agreements that include interment rights, burial vaults, grave memorials or cemetery services, payments made by a purchaser in event of a death of either spouse shall apply first on the amount shown as charged for interment rights.

(3) All vendors shall comply with Act No. 227 of the Public Acts of 1971, being §§445.111 to 445.117 of the Michigan Compiled Laws, if sales are made at residences of purchasers.

History: 1954 ACS 63, p. 25, Eff. Aug. 14, 1970; 1954 ACS 79, p. 110, Eff. Apr. 11, 1974.

R 456.132 Gross proceeds from sales.

Rule 32. Gross proceeds received from a sale of interment rights, cemetery merchandise or services is the total of all funds received or credited to the vendor as payments from a purchaser or lending institution on behalf of a purchaser before an amount is deducted as security for an uncollectible account or an amount is deducted which is due the trust funds by contract which is charged the purchaser in addition to the purchase price. A record of monthly gross proceeds of sales shall be kept by a vendor. An interest or carrying charge payment or sales tax shall not be considered part of gross proceeds from sales if the interest, carrying charge or sales tax is separately stated in the purchase agreement and is recorded separately as a payment is made.

History: 1954 ACS 63, p. 25, Eff. Aug. 14, 1970; 1954 ACS 79, p. 110, Eff. Apr. 11, 1974.

R 456.133 Endowed care funds.

Rule 33. (1) An irrevocable endowed care fund, as referred to in section 16 of the act, shall be a trust fund administered by a trustee or trustees under the terms

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of a written trust instrument which specifies the statutory and regulatory responsibilities of the trustee or trustees. The endowed care trust fund shall be kept separate and apart from all other funds, property or securities of the cemetery, cemetery corporation, association or trustee or trustees. The net income of the endowed care trust fund shall be paid only to the entity in possession, management, operation and control of the cemetery grounds and structures for the sole purpose of maintenance of the cemetery grounds or structures. Capital gains from the sale of an asset in the endowed care trust fund shall be considered a deposit to the principal or the corpus of the trust and as such shall not be considered a part of net income.

(2) The required funds due the endowed care trust fund shall be deposited only in an account, which is a legal depository of the corpus of the endowed care trust fund.

(3) Assets of the endowed care trust fund shall be deposited with a bank or trust company located in this state.

History: 1954 ACS 63, p. 25, Eff. Aug. 14, 1970; 1954 ACS 79, p. 110, Eff. Apr. 11, 1974.

R 456.134 Trust fund audits and records.

Rule 34. (1) If an audit of a trust fund obligation is made by the commission, an audit report shall be furnished to the party audited. The audit report shall contain the following information:

(a) Deposits made to the trust fund for the period of audit.

(b) Required deposits as per audit.

(c) Deficit or overage, if any.

(2) Deposit deficits shall be paid within 30 days from the date of the audit unless other arrangements are authorized in writing by the commission. Certification of the deposit shall be forwarded to the commission.

(3) A party in disagreement with a commission audit report may appeal for an adjustment by:

(a) Furnishing the commission with the party's contention of adequate proof of error.

(b) Requesting an informal hearing with the commission.

(c) Requesting a formal hearing with the commission.

(4) A cemetery shall have available in its registered office for examination by the commission, all records pertinent to the maintenance, establishment and reporting of its required trust funds.

History: 1954 ACS 63, p. 25, Eff. Aug. 14, 1970; 1954 ACS 79, p. 110, Eff. Apr. 11, 1974.

R 456.135 Endowed care fund reports.

Rule 35. The annual endowed care fund report required of a cemetery under the commission's authority shall be submitted in an original copy of the forms furnished by the commission. Photostat copies will not be accepted. If the space on a particular schedule of the form furnished by the commission is not large enough, a separate larger schedule shall be attached, and shall be in exactly the same form as the schedule in the commission report form.

History: 1954 ACS 63, p. 26, Eff. Aug. 14, 1970.

R 456.136 Sales tactics.

Rule 36. An organization or person selling interment rights, cemetery merchandise or services, pursuant to R 456.131 shall:

(a) Not use a sales presentation or advertisement which conceals or misstates a material fact.

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(b) Fully disclose to a purchaser in a conspicuous manner on the purchase agreement or contract that there will be a future cost for interment fees or installation of cemetery merchandise unless these costs are included in the sales price and so stated on the contract or agreement.

(c) Not mislead prospects to believe that the seller is in any way connected with an organization other than the entity which is selling the interment rights, cemetery merchandise or services.

(d) Not offer free interment rights, installation or care deposits to an organization, group or person if the free offer is accompanied by a requirement that other interment rights, cemetery merchandise or services be purchased or that the free offer is accompanied by the option of purchase of adjoining interment rights at a price which is inflated above regular comparable prices within the cemetery.

(e) Not sell interment rights supposedly at a substantial discount where in fact the actual price of the rights has been increased to cover the supposed discount.

(f) Not represent that the price of interment rights to a purchaser is a special price to him only, if another purchaser would be given the same price.

(g) Not use sales presentations which lead a purchaser to believe that interment rights, cemetery merchandise or services are being acquired at no cost and that the money required to be contributed by the purchaser is for maintenance or other expenses, whereas a different result follows.

(h) Not induce a purchaser to buy interment rights with promises or representations that future price increases will enable a purchaser to realize profits from the sale of his rights.

(i) Not promise, represent or agree as a condition of an interment right's sale, or sale of cemetery merchandise or services, to resell for, or repurchase from a purchaser, any right, cemetery merchandise or services.

(j) Not sell interment rights unless the specific location and description of the rights coinciding with the official platted records of the cemetery is specified in the sales agreement.

(k) Not sell interment rights in an earth interment section which is not completed for interment including lawn and landscaping, unless there is a comparable section completed for interment including lawn and landscaping in the same cemetery that is available at no additional cost to the purchaser in case of need, to which the purchaser agrees to transfer.

(l) Not sell interment rights in an earth interment section which is not developed as provided in subrule (7) of R 456.137, 48 months after the date of the first sale of rights in such section. If the section is not developed by that date, except for national emergency, all moneys paid by the purchaser shall be refunded on written request by the purchaser.

(m) Not accept a pre-need sales contract unless a minimum down payment of $10.00 is received from the purchaser at the time of sale.

(n) Not take a negotiable instrument, other than cash or a currently dated check or draft, as evidence of the obligation of the purchaser as a down payment.

(o) Not pay the down payment for the purchaser, or make an agreement with the purchaser that the down payment can be paid at a later date. This practice is commonly known in the cemetery industry as "fronting a sale."

(p) Not present a sales presentation and obtain purchaser's signature to a sales contract if the purchaser cannot read or speak English unless there is a disinterested person present who can explain fully to the purchaser what he is buying. The name and address of the disinterested person shall appear in his handwriting somewhere on the contract.

History: 1954 ACS 63, p. 26, Eff. Aug. 14, 1970; 1954 ACS 79, p. 111, Eff. Apr. 11, 1974.

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R 456.137 Incomplete structures.

Rule 37. (1) A vendor who sells an interment right in a structure which is not then completed for interment shall:

(a) Stipulate in the sales agreement a specific period of time within which the structure shall be completed and ready for interment which shall be not more than 48 months after the date of the sales agreement, and that if the structure is not completed by that date, except for a national emergency, all moneys paid by the purchaser pursuant to the agreement shall be refunded.

(b) Determine the total construction cost of the structure.

(c) Determine the construction cost of the unit being sold and divide it by the amount of gross proceeds to be derived from the sale of the unit which figure shall be multiplied by 100 to obtain the construction cost percentage.

(d) Place the construction cost percentage of any gross proceeds payment in a special construction trust fund in a bank or trust company located in this state within 30 days after the date of the payment.

(2) The sum of construction costs of all units in a subrule (1) structure shall equal the total construction cost of the subrule (1) structure.

(3) Withdrawals from the construction fund can be made only to pay current construction costs as the construction of the structure progresses to the final completion.

(4) All vendors shall submit to the commission for approval, and before such sales are made, the following:

(a) Copy of contracts or purchase agreements.

(b) Maps required by subrule (2) of R 456.123.

(c) Estimated cost of the structure, including features and embellishments.

(d) Estimated amount of gross proceeds to be derived from the sale of the interment rights.

(e) A copy of sales brochures, promotional pamphlets and artist's rendering of the proposed structure if such items are used in the sales program.

(f) A copy of all proposed sales advertising or radio and television scripts used in these sales promotions.

(5) A vendor shall not sell or assign burial rights in any undeveloped part of the cemetery unless 15% of the gross proceeds received from the sales is deposited in a special fund under a written agreement in a bank or trust company located in this state. The fund shall be designated as a cemetery development fund, naming the new area. A copy of the written agreement shall be forwarded to the commission. Withdrawals from the development fund can be made only to pay current development costs as the development progresses to final completion. Upon final completion any undisbursed funds including earned income may be withdrawn by the vendor from the development fund.

(6) A vendor selling turf top crypts in an area that is not developed or ready for interments shall deposit 130% of the cost of each crypt sold into a special fund, under a written agreement, in a bank or trust company located in this state. The fund shall be designated as a cemetery development fund, naming the new area. A copy of the written agreement shall be forwarded to the commission. Withdrawals from the development fund can be made only to pay current development costs as the development progresses to the final completion. Upon final completion any undisbursed funds including earned income may be withdrawn by the vendor from the development fund. Vendors contemplating selling in an undeveloped cemetery area or undeveloped turf top crypt area shall submit to the commission the following information before sales are made:

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(a) Estimated cost of the development, including features and all embellishments.

(b) Plat maps required by subrule (2) of R 456.123.

(c) A copy of sales brochures, promotional pamphlets and artist's rendering of the proposed developed area if such items are used in the sales programs.

(d) A copy of all proposed sales advertising or radio and television scripts used in these sales promotions.

(7) A developed cemetery area means an area containing grass or sod and landscaping of sufficient quality to present a good appearance, and section markers of durable material used to identify the location of interment rights in that area including any and all cemetery features promised the purchaser for that area. Deposits will be made to the development fund until an inspection of the area so developed is made by the commission. The inspection shall be made within 30 days after receipt of written request from the vendor. If the inspection is not made within 30 days, the vendor may terminate deposits to the development fund as required under subrule (5) and may withdraw any funds remaining in development fund. The commission shall approve or disapprove the area as ready for interment and the commission's failure to do so in writing within 30 days constitutes approval of the area.

History: 1954 ACS 63, p. 26, Eff. Aug. 14, 1970; 1954 ACS 79, p. 112, Eff. Apr. 11, 1974.

R 456.138 Permitting violations of R 456.136.

Rule 38. An organization including its officers which knowingly permits a person under employment, contract or sales control, either directly or indirectly, to violate any provision of R 456.136 is also guilty of the same violation.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970; 1954 ACS 79, p. 113, Eff. Apr. 11, 1974.

R 456.139 New cemeteries.

Rule 39. (1) In determining community need for a proposed new cemetery as required by section 13 of the act the commission shall use a 25-mile radius as a potential sales and service area in making a survey to determine the number of cemeteries, type of ownership and burial rights available to the public in that area.

(2) The commission shall require the applicant for a new proposed cemetery to have title in fee to at least 40 acres before final approval is granted.

(3) A newly established cemetery shall not sell or assign burial rights in any areas of the cemetery until at least 2 acres are developed, as required by subrule (7) of R 456.137 which development shall be located at the front or near the main entrance of the proposed cemetery.

History: 1954 ACS 79, p. 113, Eff. Apr. 11, 1974.

PART 4. CASKETS, EARTH BURIALS, ENTOMBMENTS, AND CREMATIONS

R 456.141 Temporary storage facilities.

Rule 41. When temporary storage is required, a cemetery shall provide a facility which affords reasonable protection from vandalism or desecration and complies with the local board of health requirements.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970.

R 456.142 Committal services.

Rule 42. (1) A cemetery shall provide that a committal service is handled in a dignified and respectful manner.

(2) A cemetery shall take all reasonable precautions to assure the safety of those attending a committal service.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970.

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R 456.143 Caskets.

Rule 43. (1) A cemetery at all times shall handle caskets with dignity, respect and utmost care.

(2) If committal services are conducted in a cemetery at a place other than the place of final interment or entombment or the remains are to be held in temporary storage in the cemetery pending interment or entombment at a later time, a cemetery shall identify the casket by attaching to it a permanent type tag or label of plastic or other durable material at the time of the services with the name of the deceased, grave site or crypt location and other data as may be required for positive identification.

(3) Before an interment or entombment is made, a cemetery shall have a responsible representative verify the correctness of the grave site or crypt location and attest the verification on the permanent record of the interment or entombment.

(4) A cemetery shall not permit a casket to be opened within the cemetery grounds without permission of the next of kin except in case of cremation.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970.

R 456.144 Earth burials.

Rule 44. (1) A cemetery shall not make an interment unless a legally executed burial transit permit is received.

(2) A cemetery shall make an interment immediately following the committal service or receipt of remains if it does not interfere with the dignity of any other committal service. If weather conditions prevent an immediate interment, the cemetery shall obtain written authorization for delayed interment signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of interment and place of temporary storage.

(3) Immediately following the committal service and interment, a cemetery shall fill a grave and as soon as settling is reasonably complete and weather conditions permit, shall sod, seed or adequately cover a grave with limestone chips, gravel or other suitable material.

(4) A cemetery shall cover a grave in which an unsealed outside container is used with at least 16 inches of earth over the outside container.

(5) A cemetery shall remove all equipment used in the committal service and in the interment immediately following the service and interment.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970.

R 456.145 Entombments.

Rule 45. (1) A cemetery shall not make an entombment unless a legally executed burial transit permit is received.

(2) A cemetery shall entomb the remains and permanently seal the crypt immediately following the committal services or receipt of the remains.

(3) If circumstances do not permit immediate entombment following a committal service or receipt of remains, the cemetery shall obtain written authorization for delayed entombment signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of entombment and place of temporary storage of the remains.

History: 1954 ACS 63, p. 27, Eff. Aug. 14, 1970.

R 456.146 Cremations.

Rule 46. (1) A crematory shall not cremate remains unless it has:

(a) A legally executed burial transit permit authorizing the cremation.

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(b) A written authorization from a person representing himself as being legally qualified to make the authorization and who in the opinion of the crematory authority is legally qualified to make the authorization and is 1 of the following:

(i) The surviving spouse.

(ii) A surviving child or parent.

(iii) A next of kin.

(iv) A person who has acquired the right to control disposition of the remains.

(2) A crematory shall cremate remains as soon as reasonably possible, but if cremation does not take place within a reasonable time after receipt of the remains, the crematory shall obtain written authorization for delayed cremation signed by the next of kin or authorized agent. The authorization shall specify the approximate hour and date of cremation and place of temporary storage.

(3) A crematory shall place cremated remains in a container properly marked as to the name of the deceased and date of cremation.

(4) A crematory at all times shall handle cremated remains with dignity, respect and utmost care.

History: 1954 ACS 63, p. 28, Eff. Aug. 14, 1970.

PART 5. GROUNDS, FACILITIES, AND BUILDINGS

R 456.151 Grounds.

Rule 51. (1) A cemetery grounds shall be maintained with a general cemetery care program at required intervals to assure an acceptable appearance.

(2) A cemetery grounds including maintenance service areas shall be kept free of trash and debris. Trash receptacles shall be provided.

(3) A pond, lake, waterway, fountain and other body of water on a cemetery shall be kept reasonably free of trash and odors.

(4) A cemetery's trees and shrubs shall be trimmed at regular intervals.

(5) An undeveloped cemetery property shall be screened by fencing or shrubs, or it shall be mowed or maintained in an attractive manner.

(6) A cemetery road shall be kept accessible and in reasonably good repair as the normal operation of the cemetery dictates.

(7) A grave which has settled shall be refilled as soon as reasonably possible.

(8) A grave marker or a monument shall be reset and trimmed as necessary.

(9) A dangerous condition in the cemetery shall be corrected immediately.

History: 1954 ACS 63, p. 28, Eff. Aug. 14, 1970.

R 456.152 Facilities.

Rule 52. (1) The name of the cemetery shall appear near the entrance on a permanent type sign, at least 3 square feet in size, and if the office is not located on the grounds, the location of the office shall be noted on the sign.

(2) A cemetery fence shall be kept in good repair.

(3) Identifying features or section markers of durable material shall be placed permanently in the ground to identify the named or numbered sections of the cemetery which shall coincide with a cemetery map.

(4) A grave shall be located by a permanent lot survey marker which shall be located in the ground within a reasonable distance of the grave and coinciding with a cemetery section on the map. Each grave in a single grave section shall be located by a permanent numbered grave marker.

(5) A lot survey marker shall be kept reasonably visible under normal weather conditions.

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(6) A cemetery's grave decorations rules shall be posted or made available in printed form.

(7) Maintenance equipment not in use shall be stored in the maintenance service areas.

History: 1954 ACS 63, p. 28, Eff. Aug. 14, 1970; 1954 ACS 79, p. 113, Eff. Apr. 11, 1974.

R 456.153 Buildings.

Rule 53. A building, including a mausoleum, shall be kept in good repair.

History: 1954 ACS 63, p. 28, Eff. Aug. 14, 1970.

R 456.154 Rest rooms and public accommodations.

Rule 54. A cemetery shall maintain reasonable and acceptable rest rooms and public accommodations deemed necessary by the commission after inspection is made by a field investigator and a report submitted.

History: 1954 ACS 63, p. 28, Eff. Aug. 14, 1970.

PART 6. MERCHANDISE TRUSTS

R 456.161 Merchandise trust agreements.

Rule 61. (1) A vendor shall submit 2 copies of a written merchandise trust agreement to the commission for approval. In addition to other requirements, a merchandise trust agreement shall provide all of the following:

(a) That deposits made to the merchandise trust account by a vendor shall be invested by the trustee only in accordance with Act No. 177 of the Public Acts of 1937, as amended, being §§555.201 to 555.203 of the Michigan Compiled Laws, except that funds shall not be invested in life insurance policies on any person or invested in a company owned or operated by a cemetery or its authorized agent or in loans to any person directly connected with or employed by a cemetery or its agents.

(b) That deposits to the merchandise trust account shall be certified by an officer of the vendor or agents authorized by a vendor to act in its behalf.

(c) That withdrawals from the merchandise trust account shall be made on the presentation to the trustee of an affidavit certified by the vendor that the cemetery merchandise or services have been installed, delivered, performed or terminated. Withdrawals shall not be made in excess of the allocated deposit and vendor shall so certify. The trustee shall retain the affidavit as a permanent part of the trust records and the vendor shall keep a copy.

(d) That at least an annual accounting period shall be established and the trustee shall furnish to the vendor an accounting which shall contain the following information:

(i) A separate listing of all assets held by cost and fair market value with totals.

(ii) Total deposits made to the trust account during the reporting period and total to date.

(iii) Total withdrawals from the merchandise trust account during the reporting period and total to date.

(iv) A certification by the vendor to the trustee that the total assets of the merchandise trust account are at least equal to the total obligations as determined by the current deposits as required by subrule (1) of R 456.162.

(v) Net income including ordinary income and capital gains paid to vendor during the accounting period.

(e) That at any time the commission makes a determination that the merchandise trust account is underfunded to meet the total current obligations, the

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commission may order the vendor to deposit all future trust income, as of the date of the order, to the principal of the merchandise trust account to be allocated in accordance with subdivision (b) until the total assets of the corpus of the merchandise trust account equals the total obligations as determined by the current deposits as required by subrule (1) of R 456.162.

(f) That the purpose of the merchandise trust account is to protect the purchaser and the commission may inspect the records of the vendor and trustee relating thereto.

(2) Assets of the merchandise trust funds established by a vendor or its authorized agents shall be deposited with a bank or trust company located in this state.

History: 1954 ACS 79, p. 113, Eff. Apr. 11, 1974.

R 456.162 Required deposits to merchandise trust account.

Rule 62. (1) When cemetery merchandise or services are sold to a purchaser, a vendor or an agent authorized by a vendor or acting on its behalf under an agreement or sales contract to sell cemetery merchandise or services shall deposit, on or before the last day of the month following the month of collection, the following amounts to a merchandise trust account and maintain such deposits until such time as the cemetery merchandise or services are installed, delivered, performed or terminated:

(a) One hundred thirty percent of the cost of each grave memorial that the vendor is obligated to furnish and install. A vendor representing more than 1 memorial manufacturer may take the average cost of all manufacturers the vendor represents in determining the 130% of cost if all manufacturers meet the specifications as contained in the purchase or sales agreement. At all times the total amount required to be on deposit in the merchandise trust account for obligations concerning grave memorials shall be not less than the current cost of all such obligations.

(b) The greater amount of either 70% of the gross proceeds received from the sale of each burial vault or 130% of the cost of each burial vault that the vendor is obligated to furnish and install. At all times the total amount required to be on deposit in the merchandise trust account for obligations concerning burial vaults shall be not less than 130% of the current costs of all such obligations.

(c) The greater amount of either 100% of the gross proceeds received from the sale of cremations, grave openings and closings or $100.00 for each cremation, grave opening and closing that the vendor is obligated to furnish.

(2) A vendor may withdraw from the merchandise trust account only after the cemetery merchandise or services are delivered, stored, installed, performed or terminated. The vendor may withdraw from the merchandise trust account only the current cost of grave memorials which are ordered by him and stored by the vendor or cast and stored by a memorial company. He may withdraw the balance only when the grave memorial is installed. A vendor may withdraw from the merchandise trust account only the current cost of a burial vault if he orders and stores the vault. He may withdraw the balance only when the vault is installed.

(3) A vendor storing grave memorials or burial vaults until time of need shall insure the memorials and vaults against fire and theft in an amount in excess of their total replacement cost. A current certificate of insurance coverage shall be filed with the commission annually.

(4) A vendor shall make deposits to the merchandise trust account as required by the act and when he does any of the following:

(a) Makes a pre-need cash sale.

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(b) Sells the sale contract to a bank or lending institution.

(c) Receives prorated payments direct from a purchaser, generally referred to as a house account, unless the vendor has an approved merchandise escrow account as provided in R 456.163. The deposit required on a house account payment shall be as provided in R 456.163.

History: 1954 ACS 79, p. 114, Eff. Apr. 11, 1974.

R 456.163 Merchandise escrow account.

Rule 63. (1) A vendor may establish a merchandise escrow account in a bank or trust company located in this state under a written trust agreement approved by the commission into which he shall deposit payments on house accounts.

(2) The deposit required on a house account payment received from the sale of a grave memorial shall be a percentage of each payment made by a purchaser computed by dividing the sale price of the grave memorial into 130% of the cost of the memorial. Sales tax, finance or carrying charges and memorial maintenance trust deposits are not considered a part of the sale price in determining the percentage.

(3) The deposit required on a house account payment received from the sale of a burial vault is the greater of either 70% of each payment made by a purchaser or 130% of the cost of the burial vault. The deposit shall be computed as provided in subrule (2) for grave memorials.

(4) A vendor may make payments to a merchandise escrow account until the purchaser makes payment in full at which time the vendor shall transfer the deposit to the merchandise trust account.

(5) A vendor may withdraw from the merchandise escrow account only after the cemetery merchandise or services are delivered, stored, installed, performed or terminated.

(6) Merchandise escrow account deposits and withdrawals shall be certified to by the vendor as to their regularity and accuracy.

History: 1954 ACS 79, p. 115, Eff. Apr. 11, 1974.

R 456.164 Pre-existing merchandise trust accounts.

Rule 64. (1) A vendor having a merchandise trust, escrow or other depository account pre-dating the effective date of this rule, shall take appropriate measures to demonstrate annually to the satisfaction of the commission the assurance of fiduciary responsibility in the maintenance of the account and the financial integrity of the account to meet the current cost of the merchandise for which deposits were made to the pre-existing merchandise trust. If the total amount in a pre-existing account is inadequate to meet current obligations, the vendor shall present to the commission a satisfactory plan of good faith affirmative action to restore the deficit. R 456.162 does not apply to any contractual obligations entered into prior to the effective date of this rule except for withdrawal requirement as stated in subrule (2).

(2) A vendor continuing a pre-existing merchandise trust, escrow or other depository account shall furnish the commission an annual accounting on forms acceptable to the commission which shall contain the information required by R 456.125 and a certification that the total deposits are adequate to meet the total current cost of the merchandise for which deposits were made to the pre-existing merchandise trust, escrow or other depository account.

(3) Instead of complying with subrules (1) and (2) a vendor having a pre-existing merchandise trust, escrow or other depository account may close the account and deposit its assets in a merchandise trust under R 456.161 subject to all

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the terms and conditions of the trust except that the vendor shall not be required to deposit an amount in excess of that necessary to meet current cost of total contractual obligations. If the amount deposited is inadequate to meet current obligations, the vendor shall present to the commission a satisfactory plan of good faith affirmative action to restore the deficit. The election in this section shall be made in writing with a copy to the commission.

History: 1954 ACS 79, p. 115, Eff. Apr. 11, 1974.

R 456.165 Record keeping, inspection, audit, and hearings.

Rule 65. A vendor shall maintain a monthly accounting record which indicates separately all cash proceeds received from the sale of interment rights, burial vaults, grave memorials or cemetery services. The vendor shall also maintain a monthly accounting record setting forth in detail all deposits to the merchandise trust account. This record shall include:

(a) Name and contract number of the purchaser.

(b) A description of the cemetery merchandise or services purchased.

(c) Amount to be credited to the purchaser's account.

(2) A vendor shall also maintain a monthly accounting record setting forth in detail all withdrawals from the merchandise trust account. This record shall include:

(a) Name and contract number of the purchaser.

(b) A description of the cemetery merchandise or services purchased.

(c) Amount withdrawn.

(d) Whether the cemetery merchandise or services were installed, delivered, performed or terminated.

(3) The records shall be available for inspection or audit at any time during regular business hours by the commission or its authorized agents. The records shall be maintained within the state either by the cemetery or in the office of its authorized agent.

(4) The commission may order a hearing on the current status of the merchandise trust account if it determines that one of the following has occurred:

(a) The trust is underfunded to meet current obligations.

(b) Required deposits were not made.

History: 1954 ACS 79, p. 116, Eff. Apr. 11, 1974.

R 456.166 Required reporting; financial statement.

Rule 66. (1) A vendor shall submit to the commission, 60 days after the accounting date established as required by R 456.161, on forms provided by the commission, all information deemed necessary by the commission to assure that the merchandise trust account is adequate to provide all of the cemetery merchandise and services the vendor is obligated to provide. A vendor shall submit a current financial statement when requested by the commission as provided in R 456.126.

History: 1954 ACS 79, p. 116, Eff. Apr. 11, 1974.

R 456.167 Sales contracts or agreements.

Rule 67. (1) Purchase agreements or sales contracts made with a purchaser of grave memorials shall contain at least the following descriptive information:

(a) Size of memorial.

(b) Material and specifications.

(c) Number of vases.

(d) Type of base.

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(2) Purchase agreements or sales contracts made with a purchaser of burial vaults shall contain at least the following descriptive information:

(a) Size.

(b) Type (concrete, steel, plastic, etc.).

(c) Approximate weight.

(d) Approximate load strength specifications.

(3) The descriptive information may be contained in a separate certification attached to the sales contract or agreement.

History: 1954 ACS 79, p. 116, Eff. Apr. 11, 1974.

PART 9. HEARINGS

R 456.191 Statements of facts and appearances.

Rule 91. (1) A party requesting a hearing shall submit in writing a fair and accurate statement of the facts to the commission and all interested parties.

(2) An appearance at a hearing shall be made in person, by a duly authorized representative, or by counsel.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

R 456.192 Defaults.

Rule 92. If a person who has been properly served with a notice of hearing fails to appear at a noticed hearing, the commission or designated hearing officer may proceed with a hearing of the case brought before them and, on evidence presented, may make a decision.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

R 456.193 Answers, arguments, and briefs.

Rule 93. A person who has been served with a notice of hearing may file a written answer before the date of the hearing, and at the hearing may appear and present an oral statement on the charges contained in the notice of hearing. If a written argument or brief is presented, a copy shall be served on the secretary of the commission and all interested parties, at least 5 days before the date for the hearing.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

R 456.194 Adjournments and continuances.

Rule 94. A hearing shall not be adjourned or continued except on an order of the commission. A motion or request for an adjournment or a continuance shall be in writing, and shall state concisely the reasons why the adjournment or continuance is necessary. The motion or request shall not be considered unless it is filed with the secretary of the commission at least 5 days before the date assigned for the hearing, except on a showing that, for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

R 456.195 Stipulations.

Rule 95. The parties to a hearing, by a stipulation in writing filed with the secretary of the commission, may agree on the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence in the hearing. Parties are requested to agree on the facts when practicable.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

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R 456.196 Depositions.

Rule 96. A deposition shall be taken only on written authority of the commission if it is proved in writing to the commission that it is impractical or impossible to otherwise obtain the evidence. If a deposition is permitted, it shall be taken according to the rules for taking a deposition in a civil action in this state.

History: 1954 ACS 63, p. 29, Eff. Aug. 14, 1970.

PUBLIC SERVICE COMMISSION

INFORMAL REPARATION DOCKET CASES BEFORE COMMISSION

(By authority of Act No. 300 of the Public Acts of 1909, being §462.2 et seq. of the Michigan Compiled Laws)

R 460.1 Application for reparation.

Rule 1. The commission will entertain claims for applications for reparation, if filed with it within 2 years after the delivery of any shipment of freight at destination, under an informal docket when such applications are presented to it by the carrier, or carriers, which participated in the transportation of the property in which it is admitted that the rate charged was irregular or exorbitant, and supports such admission by a statement of the facts and uses as a basis for adjustment, a tariff which was subsequently published naming a rate lawfully applicable via the route over which the shipments moved. (See R 460.2.)

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.2 Informal reparation.

Rule 2. Informal reparation will be allowed in the following cases:

(a) Reparation on account of error in publishing rate.

(b) Reparation on account of the reestablishing of a rate formerly in effect, which rate was unintentionally omitted in a reissue of a tariff and the cancellation of which was overlooked when shipments moved.

(c) Reparation on account of rate or charge as assessed (which rate was lawful at time shipment moved), which rate is admitted by the carrier or carriers to be irregular or exorbitant, and should not have exceeded the rate subsequently established via the same route over which the shipments involved moved. (NOTE: Reparation will be allowed on this account only when the subsequently published rate was established to meet new traffic conditions, or circumstances, which the rate as assessed did not take into account or contemplate. This should not be construed to include cases in which a rate is reduced simply to meet competition of another carrier. Any regulation or rule which is used in connection with a rate or charge may be used as a basis for refund in informal reparation cases when such refund is sought on account of conditions or circumstances as outlined in subdivisions (a), (b), and (c) of this rule.)

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.3 Application for informal reparation; form.

Rule 3. All applications for informal reparation must conform to the commission's standard form in such cases.

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.4 Extension of principle upon which informal reparation order based.

Rule 4. When an informal reparation order has been made by the commission, the principle upon which it is based shall be extended to all like shipments, but no

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refunds shall be made upon such like shipments except upon specific authority from the commission therefor.

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.5 Reparation award; assignment.

Rule 5. In awarding reparation, the commission will recognize an assignment by a consignor to a consignee or by a consignee to a consignor.

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.6 Order for refund.

Rule 6. The commission's order for refund on account of a reduced rate or changed tariff regulation will require the maintenance of such rates or regulation for at least 1 year as a maximum from the date on which the rates or rules sought to be applied became effective except that when refund is made, on account of error in publishing a rate or rule, the commission's order will not carry the 1-year clause. (NOTE: Attention is called to the fact that where carriers and shippers cannot agree in claims involving informal reparation, it is necessary under the statute in case the aggrieved person desires to submit the claim to the commission for adjustment, that the complaint be filed with this commission within 2 years after the delivery of the freight at destination.)

History: 1944 AC, p. 519; 1954 AC, p. 5601.

R 460.7 Applications; forms.

Rule 7. Applications on the commission's informal docket shall be made in the following form and all the requirements of this form must be complied with in every case:

INFORMAL DOCKET NO.

_____ Complainant
vs.
_____
_____ Defendant

Complainant's No. _____
_____ Co. Claim No. _____
_____ Co. Claim No. _____
_____ Co. Claim No. _____
Request for authority to pay $_____

To Michigan Public Service Commission:

The _____ company respectfully requests an order herein authorizing the payment to the above-named claimant, of _____, state of _____, of the sum of _____ dollars _____ ($_____), as special reparation in connection with the following shipment:

Commodity _____

Number of shipments or carloads _____, aggregate weight _____

From _____ (Point of origin) to _____ (Destination)

Consignor _____, consignee _____

Bill of lading issued by _____ (Use initials) Co., at _____

Date _____, 19__. Shipment moved as follows:

_____ Co., from _____ to _____, via _____

_____ Co., from _____ to _____, via _____

_____ Co., from _____ to _____, via _____

Aggregate freight charges actually collected, $_____, date paid _____, 19__.

By whom paid to carrier _____ Date of delivery _____, 19__.

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Give reference to previous cases which involved the same rate situation _____

_____.

(If combination rate legally applicable, show each factor thereof.)

Rate legally applicable _____ per { ton / or _____ / cwt. } carload min. _____ for _____ ft. car

Tariff authority _____ M.P.S.C. No. _____, page ____, effective _____

Rate sought to be applied _____ per { ton / or _____ / cwt. } carload min. wt. _____ for _____ ft. car.

Tariff authority _____ M.P.S.C. No. _____, page ____, effective _____

_____

Aggregate freight charges at claimed rate would be $_____.

(Insert here such explanation as the case may require. If shipment was reconsigned, state date of reconsigning order, point of reconsignment, and tariff authority for reconsignment. If shipment was misrouted by carrier, state routing instructions given by consignor, and the proper route in detail; with specific admission that misrouting was caused by carrier's agent.)_____

_____

_____

_____

_____

_____

It is admitted that the rates or rules legally applicable at the time and over the route shipment moved were, under all circumstances and conditions then existing, irregular and exorbitant.

It is agreed that the order of the commission authorizing refund herein may require that the published tariff rates and rules upon which adjustment is based shall be maintained (as maximum) for a period of not less than one year from the date on which the rates or rules sought to be applied became effective.

The undersigned who makes this application in the name of his company certifies that he has familiarized himself with all the facts and figures upon which this application for reparation is made and knows the same to be correct.

Respectfully submitted,

_____ company
Defendant

_____, _____, By _____
(City) (State) (Personal signature)

_____, 19__ Its _____

The undersigned companies join in the foregoing application:

_____ company
Defendant

By _____
(Personal signature)

Its _____

_____ company
Defendant

By _____
(Personal signature)

Its _____

The foregoing application must be personally signed by an executive or general officer of the accounting or traffic department, and not by a subordinate.

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I, _____, have carefully read the foregoing application and certify that the facts as therein set forth have been verified by a check against the accounts affected as audited under my direction, and I now certify that the records of this company show:

1. That the aggregate weight was _____ pounds.
2. That the aggregate freight charge actually collected and retained was $_____.
3. That the amount of the refund to which the above-named complainant {is / are} entitled, on the basis of the reduced rate, is $_____ and that the present weight is $_____ per {ton / cwt.}
4. The attached statement of billing, exhibit 1, corresponds to the checked billing of the auditing department.

_____
(Personal signature)

_____
(Comptroller or general auditor)

This certificate must be personally signed by the comptroller or the accounting officer in charge of freight revenue accounts, and not by a subordinate.

The foregoing certificate by the accounting officer of the applicant carrier must be used in every case and must show the aggregate charges on the shipments. But if the charges, or part of the charges were collected by another carrier or carriers, the following certificates will also be used, and in that event the above certificate, so far as the charges collected are concerned, will be understood to be based on and qualified by the assumed correctness of the following certificates.

If the applicant carrier did not collect the freight charges, the carrier which made the collection will use the following supplemental certificate; and if a third carrier collected part of the charges, the special certificate will also be used, and the supplemental certificate will be understood to be based on and qualified by the assumed correctness of the special certificate.

SUPPLEMENTAL CERTIFICATE

I, _____, the _____ of the _____ Rail _____ company, have carefully read the foregoing application and now certify that the records and accounts of this company, as audited under my direction, show:

1. That the aggregate weight was _____ pounds.
2. That the aggregate freight charge, actually collected and retained, was $ _____.
3. That the attached statement of billing, exhibit 1, corresponds to the checked billing of the auditing department of this company.

_____
(Comptroller or general auditor)

This certificate must be personally signed by the comptroller or the accounting officer in charge of freight revenue accounts, not by a subordinate.

When a carrier, other than the applicant and not the carrier using the supplemental certificate, has collected any part of the charges, the following special certificate will also be used:

SPECIAL CERTIFICATE

I, _____, the _____ of the _____.

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Rail _____ company, have carefully read the foregoing application and now certify that the records and accounts of this company, as audited under my direction, show:

1. That the aggregate weight was _____ pounds.
2. That additional freight charges were collected by this company to the amount of $ _____, no part of which has been refunded.

_____
(Personal signature)

_____
(Comptroller or general auditor)

This certificate must be personally signed by the comptroller or the accounting officer in charge of freight revenue accounts, not by a subordinate.

COMPLAINANT'S CERTIFICATE

I hereby certify that charges of $_____ on the shipments involved herein were paid and borne as such by _____ Co., and by no other.

By _____ Its _____.

Subscribed and sworn to before me this _____ day of _____, A.D. 19__.

(Seal) Notary Public _____

Instructions—Read carefully

1. Under section 10G of Act No. 300, Public Acts of 1909, as amended, and as interpreted by the commission, all claims for reparation are absolutely barred if not filed within 2 years from the date property was delivered.
2. This application should be accompanied by the original paid freight bills, which will be returned by the commission after the claim has been acted upon.
3. The commission will authorize payment only to the party who paid and bore the charges and not to an assignee. Where the application is for authority to refund to the consignee when the paper shows that the charges were paid by the consignor, or vice versa, the commission requires that a stipulation be filed with the application signed by the consignor, by the consignee, and by an executive or general officer of the carrier in substantially the following form:

Title. (Here insert names of complainant and defendants as in application to which stipulation relates.)

The undersigned _____, the consignor of the following described shipments (here insert date, car number, commodity, and points of origin and destination) and _____, the consignee thereof, and the undersigned _____ _____ Rail _____ Company, stipulate and agree that any order entered in the above-entitled informal complaint for a refund on account of the excessive freight charges collected on said shipment shall be in favor of (here insert name of consignor or consignee, as case may be).

_____ (Signature of consignor.) _____
_____ (Signature of consignee.) _____
_____ Rail _____ Co. _____
By _____
Its _____

History: 1944 AC, p. 519; 1954 AC, p. 5602.

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PRACTICE AND PROCEDURE BEFORE COMMISSION

(By authority conferred on the public service commission by Act No. 3 of the Public Acts of 1939, as amended, and Act No. 254 of the Public Acts of 1933, as amended, being §§460.1 to 460.6 and 475.1 to 479.20 of the Michigan Compiled Laws)

PART 1. DEFINITIONS AND GENERAL PROVISIONS

R 460.11 Definitions.

Rule 1. As used in these rules:

(a) "Applicant" or "petitioner" means a party seeking approval, authority, a certificate of authority or of public convenience and necessity or other certificate, license, permit or exemption or other relief.

(b) "Complainant" means a party who files a complaint.

(c) "Party" to a proceeding before the commission means a person by or against whom a proceeding is commenced, or a person admitted by the commission to intervene in a proceeding pursuant to these rules.

(d) "Person" means an individual, partnership, corporation, association, body politic, or state agency.

(e) "Protestant" means a motor carrier rendering service or applying for authority to render service, likely to compete with the proposed motor carrier service of a motor carrier applicant, if the former carrier opposes the application of the latter carrier.

(f) "Respondent" means a party who is complained against, a party investigated or ordered to show cause, or a utility rendering service of the same sort within a municipality proposed to be served by any other utility.

History: 1954 ACS 54, p. 57, Eff. May 15, 1968.
Editor's note: Former R 460.11—R 460.36, deriving from 1954 AC, pp. 5605-5611, were rescinded by 1954 ACS 54, p. 67.

R 460.13 Applicability and construction of rules.

Rule 3. (1) These rules govern practice and procedure in all matters before the public service commission.

(2) These rules shall be liberally construed to secure just, economical, and expeditious determination of the issues presented.

History: 1954 ACS 54, p. 57, Eff. May 15, 1968.

R 460.14 Information, documents, and communications.

Rule 4. (1) Information as to established practice or procedure under these rules will be furnished to any person upon application to the secretary of the commission.

(2) Applications and other documents shall be in writing and shall conform to all requirements of these rules. The secretary of the commission, upon reasonable request, will advise as to the form of petition, answer or other papers necessary to be filed in any case and furnish such information from the files of the commission as will aid in a full presentation of material facts.

(3) Documents filed with the commission shall be printed, typewritten or otherwise mechanically reproduced, shall be upon paper 8½ inches by 11 inches in size, or folded to such size, or on such forms as may be hereafter supplied by the commission.

(4) Communications and documents shall be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Michigan 48913. Communications and documents so directed are officially received.

History: 1954 ACS 54, p. 57, Eff. May 15, 1968.

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R 460.15 Service of papers.

Rule 5. Notices, petitions, answers and other papers or copies thereof required to be served in a proceeding may be served either personally or by mail; and when a person has appeared by attorney, service upon such attorney is deemed proper service. When a paper is served, the person serving the paper shall file with the commission proof of service, or admission of service by the person served or his attorney, annexed to a copy of the paper served, so that the commission may know that the paper in question has been properly served and the date of the service. When copies of papers are sent to the commission and served by the commission, the commission will attach to the original of the paper, an affidavit of service signed by the person serving the same. Service on municipalities shall be similarly made on supervisors of townships and on clerks of other municipalities.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

R 460.16 Proceedings; location; parties.

Rule 6. (1) Sessions of the commission will be held in Lansing or at any other place as the commission may direct at such days and hours as the commission may designate.

(2) Each party to a proceeding shall be known as a complainant, respondent, protestant, intervenor, applicant or petitioner according to the nature of the proceeding and the relationship of such party thereto.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

R 460.17 Proceedings; participation by commission staff.

Rule 7. The commission staff may appear in any proceeding before the commission and through its witnesses present testimony as to the results of its accounting, engineering and economic investigations, field studies, inspections, other technical investigations and studies. The commission staff in any proceeding may file briefs, make statements of positions, or otherwise upon the record make recommendations, as it believes proper and lawful, based upon the evidence presented.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

R 460.18 Decisions and transcripts.

Rule 8. A certified copy of the decision in any proceeding will be furnished free of charge to each party of record. Copies of transcripts and additional copies of decisions shall be furnished at such rates as are in accordance with current rules and regulations and statutes.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

R 460.19 Computation of time.

Rule 9. In computing a period of time prescribed or allowed by rules of the commission in which an act is to be performed after a specific date, act or event, the day of the specific date, act or event is not included and the last day of the period is included, except when it is a Saturday, Sunday or legal holiday, the period runs until the end of the next day which is neither a Saturday, Sunday or legal holiday.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

PART 2. INTERVENTION

R 460.21 Petitions.

Rule 11. (1) A person not defined herein as a complainant, respondent, protestant, applicant or petitioner, and who claims an interest in a pending

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proceeding, may petition in the proceeding for leave to intervene. An original and 6 copies of a petition to intervene shall be filed with the commission at least 5 days prior to the date set for the hearing, and the petition when filed shall show service of copies thereof upon all parties to the proceeding. A petition to intervene which is not timely filed with the commission shall not be granted by the commission unless the denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice, and unless all parties, excluding intervenors, have an adequate opportunity to file answers as hereinafter set forth and to be heard with respect thereto. A motor carrier shall comply with the provisions of this rule except as provided in R 460.42.

(2) A petition to intervene shall set out clearly and concisely the facts supporting the petitioner's alleged right or interest, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the commission of the specific issues of fact or law to be raised or controverted.

History: 1954 ACS 54, p. 58, Eff. May 15, 1968.

R 460.22 Answers.

Rule 12. A party, except an intervenor, to a proceeding and the commission staff may file an answer to a timely petition to intervene on or before the date, if any, set for hearing upon the petition or on and before the date set for hearing upon the merits, whichever is earlier. An adequate opportunity to file an answer to a petition to intervene, which is not timely filed, shall be afforded to any such party and the commission staff.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

R 460.23 Action by commission.

Rule 13. As soon as practicable after expiration of the time for filing an answer to a petition for intervention, the commission will grant or deny the petition in whole or in part, or if found to be appropriate may authorize limited participation. A person granted leave to intervene in whole or in part is an intervenor and shall be a party to the proceeding. The granting of a petition to intervene in whole or in part is not recognition by the commission that the intervenor may have rights to appeal from any order of the commission entered in that proceeding, except as otherwise provided by law.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

R 460.26 Participation without petitions for intervention.

Rule 16. (1) A person may appear in a proceeding before the commission in lieu of a formal petition to intervene, if there is full disclosure of the identity of the person whose appearance is to be entered; the interest of such person in the proceeding and the position intended to be taken are fully and fairly stated; and the contentions of such person will be reasonably pertinent to the issues already presented and any right to broaden the issues unduly is disclaimed, as follows:

(a) In a proceeding to fix rates or investigate conditions of service of a carrier or utility subject to the jurisdiction of the commission, appearances by individual customers or ratepayers of such carrier or utility or by the duly authorized governmental representatives thereof.

(b) In a proceeding by a railroad company for authority for abandonment of a station or discontinuance or diminution of quantity or quality of service, appearances by other persons in interest.

(2) An appearance under this rule entitles the person to testify or make a statement of his position but he is not regarded as a party to the proceeding.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

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R 460.27 Proceedings; appearances.

Rule 17. In a proceeding, other than a motor carrier proceeding, a person entitled to enter an appearance in lieu of filing a formal petition for intervention shall file an original and 6 copies of an appearance with the commission at least 5 days prior to the date of hearing. The appearance shall set out clearly the information required by R 460.26 and when filed shall show service of copies thereof upon the applicant, complainant or respondent. A person who does not file the appearance required by this rule is not entitled to a notice of adjournment.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

PART 3. COMPLAINTS

R 460.31 Contents and kinds.

Rule 21. (1) A complaint shall be limited to matters involving alleged unlawful or unreasonable acts, practices or omissions of a utility or carrier. A complaint may be either formal or informal and may be made by a person having good or sufficient reason therefor or by the commission on its own motion.

(2) An informal complaint shall be in writing and signed by complainant, and contain a concise statement of the facts involved and the name and address of the complainant and the party complained against. The commission will attempt to settle problems arising under an informal complaint without formal action when possible.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

R 460.32 Formal complaints; copies and contents.

Rule 22. A formal complaint shall be in writing and an original and 6 copies shall be filed with the commission and as many additional copies as there are parties complained against, and shall contain:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of each respondent.

(c) A full, clear and reasonably certain statement of the alleged unlawful or unreasonable acts, practices or omissions concerning which complaint is made, with reference where practicable to the sections of law, order or rules of which a violation is claimed.

(d) The signature of the complainant and the name and post office address of the complainant and his attorney, if any.

(e) Verification by the complainant. A complaint by an unincorporated association may be verified by any officer or director thereof.

History: 1954 ACS 54, p. 59, Eff. May 15, 1968.

R 460.33 Formal complaints; examination; dismissal.

Rule 23. Upon the filing of a formal complaint, the commission shall immediately examine it to ascertain whether it states a prima facie case of an unlawful or unreasonable act, practice or omission of a utility or carrier and conforms to these rules. If the commission believes that the complaint does not state a prima facie case or does not conform to these rules, it shall so notify the complainant or his attorney, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time, or such extension thereof as the commission for good cause shown may grant, or if the complaint as amended does not state a prima facie case or conform to these rules, it shall be dismissed.

History: 1954 ACS 54, p. 60, Eff. May 15, 1968.

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R 460.34 Formal complaint; service of copies and notices to answer.

Rule 24. If the commission believes that the complaint, either as originally filed or as amended, does state a prima facie case and conforms to these rules, the commission shall serve upon each respondent a notice accompanied by a copy of the complaint requiring that the matter complained of be satisfied, or that the complaint be answered, within 20 days from the date of service thereof or within such further time as the commission may fix upon good cause shown. However, if a motion to dismiss a complaint is served as hereinafter permitted, no answer need be made unless the commission denies the motion or postpones its disposition until a hearing on the merits, and in either event the answer shall be made within 20 days after notice to the respondent of the commission's action.

History: 1954 ACS 54, p. 60, Eff. May 15, 1968.

R 460.35 Formal complaint; respondent's offers of relief.

Rule 25. If a respondent desires to satisfy the complaint, he may submit to the commission within the time allowed for the satisfaction or answer, a statement of the relief which he is willing to offer. On the acceptance of this offer by the complainant and approval of the commission, no further proceeding need be taken. If the offer of satisfaction is refused by the complainant, an answer shall be filed by the respondent within 20 days from the receipt by respondent from the commission of notice of the refusal.

History: 1954 ACS 54, p. 60, Eff. May 15, 1968.

R 460.36 Formal complaints; motions to dismiss and answers.

Rule 26. The defense that the complainant does not have a good or sufficient reason for making a formal complaint, that the complainant is without standing to make the complaint, or that a formal complaint fails to state a prima facie case or otherwise fails to conform to these rules, may be raised by motion to dismiss or answer at the option of the respondent. All other defenses to the complaint shall be raised by answer. An original and 6 copies of the motion to dismiss or answer, accompanied by proof of service of a copy thereof on the complainant shall be filed with the commission. The answer shall contain a specific denial of the material allegations of the complaint controverted by respondent and also a statement of new matters constituting an affirmative defense. If the answering party has no information or belief on the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

History: 1954 ACS 54, p. 60, Eff. May 15, 1968.

R 460.37 Burdens of evidence and proofs.

Rule 27. In a complaint proceeding, the complainant has the burden of going forward with presentation of evidence unless otherwise ordered by the commission. The complainant has the burden of proof as to factual allegations relied upon as constituting the basis for the complaint and the respondent has the burden of proof with respect to affirmative defenses.

History: 1954 ACS 54, p. 60, Eff. May 15, 1968.

PART 4. HEARINGS

R 460.41 General provisions.

Rule 31. (1) A public hearing will be granted when required by statute, or when the commission may determine in a specific case.

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(2) Except as otherwise provided by statute, written notice of a hearing, at least 10 days before the date set therefor, shall be served upon all parties and such other persons as the commission directs, unless the commission determines a shorter or longer period of notice for good cause. The notice shall state the time, place and nature of the hearing and a short and simple statement of the matters to be considered.

(3) The Michigan public service commission information bulletin shall be issued biweekly and shall be mailed to all intrastate motor carriers and all other persons who subscribe therefor and shall be official notice of motor carrier hearings, orders and other action pertaining to motor carriers.

(4) The commission may appoint, as may be deemed necessary, and except as may be prohibited by law, any member of its staff or a duly authorized examiner to conduct hearings.

(5) A hearing before the commission shall be made a matter of record. It is not necessary that the record be transcribed in a proceeding unless a request for a transcript be made by a party or by the commission. A transcript shall be indexed to show the location of the testimony of each witness and the introduction of all exhibits.

History: 1954 ACS 54, p. 61, Eff. May 15, 1968.

R 460.42 Notices of intent to protest and petitions to intervene in motor carrier hearings.

Rule 32. A motor carrier desiring to participate in a motor carrier hearing as a protestant to an application for the issuance of a certificate or permit to perform transportation for hire, which protesting carrier is then either operating in the territory proposed to be served or applying to the commission for authority to do so, shall file with the commission a written notice of intent to protest signed by the carrier or his attorney, if any. The notice shall be filed not later than 10 days after publication of the official bulletin containing notice of the filing of the application giving rise to such motor carrier hearing. A motor carrier who desires to participate in the proceeding and who does not file a timely notice of intent to protest as required by this rule is not entitled to a notice of adjournment or other action by the commission prior to the hearing. A noncarrier desiring to participate in a motor carrier hearing shall file a formal petition for leave to intervene pursuant to R 460.21.

History: 1954 ACS 54, p. 61, Eff. May 15, 1968.

R 460.43 Prehearing conferences; stipulations.

Rule 33. (1) Prehearing conferences may be held at the discretion of the commission.

(2) The parties to a proceeding before the commission, by stipulation in writing filed with the commission or entered upon the record, may agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence in the determination thereof.

History: 1954 ACS 54, p. 61, Eff. May 15, 1968.

R 460.44 Exhibits.

Rule 34. (1) Direct testimony of a witness under oath may be offered in exhibit form if 7 copies of the exhibit are filed with the commission and a copy served upon all parties to the proceeding or their attorney of record at least 5 days in advance of the session of the hearing at which the exhibit is to be offered. However, the commission staff and all parties in attendance at the session of the

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hearing at which the exhibit is offered may agree that any part of such 5 days may be waived. In the absence of such agreement, the commission may permit the offering of such exhibit after having given the commission staff and all parties who may be present a reasonable opportunity (not less than 24 hours) to examine it.

(2) When in the circumstances of a particular proceeding it is deemed necessary or desirable, the commission may direct that testimony to be given upon direct examination shall be reduced to exhibit form and be served and offered in the manner hereinbefore described. A reasonable period of time shall be allowed for the preparation of such an exhibit.

(3) In any case and upon request therefor, a party shall have the right, notwithstanding any provision of this rule, to have any witness on his behalf present his direct testimony orally before the commission. In any case, a witness whose testimony is submitted in exhibit form shall be made personally available for cross-examination upon request by a party or the commission staff. If the witness is not so made available, his testimony shall not be received in evidence.

(4) To the extent that it is received in evidence, testimony in exhibit form shall be fully copied into the record and shall be accorded the same weight and sufficiency as testimony adduced through oral examination. Nothing contained in this rule shall prevent the reading by witnesses of prepared direct testimony in proceedings before the commission.

History: 1954 ACS 54, p. 61, Eff. May 15, 1968.

R 460.45 Depositions, interrogatories, and discoveries.

Rule 35. The commission at its discretion, either upon its own motion or for good cause shown by a party to a proceeding, will issue an order to take a deposition, interrogatory or discovery. The taking and use of such deposition, interrogatory or discovery shall be in the same manner as in the circuit courts of this state or as otherwise provided by law, or by order of the commission on application of a party and good cause shown, except that this rule shall not enlarge, diminish, alter, or modify any of the provisions of R 460.44.

History: 1954 ACS 54, p. 62, Eff. May 15, 1968.

R 460.46 Initial procedures.

Rule 36. (1) A hearing will be opened with a concise statement of its nature and purpose. Appearances then will be entered on the record. Parties and the commission staff may make opening statements or appropriate motions.

(2) Changes in the time and place of the first session of the hearing in any proceeding will be granted only for good cause shown. Notices of changes in time and place, if granted, will be made only to parties to the proceeding and to persons who have appeared or who have petitions to intervene pending before the commission in accordance with these rules. After a hearing has been convened, an adjournment shall be in the discretion of the commission. The commission upon its own motion may change the time and place of any session.

History: 1954 ACS 54, p. 62, Eff. May 15, 1968.

R 460.47 Evidence; general provisions.

Rule 37. (1) The commission shall so far as practicable follow the rules of evidence applicable to proceedings in circuit courts, but may admit and give probative effect to any evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. Rules of

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privilege recognized by law shall be given effect. Incompetent, immaterial and unduly repetitious evidence may be excluded.

(2) Evidence, including records and documents in the possession of the commission of which it desires to avail itself, shall be offered and made a part of the record in the proceeding and no other factual information or evidence shall be considered in the determination of the case, except as otherwise provided by law. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) A party shall have the right of cross-examination and shall have the right to submit rebuttal evidence.

History: 1954 ACS 54, p. 62, Eff. May 15, 1968.

R 460.48 Evidence; judicial notice.

Rule 38. The commission may take notice of judicially cognizable facts and also of general, technical or scientific facts within its specialized knowledge. Parties shall be notified, either before or during the hearing or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it. This shall not be construed as permitting the commission to take notice of any evidence contrary to the provisions of any statute or other law.

History: 1954 ACS 54, p. 62, Eff. May 15, 1968.

R 460.49 Evidence; documents and exhibits.

Rule 39. (1) When evidence to be presented consists of technical matter or figures so numerous as to make oral presentation difficult to follow, it shall be presented in exhibit form, supplemented and explained, but not duplicated by oral testimony.

(2) Exhibits of documentary character shall be typed on 1 side only on sheets not exceeding 8½ inches by 11 inches or multiples thereof with a sufficient margin for binding, preferably 1½ inches to be left blank on the left side of each sheet. If an exhibit is in excess of 8½ inches wide, it shall be folded to be not more than 8½ inches by 11 inches if practicable. It is desirable that an exhibit of 2 or more sheets be stapled together and notation made at the top of the first sheet as to the number of sheets contained in the exhibit. An exhibit shall show at the top the docket number and provide space for the name of the witness and the number and date of the exhibit. All exhibits offered at a hearing shall be numbered in numerical sequence regardless of the identity of the party offering the same. The number of the exhibit shall be prefixed with a letter indicating the identity of the party offering the same. For example, the first exhibit, if submitted by a petitioner or an applicant, shall be marked "A-1"; and the second exhibit, if offered by a protestant, shall be marked "P-2."

(3) A party introducing documentary exhibits shall be prepared to furnish copies to all parties and may be required by the commission to furnish such copies.

(4) Documentary evidence may be submitted subsequent to the closing of the hearing upon stipulation of the parties.

(5) Written or printed documents and maps received in evidence will not be returned to the parties except with approval of the commission.

History: 1954 ACS 54, p. 62, Eff. May 15, 1968.

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R 460.50 Arguments and briefs.

Rule 40. (1) Oral argument may be given before the commission at the commission's discretion, but shall be requested before or at the close of the hearing.

(2) Briefs may be filed at the discretion of the commission. A party shall indicate on the record at or before the close of the hearing whether he desires to file briefs. Unless otherwise directed by the commission, original briefs shall be filed within 20 days after the date of mailing the transcript, and reply briefs shall be filed within 10 days after the date by which original briefs are to be filed. An original and 6 copies of briefs shall be filed with the commission and copies shall be served upon all parties on or before the date of filing. Certification of such service shall be filed with the briefs. Briefs which contain a statement of evidence or facts claimed to be established by evidence shall include a reference to the specific portion of the record in which such evidence may be found.

History: 1954 ACS 54, p. 63, Eff. May 15, 1968.

R 460.51 Subpoenas.

Rule 41. (1) At any time in any proceeding, the commission may order a party or witness to attend and testify orally in open hearing. At the request of the commission staff or a party, subpoenas for attendance at a hearing shall be issued by any commissioner, the commission secretary, or acting secretary, upon application in writing to the commission. A subpoena may also command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein which shall be specified in sufficient detail.

(2) The commission, upon motion made at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify a subpoena or subpoena duces tecum if it is unreasonable or oppressive or relates to irrelevant or immaterial evidence, or

(b) Condition denial of the motion, in the case of a subpoena duces tecum, upon the advancement by the person in whose behalf the subpoena is issued, of the reasonable cost of producing the books, papers, documents or tangible things, unless otherwise provided by law.

(3) A subpoena shall be issued under the seal of the commission, shall state the title of the proceeding and shall command each person to whom it is directed to attend and comply with the subpoena at a time and place therein specified.

History: 1954 ACS 54, p. 63, Eff. May 15, 1968.

R 460.52 Subpoenas; service; default in compliance.

Rule 42. A subpoena shall be served in the manner prescribed by law for like subpoenas in civil actions in circuit courts. It may be served at any place within the state. A subpoena duces tecum shall be served at least 4 days before the date specified for compliance. If a person fails to comply with a subpoena served upon him, or fails to attend or refuses to be sworn and testify, the commission may stay further proceedings until the subpoena is obeyed. If a person who so fails to obey the subpoena is a party to the proceeding, or an officer, member or employee of a party, the commission may strike all or any part of any pleading of such party, or refuse to allow such party to support or oppose designated claims and defenses, or delay the proceeding or any part thereof, or take such further action as the commission deems appropriate under the circumstances.

History: 1954 ACS 54, p. 63, Eff. May 15, 1968.

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PART 5. REOPENINGS AND REHEARINGS

R 460.61 Reopening of hearings.

Rule 51. An application for reopening a hearing after final submission and prior to decision or order made by the commission shall be by verified petition only; and an original and 6 copies shall be filed with the commission. If the application for reopening is for the purpose of presenting further evidence, the nature and purpose of such evidence shall be briefly stated, the same shall not be merely cumulative, and good cause shall be shown for failure to produce such evidence at the original hearing. The application shall show service thereof on all other parties to the proceeding.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

R 460.62 Rehearings.

Rule 52. An application for rehearing after a decision or order of the commission shall be by verified petition only. An original and 6 copies of the application shall be filed with the commission within 30 days from the issuance of the commission decision or order and notice thereof. An application for rehearing based upon claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous with a brief statement of the ground of error. An application for rehearing based upon newly discovered evidence, upon facts and circumstances arising subsequent to the hearing, or upon consequences resulting from compliance with the decision or order, shall set forth fully the matters relied upon. The application shall show service thereof on all other parties to the proceeding.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

R 460.63 Answers to reopening and rehearing applications.

Rule 53. Within 20 days following service of an application for rehearing or for reopening a hearing, any party may file with the commission his answer thereto, and in default thereof is deemed to have waived his objection to the granting of such application.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

R 460.64 Proceedings within 90 days of dismissals.

Rule 54. When an application, petition or complaint has been noticed for hearing by the commission and has been dismissed by the commission on the ground that the party instituting the proceedings failed to appear or proceed, the commission within 90 days from the date of dismissal, shall refuse to accept for filing an application, petition or complaint relating to the same or substantially the same subject matter by the same party as contained in the proceedings which were dismissed.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

PART 6. SPECIFIC UTILITY PROCEEDINGS

R 460.71 Railroad proceedings; highway crossings.

Rule 61. Any person, firm, corporation, body politic or highway authority may file an application with the commission requesting an investigation and hearing for crossing protection in accordance with Act No. 270 of the Public Acts of 1921, as amended, being §§469.1 to 469.13 of the Michigan Compiled Laws. Any person may file an informal or formal complaint as provided in these rules. In any such case whether the matter is instituted by complaint, application or petition, the

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commission shall cause an investigation to be made of any crossing of any railroad with any highway, at which investigation interested parties may be represented. Notice of the proposed recommendations of the commission staff shall be forwarded to all parties. If no protest or request for hearing is filed within a period of time to be specified in such notice, the staff shall submit its recommendation to the commission. The commission shall then issue its order in the matter, either adopting or rejecting the staff recommendation in whole or in part as it sees fit. A protest or request for hearing shall specify with particularity the law and facts relied upon. A protest containing general allegations may be rejected.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

R 460.72 Railroad proceedings; service alterations.

Rule 62. Whenever a railroad company desires to alter, discontinue or diminish the quality or quantity of service at or from any agency station, notice of intention to make such change shall be filed with the commission at least 45 days prior to the effective date of such change. Notice shall at the same time be mailed by the railroad company to all railroad patrons and to the clerk or other appropriate official of any city, village, county or township in which such station is located or at which service is rendered from that station. Copies of the notice shall also be posted at a prominent place at the station or stations affected. If a protest or request for hearing is not received within 45 days, the railroad company may proceed with tariff filing on statutory notice. If a protest or request for hearing is received within 45 days, or if it otherwise is deemed necessary in the public interest, the commission may at its discretion schedule for hearing the matter of the reasonableness or adequacy of the proposed service as provided by section 22 of Act No. 300 of the Public Acts of 1909, as amended, being § 462.22 of the Michigan Compiled Laws, and issue its order in accordance with its findings.

History: 1954 ACS 54, p. 64, Eff. May 15, 1968.

R 460.74 Public utility proceedings; new construction.

Rule 64. A gas or electric utility within the meaning of Act No. 69 of the Public Acts of 1929, being §§460.501 to 460.506 of the Michigan Compiled Laws, a natural gas pipeline company within the meaning of Act No. 9 of the Public Acts of 1929, being §§483.101 to 483.120 of the Michigan Compiled Laws, and a telephone company within the meaning of Act No. 206 of the Public Acts of 1913, as amended, being §§484.101 to 484.124 of the Michigan Compiled Laws, desiring to construct a plant, equipment, property or facilities for furnishing public utility service for which a certificate of public convenience and necessity is required by statute, and an oil pipeline within the meaning of Act No. 16 of the Public Acts of 1929, being §§483.1 to 483.11 of the Michigan Compiled Laws, desiring to construct facilities to transport commodities, oil or petroleum, or any other products thereof as a common carrier for which approval is required by statute, shall file with the commission an application for the necessary authority, together with 6 copies thereof. The application shall set forth or by exhibits attached thereto show the following: name and address of applicant; the city, village or township affected; the nature of the utility service to be furnished; except for telephone companies, the municipality from which the appropriate franchise or consent has been obtained, if required, together with a true copy of the franchise or consent; a full description of the proposed new construction or extension, including the manner in which the same will be constructed; and the names of all utilities rendering the same sort of service with which the proposed new construction or extension is likely to compete. A utility classified as a respondent

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pursuant to R 460.11(f) may intervene, without petition, to file an answer or other responsive pleading to the application and be a party to the proceeding.

History: 1954 ACS 54, p. 65, Eff. May 15, 1968.

R 460.75 Public utility proceedings; issuance of securities.

Rule 65. A public utility desiring authorization for the issuance of stocks, bonds, notes or other evidences of indebtedness pursuant to Act No. 144 of the Public Acts of 1909, being §§460.301 to 460.303 of the Michigan Compiled Laws, shall file a petition together with 6 copies. The party upon whose application the securities are authorized shall pay into the state treasury the fee required by section 11 of Act No. 419 of the Public Acts of 1919, being §460.61 of the Michigan Compiled Laws. The petition shall contain or include as exhibits the items listed in R 460.76 and the following:

(a) The amount and terms of the proposed issue.

(b) A detailed and concise statement of the purpose for which the proceeds are to be used.

(c) A certified copy of any action by applicant's stockholders authorizing a change in applicant's capitalization.

(d) A certified copy of any resolution of applicant's board of directors approving issuance and sale of the securities for which approval is sought.

(e) If the proceeds are to be used for the acquisition of property, a detailed description of the property, from whom it is to be acquired, and the terms of the contract for such acquisition, if any. Names of owners of property to be acquired for right-of-way need not be set forth, but a general description of the proposed route shall be given.

(f) If the proceeds are to be used for the construction, completion, extension or improvement of public utility facilities, a concise description of the existing facilities and a complete statement as to the facilities proposed to be constructed.

(g) If the proceeds are to be used for the improvement or maintenance of service, a concise description of the existing service and the improvements or betterments proposed to be made.

(h) If the proceeds are to be used for the refunding of obligations, a description of the obligations sought to be refunded; the amount of the same, with their date of issue, date of maturity and all other material facts concerning them.

(i) The financial condition of the applicant at a date within a reasonable time prior to the date of the application shall be shown with particularity. The balance sheet as of a date, which shall not be more than 120 days prior to the date of application, and a statement of income and surplus for the 12-month period ending the same date, shall be annexed to the petition as a schedule.

History: 1954 ACS 54, p. 65, Eff. May 15, 1968.

R 460.76 Public utilities proceedings; additional items for petitions.

Rule 66. The petition shall also contain or include as exhibits the following:

(a) If the application is for the issuance of bonds under the security of an existing mortgage, a brief statement of the amount of bonds, if any, already issued upon such security.

(b) If the application is for the issuance of stock, a statement whether any franchise is capitalized either directly or indirectly.

(c) If proposed contracts, agreements, indentures or other written arrangements have been prepared in connection with the proposed issue and sale of stocks, bonds or other types of securities within the meaning of Act No. 144 of the Public Acts of 1909, copies of these documents shall be submitted with the application.

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(d) If no contract, agreement or arrangement has been made for the sale or disposition of the stock, bonds, notes or other evidence of indebtedness proposed to be issued, there shall be annexed to the application, an affidavit of a competent person showing the amount which can probably be realized from the sale or disposition of the securities and the reasons for the opinion of the person making the affidavit.

(e) A clear statement of the intent of the applicant in good faith to use the proceeds for the purpose set forth in the application and a declaration that such funds are reasonably required for such lawful purposes.

History: 1954 ACS 54, p. 66, Eff. May 15, 1968.

R 460.78 Motor carrier proceedings; applications and petitions.

Rule 68. An application for a certificate or permit and any other petition concerning motor carrier matters shall be made upon forms provided by the commission. A petition for which no particular form has been provided, shall in general follow the requirements of these rules and the motor carrier rules, being R 460.101 to R 460.146 of the Michigan Administrative Code, as amended.

History: 1954 ACS 54, p. 66, Eff. May 15, 1968.

R 460.79 Motor carrier proceedings; issuance of securities.

Rule 69. A common carrier seeking authority to issue securities or evidence of indebtedness under Act No. 144 of the Public Acts of 1909 shall:

(a) Execute and file 2 copies of form 73.

(b) File 1 exact copy of the proposed articles.

(c) File 2 copies of an application drawn in a form of applicant's choosing and completely and exactly setting forth the facts in the case. The application shall specify all the things that the applicant would present orally before the commission if a hearing were held, and shall be certified to by someone connected with the applicant having complete knowledge of the facts.

(d) File 2 copies of the latest balance sheet of the company, if the application is for a company operating as an individual or partnership; if a new company, the proposed opening entries to the corporation shall be submitted. In either case, the statement shall be certified to by a person having full knowledge of the facts.

(e) Submit the statutory fee as required by Act No. 419 of the Public Acts of 1919. In determining the amount of stock that can be authorized for a proposed corporation, intangible items are excluded.

History: 1954 ACS 54, p. 66, Eff. May 15, 1968.

R 460.80 Motor vehicle common carriers; sales and transfers of capital stock.

Rule 70. A motor vehicle common carrier seeking authority to sell or transfer capital stock shall:

(a) File an application for authority to transfer stock in a form of applicant's choosing and completely and exactly setting forth the facts in the case. The application shall specify all the things that the applicant would present orally before the commission if a hearing were held and shall be certified to by an officer of the corporation.

(b) File a sworn affidavit by the seller of the stock setting forth his intent to sell or transfer shares of stock, the number of shares, the name of the corporation and the name of the prospective purchaser. This document is to be certified to by the seller.

(c) File a sworn affidavit by the prospective purchaser of the stock, setting forth his intent to purchase a certain number of shares of stock of the corporation,

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the name of the person from whom it is to be purchased, a statement of his familiarity with the financial condition of the company, and his qualifications to engage in the transportation business.

History: 1954 ACS 54, p. 66, Eff. May 15, 1968.

PART 9. RESCISSION

R 460.99 Rescission of prior rules.

Rule 89. Rules 1 to 26 of the Rules of Practice of the commission, R 460.11 to R 460.36 of the Michigan Administrative Code and appearing on pages 5605 to 5611 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 54, p. 67, Eff. May 15, 1968.

MOTOR CARRIERS

R 460.101—R 460.146 Rescinded.

History: 1944 AC, pp. 529-550; 1944 ACS 3, p. 20; 1944 ACS 4, p. 30; 1944 ACS 5, p. 24; 1944 ACS 7, pp. 14, 15; 1944 ACS 10, p. 53; 1944 ACS 12, pp. 29-31; 1944 ACS 26, pp. 8-13; 1944 ACS 32, p. 6; 1944 ACS 39, p. 29; 1954 AC, pp. 5611-5637; 1954 ACS 3, pp. 16-19, Eff. Aug. 15, 1955; 1954 ACS 12, pp. 54, 55, Eff. Nov. 21, 1957; 1954 ACS 19, pp. 14, 15, Eff. Aug. 14, 1959; 1954 ACS 24, p. 30, Eff. Nov. 12, 1960; 1954 ACS 30, pp. 20-24, Eff. May 15, 1962; 1954 ACS 41, pp. 20-22, Eff. Feb. 14, 1965; rescinded 1954 ACS 66, p. 41, Eff. June 1, 1971.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I MOTOR CARRIERS OF PASSENGERS AND PROPERTY

R 460.160—R 460.280

History: 1944 AC, pp. 551-609; 1954 AC, pp. 5637-5701; 1954 ACS 3, p. 20, Eff. Aug. 15, 1955.

Editor's note: R 460.160 to R 460.280 were promulgated by the public service commission. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules are not published in the Michigan Administrative Code. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, MI 48909.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PASSENGERS AND PROPERTY

R 460.290—R 460.407

History: 1944 AC, pp. 610-643; 1944 ACS 18, pp. 52-60; 1954 AC, pp. 5701-5738; 1954 ACS 3, pp. 20, 21, Eff. Aug. 15, 1955.

Editor's note: R 460.290 to R 460.407 were promulgated by the public service commission. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules are not published in the Michigan Administrative Code. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, MI 48909.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS III MOTOR CARRIERS OF PASSENGERS AND PROPERTY

R 460.411—R 460.476

History: 1944 AC, pp. 643-686; 1954 AC, pp. 5738-5788; 1954 ACS 3, p. 21, Eff. Aug. 15, 1955.

Editor's note: R 460.411 to R 460.476 were promulgated by the public service commission. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules are not published in the Michigan Administrative Code. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, MI 48909.

ELECTRICAL SERVICE

(By authority of Act No. 106 of the Public Acts of 1909, being §460.551 et seq. of the Michigan Compiled Laws)

R 460.501 General.

Rule 1. (1) These rules apply to the methods and conditions of service to be employed by all electric public utilities supplying electrical energy which are or may hereafter be subject to the jurisdiction of the Michigan public service commission under the laws of the state of Michigan.

(2) For the purposes of these rules the following definitions apply:

(a) The word "commission" refers to the Michigan public service commission.

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(b) The word "utility" refers to any person, firm, corporation, cooperative, association, or other agency including a municipality or other political subdivision, supplying or distributing electrical energy for lighting, power, heating, and other commercial, residential and industrial purposes.

(c) The word "customer" refers to the user of the electrical energy supplied by the utility.

(d) The word "approved" or "approval," unless otherwise defined, refers to compliance with the "national electrical code" as revised and approved from time to time by the American standards association.

(e) The term "service connection" shall be interpreted as including the span of conductors (or its equivalent in underground construction) from the supply line to the point of connection with the customer's outlet or wiring.

(3) These rules for electrical service may be amended by the commission from time to time, either upon its own motion, or upon the application of any customer or utility.

(4) Each utility may adopt such reasonable rules and regulations governing its relations with customers as it finds necessary and which are not inconsistent with these rules. Such rules and regulations, so adopted, shall be filed with the commission.

(5) Questions concerning the application or interpretation of any of these rules, whether arising from disagreements between the utility and customers or from other causes, and disagreements regarding any other service rules and regulations promulgated by any utility, may be referred by either party to the commission for a ruling.

(6) All records required by these rules shall be kept within the boundaries of this state, at the offices of the utility, and shall be available at all reasonable times for examination by an authorized representative of the commission; provided, however, that in specific cases the commission may at its own discretion or upon proper showing, authorize certain modifications of these requirements. All such records shall be carefully preserved for at least 1 year after they are completed, except as otherwise provided.

(7) There shall be kept by each utility a record of all formal written complaints received at its offices in regard to service. The record shall contain the name and address of the customer, class of service rendered, date and description of complaint, and nature and date of remedy applied.

(8) A copy of these rules, as published and furnished by the commission, also a copy of the rate schedule and rules and regulations of the utility as filed with the commission, shall be kept on file by each utility and open to public inspection; and suitable placards shall be conspicuously posted in the offices of the utility where consumers' bills are payable, calling the attention of the public to the fact that these rules and utility's schedules are so filed.

History: 1944 AC, p. 687; 1954 AC, p. 5788.

Editor's note: R 460.501 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to electrical residential utility service.

R 460.502 Transactions with customers.

Rule 2. Use of meters:

(a) The sale of electrical energy to customers shall be metered by suitable watthour meters. Exceptions to this rule are permitted in cases where the rating of the customer's equipment and the time schedule of its operation determine the use of energy within reasonable limits, as for example, street lighting, signaling systems, time-controlled water heating.

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(b) When rate schedules based on demand and energy charges are in force the use of demand meters is recommended. However, when demand meters are not installed, the use of reasonable demand factors applied to the connected load is preferable to the occasional measurement of demand.

(2) All watthour meters and all demand meters in service shall be scheduled to be read not less frequently than once in every 3 months, and an endeavor shall be made by the utility to have meters read on corresponding dates of each meter reading period.

(3) Information on bills:

(a) Bills rendered periodically to customers for metered service shall show the reading of the meter at the beginning and end of each period for which the bill is rendered, the number and kinds of units, class of rate and dates of meter readings, and any other data used in computing the bill so that the amount of the bill may be readily checked provided that special authority may be granted by the commission governing the information to be shown upon the bills if circumstances warrant.

(b) Any tax which the commission authorizes the utility to collect from its customers may be included in the total bill without being shown as a separate item. Such bills, however, shall contain a statement thereon to the effect that said bill includes the tax so imposed.

(4) The utility supplying electrical energy shall make a test of the accuracy of registration of a meter upon request of the customer, provided the utility is not required to make a test more frequently than once in 6 months. A report giving the results of the test shall be made to the customer and a complete record of the test shall be kept on file in the office of the utility.

Upon formal application to the commission a test will be made upon the customer's watthour meter or demand meter or the customer's demand by the engineering department of the commission, for the purpose of determining the accuracy of measurement of the energy supplied:

(a) For such a test of a watthour meter the sum of $5.00 and in case of a demand meter, or test of a demand the sum of $10.00 shall be deposited with the commission by the customer at the time of application for the test. If the meter is found to be slow or correct within the allowable limits for average error then the amount deposited shall be retained by the commission, but if the meter is found to be fast beyond the allowable limits for average error, then the sum deposited by the customer shall be returned to the customer and the same amount shall be paid by the utility to the commission.

(b) In cases where the test is of the demand established by occasional measurements, if the demand is found to be equal to or materially higher than the demand fixed by the utility, then the amount deposited shall be retained by the commission, but if the demand is found to be materially less than the demand fixed by the utility, then the amount deposited by the customer shall be returned to the customer and the same amount shall be paid by the utility to the commission.

(c) The utility and the customer may send representatives to be present during such tests.

(5) Adjustment of bills for meter errors:

(a) If the result of the tests of a customer's meters (made at the request of the customer) shows an average error greater than 4%, then the customer's bill for the period during which the meter error is known to have existed shall be recomputed and the account adjusted on the basis of test.

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(b) When a meter has not registered all of the energy used for any period, then the utility shall be entitled to make a charge to the customer for an amount of energy estimated to have been used, such estimate being based upon the average of the amounts registered over similar periods preceding or subsequent thereto, or over corresponding periods in other years, and by other known factors having application thereto.

(c) If the duration of the meter error be not known, it shall be assumed to have existed for a period of half of the time between the discovery of the error and the latest preceding meter test, but not for a period of more than 6 months, and bills shall be recomputed on this basis.

(6) Surety deposits:

(a) Until a customer shall have established a satisfactory credit rating, a utility may require a reasonable deposit or guaranty of the account.

When a cash deposit is made, interest at the rate of 4% per annum on the deposit for the time the deposit is held by the utility and service given to the customer, shall be paid by the utility to the customer provided the deposit is held by the utility at least 6 months. Interest shall be payable on the return of the deposit, or annually upon demand of the customer. The utility shall issue to every customer from whom a deposit is received a certificate of deposit evidencing the transaction.

(b) If the account is satisfactorily guaranteed, the form prepared by the utility for such guaranty shall clearly state the maximum amount guaranteed, and the utility shall not hold the guarantor responsible for any additional amount unless the guarantor agrees to the same in writing.

(c) The utility shall provide reasonable ways and means whereby a customer who makes application for the return of his deposit or any portion of the same to which he may be justly entitled, shall not be deprived of such deposit or portion of the same, even though he may be unable to produce the original certificate of deposit.

(7) The difference between the gross and net bills allowed for prompt payment shall be forfeited by the customer if the net bill is not paid in full on or before the date on which the net bill is due. Failure to receive a bill properly rendered by the utility will not extend the net bill period. If the date on which the net bill is due falls on a Sunday or holiday the bill shall be due on the next business day. Customers mailing remittances before midnight of the last day of the net bill period shall receive the benefit of the net bill, the time of mailing to be determined from the postmark.

(8) Bills shall be delivered to the customer's premises at least 7 days prior to the discount date, except that weekly bills may be delivered at least 3 days prior to the discount date.

It is recommended that the utility make arrangements for the payment of bills by customers at local banks or other local agencies, and that no extra charge be made for such arrangements.

(9) If a bill for electric service to a customer remains unpaid 10 days after the net bill date, the utility shall then have the right to discontinue service to the delinquent customer on 5 days' written notice.

(10) Any electrical utility within the state of Michigan and subject to the jursidiction of this commission may refuse to connect to or render service to any customer, provided that such utility has received written notice from the office of the commissioner of Michigan state police, ex-officio state fire marshal, stating that the interior wiring on the premises of such customer has been condemned by such officer.

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(11) Each utility shall file with the commission as part of its rules and regulations a statement of its line extension policy or policies. If a utility does not have on file with this commission a statement of its line extension policy or policies, the commission will determine how service shall be extended.

History: 1944 AC, p. 687; 1954 AC, p. 5789.

Editor's note: R 460.502 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to electrical residential utility service.

R 460.503 Service entrances.

Rule 3. (1) All service entrance conductors from the service connection which pass through or along partitions and walls of buildings up to and including the meter equipment shall be installed, up to and including the meter equipment, in continuous lengths of approved rigid metal conduit or electric metallic tubing and fittings or in continuous lengths of approved multi-conductor cable assemblies and fittings, or in approved busways, accessible only to authorized persons.

(2) Each customer's electric service shall be provided with an approved means for readily disconnecting the interior wiring from the source of supply.

(3) In general, the point of attachment of the service connection to the building shall be so located as to be accessible to the utility's distribution lines and as far as practicable at a point mutually acceptable to the customer and the utility.

(4) Sealing of service entrance equipment:

(a) When the service entrance equipment is installed on the supply side of the meter equipment, or when the entrance switch is combined with meter test facilities, the covers of the enclosing boxes for such equipment shall be so constructed that they can be either sealed or locked in the closed position, and the switch handles shall be so constructed that they can be locked or sealed in position and shall be marked so as to indicate, with the cover in the closed position, whether they are closed or open. However, in an emergency the customer may open a sealed or locked main-line fuse compartment for the purpose of replacing blown fuses, whereupon the utility shall be promptly notified that the seal has been so removed.

(b) When the metering equipment or the meter testing facilities are installed under seal on the supply side of the service entrance switch and cutout and not enclosed in the service switch and/or cutout box, the cabinet housing the service switch and cutout box need not be sealed nor locked.

(5) It is recommended that entrance switch boxes be of such size and switches so constructed as to make it possible for meter testers to perform the tests required by these rules with safety and convenience, except as the utility may elect to provide its own test facilities in a sealed or locked metal box separate and distinct from that containing the switch and cutout.

(6) The requirements of subrules (1), (2), (3), (4), (5), and (6) apply to installations made after the effective date of this order. The utility may at its own expense modernize any customer's service entrance installation in conformity with these rules and with its standard practice, but in case of unauthorized use of energy upon the part of a customer, the utility may require the customer to make such changes under these rules, in an existing installation as are necessary to prevent such unauthorized use as far as practicable.

History: 1944 AC, p. 689; 1954 AC, p. 5791.

R 460.504 Meters.

Rule 4. (1) Records:

(a) There shall be kept by the utility, during the life of the meter, a numerically arranged and properly classified meter record, giving for each meter owned or

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used by the utility for any purpose, the identification number, date of purchase, name of manufacturer, serial number, type, rating, address of each customer on whose premises the meter has been in service, with the date of installation and removal, and a record of all tests and adjustments.

(b) Whenever any meter is tested there shall be made a separate detailed record of each test. This record shall contain all information necessary for identifying the meter, the reason for making the test, reading of dial before and after testing, conditions of accuracy before and after adjustment, and any other information and data which will permit a satisfactory and convenient checking of the test.

(c) There shall also be made and preserved, a periodical summary of all meter tests, showing the number of meters within certain limits of accuracy, and the intervals between tests.

(2) In general, meters installed out-of-doors shall be so located as to be accessible to the utility's lines for proper service connection and so far as practicable the location should be mutually acceptable to the customer and the utility.

(a) Where it is desired to install meters outside of buildings, they shall be so designed and so installed as to be unaffected by climatic conditions and reasonably secure from injury.

(b) Where it is desired to install meters inside of the customer's building, the meters shall be located as near as possible to the service entrance, in a clean, dry place, reasonably secure from injury, not subject to vibration, and readily accessible for reading and testing.

(c) In cases of multiple buildings such as 2-family flats or apartment buildings, if the meters are installed indoors they shall be located within the premises served or in a common location accessible to the tenants and the utility.

(3) The utility shall at all proper times have access to its equipment installed on customer's premises for the purpose of installation, inspection, maintenance, operation and removal, and it shall have the privilege of inspecting equipment used by the customer when the proper administration of the rates under which he is taking service requires such inspection. Neglect or refusal on the part of the customer to provide reasonable access shall be sufficient cause for discontinuance of service by the utility and assurance of access may be required before service is restored.

(4) The average error of a service watthour or demand meter shall be determined as follows:

(a) The error at light load, here defined as approximately 5-10% of the rated full load capacity of the meter for watthour meters, or 20% of the full scale indication for demand meters, shall be determined by taking the average of at least 2 errors, determined from as many separate tests on the same light load (except for thermal type demand meters for which 1 test will be sufficient), which errors must agree within ½%.

(b) In the same manner the error at heavy load, here defined as a load of approximately 75% to 100% of the rated full load capacity of the meter for watthour meters or 100% of the full scale indication for demand meters, shall be determined.

(c) The average error of the meter shall then be determined by taking an average of the error at light load and the error at heavy load, proper account being taken of the sign of these 2 errors; provided, however, that where the customer's connected load does not equal 75% of the rated full load capacity of the meter, the full connected load may be considered as heavy load for the purpose of the test.

(d) Whenever a service test made upon a service watthour meter or demand

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meter, at the point of service, shows an average error greater than specified in the following subrules, the meter shall not remain in service unless adjusted to bring the average error within the specified limits.

(5) Meter testing equipment:

(a) Each utility shall provide and properly maintain, or have available, such meter laboratory, primary and secondary standards and other appliances as may be necessary for making the tests required by these rules. Such laboratory and its equipment shall be acceptable to the commission, and shall be available at all reasonable times for examination by an authorized representative of the commission.

(b) Where a utility elects to have available through arrangements with other utility or commercial testing laboratories, facilities for testing its meters, the laboratory and equipment of such utility or commercial laboratory shall conform to the requirements of this section.

(6) Each utility shall provide and properly maintain, or have available, such portable indicating electrical testing instruments and watthour meters (such as rotating standards) of suitable range and type as may be deemed necessary and satisfactory by the commission for testing service meters, switchboard indicating and recording meters and other electrical instruments in use.

Each portable standard shall at all times be accompanied by a certificate of accuracy, or a calibration card, signed by the proper authorities, giving the date when it was last adjusted and certified. Records of all such calibrations and certifications shall be kept available for examination by an authorized representative of the commission.

(7) All watthour meters and other instruments used as reference standards shall be tested with instruments of precision, adjusted and certified at least once every 6 months by an approved meter testing laboratory. Each such reference standard shall at all times be accompanied either by a certificate of accuracy or a calibration card, signed by the proper authorities giving the date when it was last adjusted and certified.

(8) Limits of accuracy:

(a) No meter which registers (creeps) at no load when the applied voltage is less than 110% of standard (normal) voltage shall be placed in service or allowed to remain in service.

(b) No watthour meter shall be placed in service which is in any way mechanically defective or which has incorrect constants or which has not been tested and adjusted to meet the following requirements:

(i) Average error not over 2% positive or negative.

(ii) Error at heavy load not over 1% positive or negative.

(iii) Error at light load not over 3% positive or negative.

(c) No demand meter shall be placed in service which is in any way mechanically defective or which has incorrect constants or which has not been tested and adjusted to meet the following requirements:

(i) Curve drawing instruments:

(A) Electrical element: Average error shall not exceed 2% of full scale indication.

(B) Timing element: Variation in rate shall not be greater than ¼% and in cases where the time of day is involved in the rate schedule the element shall not at any time indicate a difference of more than 10 minutes from correct time.

(ii) Integrating demand meters:

(A) Electrical element: Errors shall not exceed those specified for watthour meters in subrule (8)(a) and (b).

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(B) Timing element: When used to measure time interval only, error shall not exceed 2%. When used also to keep a record of time of day at which demand occurs, variation in rate shall not be greater than ¼%, and in cases where the time of day is involved in the rate schedule, the element shall not at any time indicate a difference of more than 10 minutes from corect time.

(iii) Lagged demand meters:

(A) Electromagnetic type: Average error shall not exceed 2% of full scale indication.

(B) Thermal type: Average error shall not exceed 4% of full scale indication.

(9) Frequency of tests—billing meters:

(a) Installation tests:

(i) Each watthour meter and each demand meter shall be checked for correct connection, proper mechanical condition, suitable location and good operating condition, in its permanent position in place of service, at the time of installation or within 30 days after installation.

(ii) Each watthour and each demand meter operating on a highly inductive circuit shall be tested in its permanent position within 30 days after installation, under conditions approximating as nearly as possible the conditions under which the meter will operate.

(iii) Each watthour meter and each demand meter installed with instrument transformers or shunts shall be tested jointly with transformers or shunts, unless the phase angle and ratio of transformation of the transformers or the calibration of the shunts is verified previous to the time of installation of the meter. Instrument transformers used for meters may be used for operating relays only when the total load does not exceed the rated capacity of the transformer, and provided also that the tests required by the first part of this rule be made with such relays or equivalent load connected to the transformer concerned.

(b) Periodic tests:

(i) Watthour meters—Each watthour meter in service shall be tested according to the following schedule:

(A) Two and 3-wire commutating type and mercury type meters, up to and including 50 amperes rated capacity of meter element, at least once every 24 months.

(B) Two and 3-wire commutating type and mercury type meters of over 50 and up to and including 500 amperes rated capacity of meter element, at least once every 12 months.

(C) Two and 3-wire commutating type and mercury type meters of over 500 amperes rated capacity of meter element, at least once every 6 months.

(D) Two and 3-wire single phase induction type meters up to and including 25 amperes rated capacity of meter element at least once every 72 months.

(E) Two and 3-wire single phase induction type meters of over 25 amperes rated capacity of meter element, at least once every 24 months.

(F) All polyphase induction type meters, up to and including 50 kilovolt amperes rated capacity of meter element, at least once every 24 months.

(G) All polyphase induction type meters of over 50 kilovolt amperes rated capacity of meter element, at least once every 12 months.

(ii) Demand meters—(Excepting thermal types)—Each demand meter, excepting the thermal types, shall be tested at least as often as the meter with which it is associated and as nearly as practicable at the same time.

(iii) Thermal type demand meters—Thermal type demand meters shall be tested according to the following schedule:

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(A) Thermal type meters up to and including 30 amperes rated capacity, at least once every 8 years.

(B) Thermal type meters of over 30 amperes rated capacity, at least once every 4 years.

(10) Frequency of tests—other meters:

(a) Watthour and demand meters—All stationmeters used for measuring total kilowatts load, total kilowatt-hours output and total kilowatt-hours purchased shall also be tested with the frequency required by subrule (9). All other station watthour and demand meters shall be maintained in accurate working order by testing at appropriate intervals.

(b) Indicating and recording meters—All station meters and instruments other than those specified in subdivision (a) of this subrule shall be compared with portable standards at appropriate intervals, and maintained in such adjustment and to such a degree of accuracy as is reasonable for each type and kind of meter and the purpose for which it is used. The engineering department of the commission may, in any particular case, prescribe such testing intervals as may seem to it appropriate for the meters concerned.

History: 1944 AC, p. 690; 1954 AC, p. 5791

Editor's note: R 460.504 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to electrical residential utility service.

R 460.505 System operating requirements.

Rule 5. (1) Standard and maintenance of frequency:

(a) Each utility supplying alternating current shall adopt definite standards of "normal" frequency subject to the approval of the commission, and shall file with the commission a statement showing the standards of frequency so adopted, as provided for in order no. 3096, entitled "Regulations Prescribing the Filing Procedure for Rate Schedules of Electric Utilities."

(b) Such frequencies shall be maintained within 5% of standard at all times during which service is supplied; provided, however, that momentary variations in frequency greater than 5%, which are not due to lack of reasonable care on the part of the utility in the selection and operation of equipment, shall not be considered a violation of this rule.

(2) Standard and maintenance of voltage:

(a) Each utility shall adopt definite standards of "normal" voltage, subject to the approval of the commission, as may seem desirable for all of the territory served or for each of several districts or classes of service into which the system may be divided, and shall file with the commission a statement showing the standards of voltage so adopted, as provided for in order no. 3096 entitled "Regulations Prescribing the Filing Procedure for Rate Schedules of Electric Utilities."

(b) For service rendered primarily for incandescent lighting purposes in incorporated cities, towns and villages having a population greater than 2,000 the voltage at the terminals of the service connection during the hours between sunset and 12 o'clock midnight shall be maintained within 5% above or 3% below the standard voltage adopted, and in all other localities between 7% above or 5% below the standard voltage; provided, however, that variations in voltage greater than those specified, which are caused by the operation of machines requiring large starting currents or by the action of the elements, and such momentary and unavoidable fluctuations as may naturally be due to station operation, shall not be considered a violation of this rule.

(3) Voltage survey and records. Each utility shall provide itself with 1 or more portable indicating voltmeters, and if serving more than 200 customers, shall have

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1 or more graphic voltmeters, of a type acceptable to the commission and range suitable to the voltage supplied. By the use of such meters each utility shall make voltage surveys of sufficient number and extent as to determine the actual service furnished throughout the territory served, and ascertain whether or not such service is in compliance with the voltage requirements of these rules. A detailed record shall be kept of all such voltage surveys.

(4) Maintenance of continuity of service. Each utility shall make all reasonable efforts to prevent interruptions of service, and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay. Whenever the service is necessarily interrupted or curtailed for the purpose of working on equipment it shall be done at a time which will cause the least inconvenience to customers, and those customers which may be seriously affected shall be notified in advance, except in cases of emergency. The utility shall keep adequate records of major interruptions to service giving the time, duration, extent and cause of such interruptions.

(5) System metering. Each utility shall install and maintain in accurate working order such instruments as may be necessary for indicating the frequency, voltage and output at its plants, and for making a daily record of voltage, kilowatts load, kilowatt hours output and kilowatt hours purchased for its plants. The utility shall meter its own use of electrical energy.

History: 1944 AC, p. 692; 1954 AC, p. 5794.

UNDERGROUND ELECTRIC LINES

(By authority conferred on the public service commission by section 7 of Act No. 106 of the Public Acts of 1909, section 5 of Act No. 419 of the Public Acts of 1919 and section 6 of Act No. 3 of the Public Acts of 1939, as amended, being §§460.557, 460.55, and 460.6 of the Michigan Compiled Laws)

R 460.511 Payment of difference in costs.

Rule 1. In the case of all underground extensions of electric distribution facilities as covered by these rules, the real estate developer or customer shall make a contribution in aid of construction to the utility in an amount equal to the estimated difference in cost between overhead and underground facilities. "Distribution facilities" means those operated at 15,000 volts or less to ground for wye connected systems and 20,000 volts or less for delta connected systems.

History: 1954 ACS 64, p. 56. Eff. Nov. 6, 1970.
Editor's note: For the effective dates of R 460.511 and R 460.514 to R 460.519, see R 460.519.

R 460.512 Extensions of residential distribution and service lines in the lower peninsula mainland.

Rule 2. (1) The distribution system in a new residential subdivision and an existing residential subdivision in the lower peninsula mainland in which electric distribution facilities have not already been constructed shall be placed underground, except that a lot facing a previously existing street or county road and having an existing overhead distribution line on its side of the street or county road shall be served with an underground service from these facilities and shall be considered a part of the underground service area.

(2) The owner or developer of such subdivisions shall be required to make a nonrefundable contribution in aid of construction to the utility in an amount equal to the sum of the lot front-foot measurements multiplied by an amount to be fixed or changed in appropriate rate-making proceedings, which amount shall be

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considered to be the difference in cost between overhead and direct burial underground facilities.

(3) The front-foot measurement of each lot to be served by a residential underground distribution system shall be made along the contour of the front lot line. The front lot line is that line that usually borders on, or is adjacent to, a street. However, when streets border on more than 1 side of a lot, the shortest dimension shall be used. In case of a curved lot line that borders on a street or streets and represents at least 2 sides of the lot, the front-foot measurement shall be considered as ½ the total measurement of the curved lot line. Where a lot is served by an underground service from an overhead distribution line under the provision of rule 2(1), the lot front-foot measurement of the lot to be served shall be deleted.

(4) The construction provided for in subrule (2) includes the extension of electric distribution facilities to the lot line of each lot in the subdivision.

(5) The use of the lot front-foot measurement in these rules shall not be construed to require that the underground electric distribution facilities be placed at the front of the lot.

(6) The utility shall install, own, and maintain the service line from the property line to the customer's meter.

(7) For a normal installation, the developer or customer shall make a contribution in aid of construction to the utility in an amount equal to the product of the straight line distance in feet from the termination of the utility's facilities at the front or rear property line to a point directly below the customer's meter multiplied by an amount to be fixed or changed in appropriate rate-making proceedings. Where special routing of the service line is required by the customer, this amount per foot will apply to the route of the line as installed.

History: 1954 ACS 64, p. 56, Eff. Nov. 6, 1970; 1954 ACS 81, p. 109, Eff. Feb. 14, 1975; 1954 ACS 99, p. 151, Eff. Mar. 30, 1979.

R 460.513 Extensions of commercial and industrial lines in lower peninsula mainland.

Rule 3. (1) Commercial distribution and service lines in the vicinity of the customer's property and constructed solely to serve a customer or group of adjacent customers shall be placed underground. This will specifically include, but not be limited to, service to apartment house complexes and shopping centers.

(2) The developer or customer shall be required to make a contribution in aid of construction to the utility for a direct burial installation in an amount arrived at by multiplying the length in feet of the required trench by an amount to be fixed or changed in appropriate rate-making proceedings.

(3) Industrial distribution and service lines shall be placed underground at the option of the customer at a cost per trench foot to be fixed or changed in appropriate rate-making proceedings for direct burial installations as a contribution in aid of construction except as may otherwise be provided for in the utility's filed and approved extension rules.

History: 1954 ACS 64, p. 56, Eff. Nov. 6, 1970; 1954 ACS 81, p. 109, Eff. Feb. 14, 1975.

R 460.514 Costs in case of special conditions.

Rule 4. Where practical difficulties exist, such as frost or water conditions, rock near the surface, or where there are requirements for deviation from the utility's filed construction standards, the per foot charges in R 460.512 and R 460.513 will not apply, and the contribution in aid of construction will be equal to the estimated difference in cost between overhead and underground facilities but not less than the charge calculated under R 460.512 and R 460.513.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

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R 460.515 Extensions of lines in other areas of state.

Rule 5. (1) Residential, commercial and industrial distribution and service lines shall be placed underground at the option of the developer or customer in areas of the state outside the lower peninsula mainland.

(2) If underground facilities are to be installed, the developer or customer shall be required to pay to the utility a contribution in aid of construction in an amount equal to the estimated difference in cost between overhead and underground facilities but not less than the amount calculated under R 460.512, R 460.513, and R 460.514.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

R 460.516 Replacement of existing overhead lines.

Rule 6. (1) Existing overhead residential, commercial and industrial electric distribution and service lines anywhere in the state shall be replaced with underground facilities at the option of the affected customer or customers.

(2) Before construction is started, the customer shall be required to pay the utility the depreciated cost (net cost) of the existing overhead facilities plus the cost of removal less the salvage value thereof and, also, make a contribution in aid of construction in an amount equal to the estimated difference in cost between new underground and new overhead facilities including, but not limited to, the costs of breaking and repairing streets, walks, parking lots and driveways, and of repairing lawns and replacing grass, shrubs and flowers.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

R 460.517 Underground facilities for convenience of utilities or where required by ordinances.

Rule 7. The utility shall bear the cost of construction where electric facilities are placed underground at the option of the utility for its own convenience or where underground construction is required by ordinance in heavily congested business districts.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

R 460.518 Exceptions.

Rule 8. Nothing in these rules shall prohibit a utility or a customer from applying to the public service commission for relief from the operation of these rules or prevent the commission from granting such relief if it finds such action to be in the public interest.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

R 460.519 Effective dates.

Rule 9. The mandatory undergrounding provisions of these rules take effect on January 1, 1971. The provisions for the contributions in aid of construction take effect for new underground construction upon publication in the Administrative Code or supplement thereto.

History: 1954 ACS 64, p. 57, Eff. Nov. 6, 1970.

ELECTRICAL LINES AND EQUIPMENT

R 460.521—R 460.572.

History: 1944 AC, pp. 706-830; 1954 AC, pp. 5807-5825 and pp. 5895-5938; 1954 ACS 49, pp. 148-228, Eff. Feb. 14, 1967; 1954 ACS 55, pp. 52-57, Eff. Aug. 14, 1968.

Editor's note: Former R 460.421 to R 460.429, appearing in 1954 AC, pp. 5795-5801, and former R 460.540 to R 460.549, appearing in 1954 AC, pp. 5826-5890, were rescinded by the public service commission.

Present R 460.521—R 460.572 were promulgated by the public service commission. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules are not published in the Michigan Administrative Code. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, Michigan 48909.

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ELECTRIC POWER AND COMMUNICATION LINES

(By authority of Act No. 3 of the Public Acts of 1939, as amended, Act No. 106 of the Public Acts of 1909, and Act No. 171 of the Public Acts of 1893, as amended, being §§460.1 et seq., 460.551 et seq., and 469.31 et seq. of the Michigan Compiled Laws)

GENERAL

R 460.581 Scope.

Rule 1. These rules apply to the procedure to be followed by public utilities either privately, corporately, cooperatively or municipally owned or operated, and to industrial establishments and others (a) in obtaining the approval of the commission of specifications and plans for the construction, reconstruction and changes in operating conditions of electrical supply and communication lines and (b) in obtaining permits from the commission for the construction of railroad wire-crossings. (Note: These rules do not cover specifications or methods of construction to be followed. These matters are treated in the commission's order no. 1679, entitled "Rules and Regulations Governing the Construction, Maintenance and Operation of Electrical Supply and Communication Lines •••," to which reference should be made in the preparation of plans to be presented to the commission for its approval.)

History: 1944 AC, p. 835; 1954 AC, p. 5942.

R 460.582 Definitions.

Rule 2. For the purpose of these rules the following definitions apply:

(a) "Commission" refers to the Michigan public service commission.

(b) "Communication circuit" means a circuit for public or private communication or signal service, which operates at not exceeding 400 volts to ground or 750 volts between any 2 points of the circuit and the transmitted power of which does not exceed 150 watts. When the operating voltage is less than 150 volts, no limit is placed on the amount of transmitted power. (Note: Telephone, telegraph, messenger-call, clock, fire or police alarm, and other systems conforming with the above are included.)

This does not include circuits used to supply energy to railroad signalling systems and operating at not more than 750 volts between the 2 sides of the circuit and the transmitted power of which does not exceed 1,600 watts. Such circuits shall be considered as supply circuits.

(c) "Conflict" means a condition (as applied to pole lines) where 1 line is so situated with respect to a second line (except at crossings) that the overturning at the ground line of the first line will result in contact between its poles or conductors and the conductors of the second line, assuming that no conductors are broken in either line; provided, however, that lines on opposite sides of a highway, street or alley, are not considered as conflicting if separated by a distance not less than 60% of the height of the taller pole line, but in no case less than 20 feet.

(d) "Changes in operating conditions" refers to all such major changes in type of system, normal operating voltage, frequency or other operating conditions as will have a direct effect upon the safety of construction of lines or the inductive relations between lines.

(e) "Distribution system" refers to all primary and secondary electric supply lines from the generating plant, substation or other center of distribution to the

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ultimate customer; and all communication lines from the central exchange office to the subscriber, that is to say, all exchange lines as distinguished from toll lines which are used principally for toll service.

(f) "Inductive interference" means an effect arising from the characteristics and inductive relations of electric supply and communication systems of such character and magnitude as would prevent the communication circuits from rendering service satisfactorily and economically if methods of inductive coordination were not applied.

(g) "Inductive exposure" means a situation of proximity between electric supply and communication circuits under such conditions that inductive interference must be considered.

(h) "Line" means a circuit or aggregation of circuits using the same supporting or containing structures, together with the supporting or containing structures themselves. The term as used in these rules includes lines supporting other electric supply or communication circuits or both.

(i) "Line crossing" means a situation where 1 or more wires or cables of 1 line cross over or under 1 or more wires or cables of another line.

(j) "Railroad wire-crossing" means a situation where 1 or more wires or cables cross over a railroad track.

(k) "Reconstruction" means rearrangement, or replacement with new equipment or construction, of any portion of an existing installation, but not including ordinary maintenance replacements.

(l) "Supply circuit" means a circuit, other than a communication circuit, used for transmitting a supply of electrical energy.

History: 1944 AC, p. 835; 1954 AC, p. 5942.

LINE CONSTRUCTION

R 460.583 Application to the commission.

Rule 3. (1) Except as modified in subrules (2) and (3) of this rule, any party planning the construction of a new line or planning reconstruction of, additions to or changes in the operating conditions of an existing line, shall file with the commission notice of intent to carry out such construction or changes, together with such descriptive information as is required in R 460.584, pertaining to the location and nature of such lines; and such construction or changes shall not be commenced until plans and specifications therefor have been approved by the commission; provided, however, that when such information has remained on file with the commission for at least 10 days, and no action toward approval or disapproval of the same has been taken by the commission, then construction may be begun without further delay; and provided further, that where construction standards pertaining to the type of line under consideration have been previously filed with the commission and approved by it, then construction may be begun immediately and carried out to completion in accordance with such construction standards as approved without further approval by the commission. (Note: In the case of telephone or telegraph lines where construction is to be done in accordance with the rules of the commission, this rule is not to be construed as requiring notice of intent and descriptive information when additional wires are installed from time to time on existing lines without exceeding the allowable ultimate capacity of the lines.)

(2) In cases of emergency or where it is impracticable to furnish the commission with definite and final information regarding the location of lines or certain required construction details before actual work is begun in the field, then the commission shall be furnished with such details as are then available, and where

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approval is required by subrule (1) of this rule, temporary approval shall be applied for, and the issuance of such temporary approval may be construed as authority for commencing construction. As soon as possible thereafter the commission shall be furnished with definite and final information regarding the location of lines and such required construction details as were previously omitted; and where approval of same is required by subrule (1) of this rule, application for such approval shall then be made.

(3) Where construction standards pertaining to the type of line under construction have been previously filed in accordance with subrule (1) of this rule, the commission need not be notified or supplied with descriptive information for additions to, reconstruction of or changes in the operating conditions of an existing distribution line (unless such addition will parallel or duplicate existing structures of another utility either privately, corporately or cooperatively owned—see Act No. 69 of the Public Acts of 1929, being §460.501 et seq. of the Michigan Compiled Laws, and Act No. 206 of the Public Acts of 1913, being §484.101 et seq. of the Michigan Compiled Laws, in the utility's franchise or filed exchange territory; provided, each utility owning or operating a supply circuit or circuits, files with this commission as soon as practicable and every year thereafter, within 90 days following the close of the calendar year, a map or maps of its territory. Said map or maps shall preferably be at the scale of 1 inch to the mile and shall show county, township, and section lines, the outline of urban communities and all highways in the territory served by the utility. Highways on which electrical service is available for rural service shall be indicated by heavy lines and those in which service is not available by light lines. As soon as the data can be assembled, there shall be indicated on such maps, the approximate location of every farm home not having electrical service available and those not receiving service from existing lines.

History: 1944 A.C., p. 836; 1954 A.C., p. 5943.

R 460.584 Descriptive information.

Rule 4. (1) The information filed with the commission shall include, in duplicate, a detailed description showing the exact location of such construction or changes in construction, together with such maps, plans, elevations, profiles and other descriptive data which will enable the commission to determine within reasonable limits of accuracy the extent of compliance of such construction with the rules of the commission (see commission's order no. 1679). The description shall show all existing construction, all construction which is planned for immediate execution and such future additions and changes as can reasonably be foreseen, and shall contain the necessary information concerning the location of all communication circuits, supply circuits, railroads, bridges, viaducts, embankments, or other structures which may become involved by the proposed construction, together with the names of the owners of the same where available through reasonable effort.

(2) Descriptive data pertaining to the construction details of the proposed line shall be filed with the commission in accordance with the typical forms shown in appendix A, as far as possible. These forms are especially suitable for wood pole lines, and where the type of construction is of a different nature, such changes in the forms shall be made as will give the required equivalent information.

(3) Such information shall be accompanied by a statement of the arrangements which have been made between the various parties concerned in accordance with the provisions of R 460.585.

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(4) The approval of such plans as are submitted according to the requirements of these rules shall be made for the commission by its chief engineer or other authorized representative by a stamp of approval. One set of such plans when approved shall be returned to the applicant.

(5) The approval of plans in accordance with the procedure herein set forth pertains only to the character of construction and does not confer any rights upon the applicant to carry out construction until all necessary local franchises, permits and authorizations have been secured and all legal requirements have been complied with.

History: 1944 AC, p. 836; 1954 AC, p. 5944.

R 460.585 Notices to others than the commission.

Rule 5. (1) Any party planning the construction of a new line which may create a line crossing, conflict or inductive exposure, or planning reconstruction of, additions to or changes in the operating conditions of an existing line at present involved in a line crossing, conflict or inductive exposure shall give due and timely written notice of such plans to all other parties who are known to be now or likely to be later concerned, so that if it appears necessary to any of the parties involved, due consideration will be given to any specific cooperative measures which may be advisable.

(2) In cases where only distribution systems are involved this rule will be considered as having been complied with when the parties concerned shall have reached satisfactory agreement relative to any cooperative measures.

(3) In case of difficulty encountered in finding the owners of any facilities, a reasonable effort to locate such owners and notification through the public press in general circulation in the locality affected shall be considered to be in compliance with this rule.

History: 1944 AC, p. 837; 1954 AC, p. 5944.

R 460.586 Beginning work.

Rule 6. The party planning construction of a line shall, if requested, except in cases of emergency, notify all other parties known to be concerned at least 7 days in advance of its intention to start work in the field in which the other parties are concerned. In cases of emergency, if requested, such notification shall be given before or at the time work is started in the field.

History: 1944 AC, p. 837; 1954 AC, p. 5945.

R 460.587 Not applicable to railroad wire-crossings.

Rule 7. No approval by the commission of plans for line construction shall include approval of the construction of any railroad wire-crossing which may be involved in such line construction. Separate approval is necessary for such wire-crossing as described in R 460.588 to R 460.592.

History: 1944 AC, p. 837; 1954 AC, p. 5945.

R 460.588 Application to commission.

Rule 8. (1) Any party planning the construction of a new railroad wire-crossing (open wire or in cable) over a railroad, or planning reconstruction of, additions to or changes in the operating conditions of an existing overhead railroad wire-crossing, shall file with the commission for each and every railroad company whose tracks are to be crossed a separate application for a permit to carry out such construction or changes. Such application shall be accompanied by such descriptive information as is required in R 460.589, pertaining to the location

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and characteristics of such crossing, and construction or changes shall not be commenced until authorization has been given by the commission to do so, by the issuance of a standard railroad wire-crossing permit; provided, however, that in cases of emergency where it is impracticable to furnish the commission with definite and final information regarding certain required construction details before actual work is begun in the field, then an emergency railroad wire-crossing permit shall be applied for, and the issuance of such emergency permit may be construed as authority of the commission for beginning the proposed construction. As soon as possible thereafter the commission shall be furnished with definite and final information regarding such required construction details as were previously omitted and application made for the standard railroad wire-crossing permit; provided further, that where construction standards pertaining to the type of crossing under consideration have been previously filed with and approved by the commission, then construction may be begun as soon as a letter has been filed with the commission, stating that a proposed crossing is to be constructed in accordance with standards previously approved by the commission, designating the title and the docket number of the proceedings where the construction standards were approved, giving the exact location of the crossing; which letter shall have attached a waiver of hearing and the consent to the crossing on the part of the railroad company whose railroad will be affected by the crossing.

(2) Where the application is made under the last proviso, upon receipt of a letter, together with the waiver of hearing and consent on the part of the railroad, a permit number will be assigned to the crossing and the applicant will be advised that such assignment has been made. The applicant may begin construction as soon as the permit number for the crossing has been assigned. When the wire-crossing has been completed, the applicant shall notify the commission of that fact and shall file with the commission an affidavit that the construction was fully in accordance with the commission's standards applicable to such a crossing. (Note: In the case of existing crossings, always indicate this fact in the application, giving the number and date of any previous permit.)

(3) The law provides for a formal hearing before the commission in the matter of permits for railroad wire-crossings, unless waiver of hearing is granted on the part of the railroad company concerned. It is recommended that, before application is made to the commission for such permit, the party planning the construction of a railroad wire-crossing submit to the railroad complete information as to the details of such crossing and request written waiver of right of notice and hearing before the commission. When such waiver is granted, the application to the commission must be accompanied by such original waiver. (Note: Application for an emergency railroad wire-crossing permit may be made by telegraph, if found necessary, and waivers made in such manner will be honored by the commission. In such cases the emergency permit will be issued by telegraph, if requested. Confirmations of applications by telegraph should be sent by mail and permits issued by telegraph will be followed by written permit.)

History: 1944 AC, p. 837; 1954 AC, p. 5945; 1954 ACS 1, p. 33, Eff. Mar. 18, 1955.

R 460.589 Descriptive information.

Rule 9. (1) The information filed with the commission shall include, in duplicate, a detailed description showing the exact location of the crossing, together with all the construction details and other data which will enable the commission to determine within reasonable limits of accuracy the extent of compliance of such construction with the rules of the commission. (See commission's order no. 1679.) The description shall show all existing construction, all construction which

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is planned for immediate execution and shall contain the necessary information concerning the location of all communication and supply circuits, railroads, bridges, viaducts, embankments or other structures which may become involved in the proposed construction, together with the names of the owners of the same.

(2) Descriptive data pertaining to the construction details of the proposed crossing shall be filed with the commission, as far as possible, in accordance with the typical forms in appendices B or C, whichever applies.

(3) Where the type of construction is of a different nature from that described in the typical forms, such changes in the forms shall be made as will give the required equivalent information.

(4) The approval of such plans as are submitted with applications for wire-crossing permits will be made for the commission by its chief engineer or other authorized representative by a stamp of approval. One set of such plans when approved will be returned to the applicant attached to the permit and shall be a part thereof.

(5) The issuance of a railroad wire-crossing permit pertains only to the exact location and character of construction specified in the plans attached to the permit, and does not confer any rights upon the applicant to carry out construction until all necessary franchises, permits and authorizations have been secured and all legal requirements have been complied with.

History: 1944 AC, p. 838; 1954 AC, p. 5945.

R 460.590 Refusal of waiver; procedure.

Rule 10. When the railroad company's waiver cannot be secured, written notice of the filing of an application for a railroad wire-crossing permit and notice of the time and place for any hearing of such application as may be set by the commission shall be given by the applicant to the railroad company concerned and to any other parties known to be concerned. Such notices shall be accompanied by a copy of all information submitted to the commission with the application, and shall be served at least 10 days before the time of hearing.

History: 1944 AC, p. 838; 1954 AC, p. 5946.

R 460.591 Wire-crossings created by railroads.

Rule 11. (1) Any party planning the construction of a new steam or electric railroad or planning reconstruction of, additions to (including extensions) or changes in the tracks, lines or other property of an existing steam or electric railroad which will create a railroad wire-crossing with an existing supply or communication line or which will cause changed conditions with respect to existing railroad wire-crossings shall give written notice of such plans to all other parties known to be concerned, so that due consideration will, if it appears necessary to any of the parties involved, be given to any specific cooperative measures which may be advisable.

(2) In case of difficulty encountered in finding the owners of any facilities then a reasonable effort to locate such owners and notification through the public press in general circulation in the locality affected shall be considered to be in compliance with this rule.

(3) Railroad wire-crossing permits shall be promptly secured by the owner or operator of the existing wire line in every case where a railroad wire-crossing is thus created or where there are material changes in the conditions at an existing crossing. In all such cases the railroad company shall cooperate with any party owning the wires involved in making application to the commission for a wire-crossing permit.

History: 1944 AC, p. 838; 1954 AC, p. 5946.

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R 460.592 Beginning work.

Rule 12. The party planning construction or creation of a railroad wire-crossing shall, if requested, and except in cases of emergency, notify the railroad company and any other parties concerned at least 7 days in advance of its intention to start work in the field. In cases of emergency, if requested, such notification shall be given before or at the time work is started in the field.

History: 1944 AC, p. 838; 1954 AC, p. 5946.

APPENDIX A

General Data Sheet for Proposed Electrical Line
(Supply or Communication)
(To be accompanied by drawings, plates 1 and 2, on following pages)

Note: Size of this data sheet to be 8½" x 11" or multiples thereof. This data sheet and drawings to be filed in duplicate.

Name of company

Name of line

Kind of line—Supply (transmission or distribution) or communication

Purpose of line

Location—Give a general description of the course of the line (show detailed location on drawing)

Circuits—Number, voltage, frequency, number of wires, phase, lightning protection wire, telephone, etc.

Poles and towers—Wood or steel poles, or steel towers; Material and size (in general)

Cross arms—Material and size (in general); Number, immediate construction; Number, future construction

Pins—Material and size (in general); If metal, state if galvanized

Insulators—Make, type (pin or suspension), material and catalog number

Conductors—(By circuits); Open or in cable; Number and size; Material (give details; for example, if of copper, state whether soft, medium or hard-drawn); Solid or stranded; Bare or insulated

Railroad tracks crossed—Name and location of each; Overhead, underground or underbridge

Other lines—Give names of parties owning lines which will be paralleled or crossed by proposed line. Give statement of agreement concluded in each case.

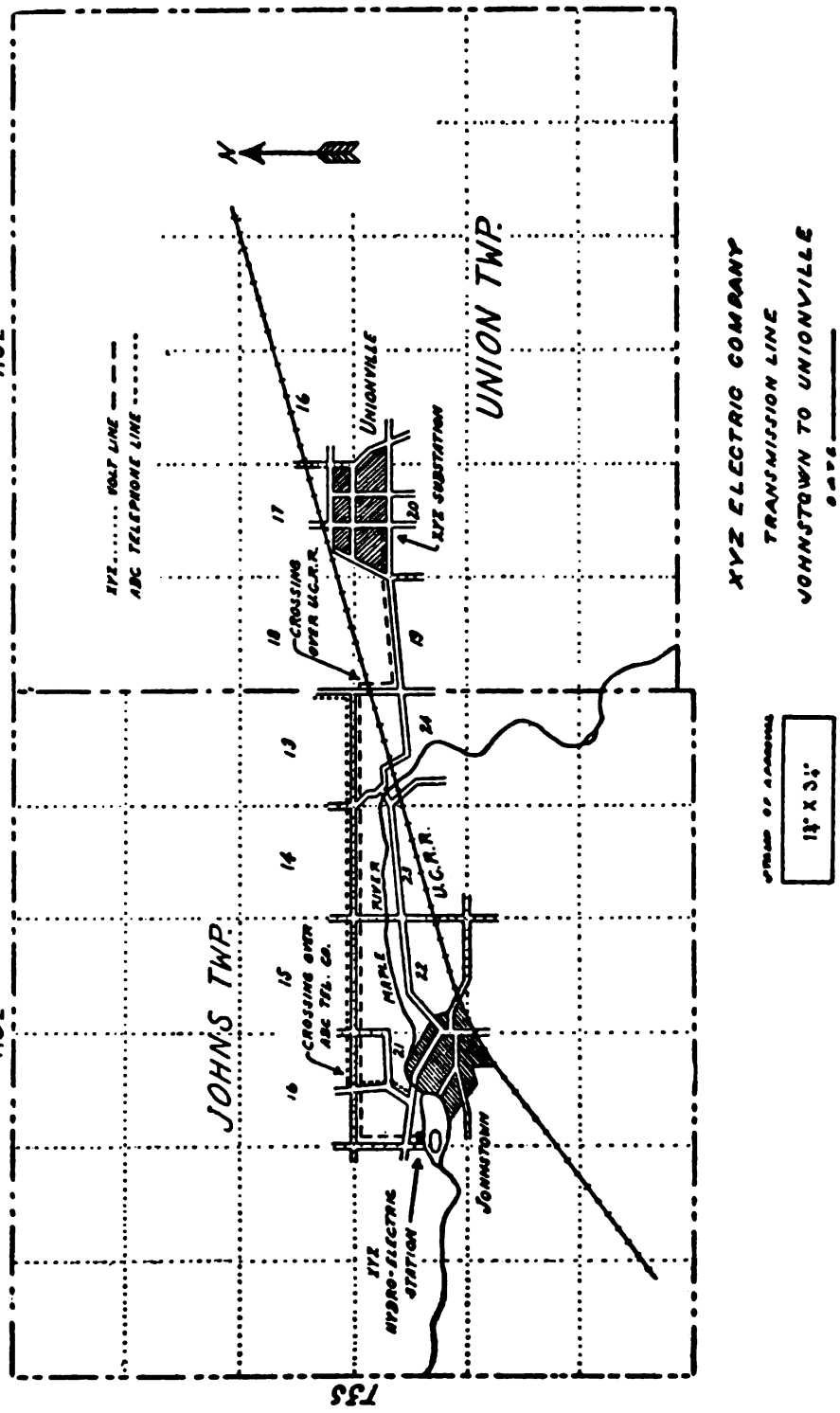
History: 1944 AC, p. 839; 1954 AC, p. 5947.

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PLATE 1

Map Showing Location of Proposed Electrical Line

Note: The size of this drawing shall be 8½ by 11 inches exactly or even multiples thereof. Reference letters should be used, if necessary, to indicate the exact location on the map of items described on the data sheet.



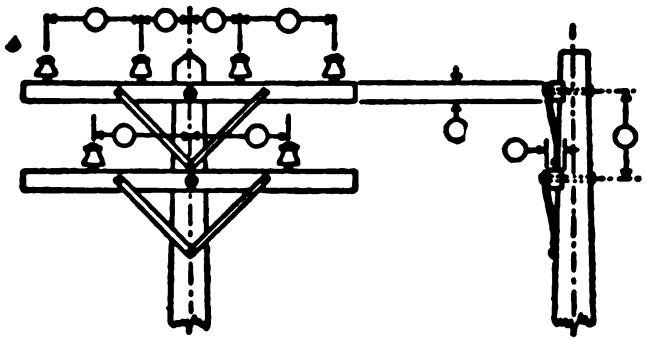
History: 1944 AC, p. 840; 1954 AC, p. 5948.

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PLATE 2

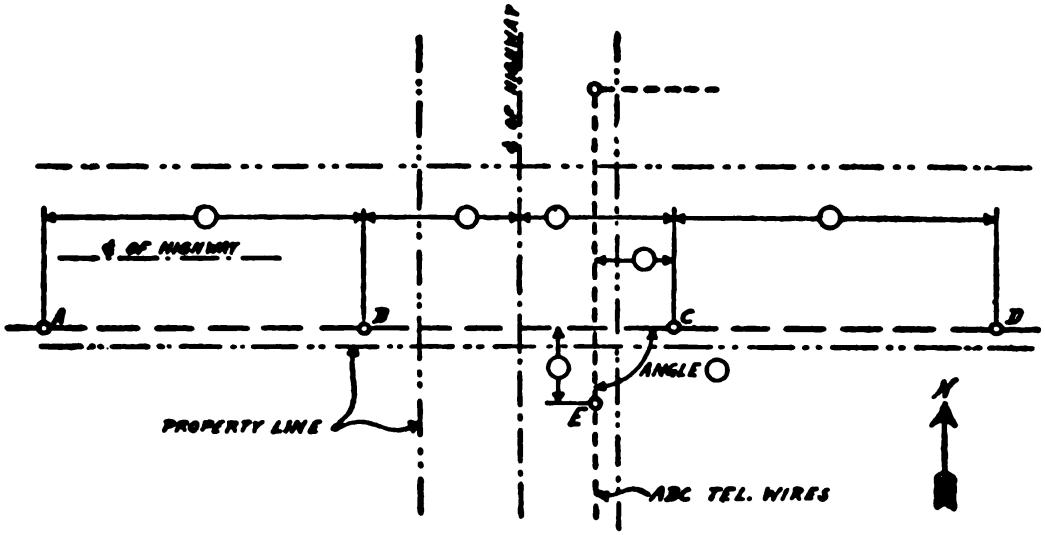
Dimensional Drawing for Proposed Electrical Line

Note: The size of this drawing shall be 8½ by 11 inches exactly or even multiples thereof. Reference letters should be used, if necessary, to indicate the exact location on the drawing of items described on the data sheet.



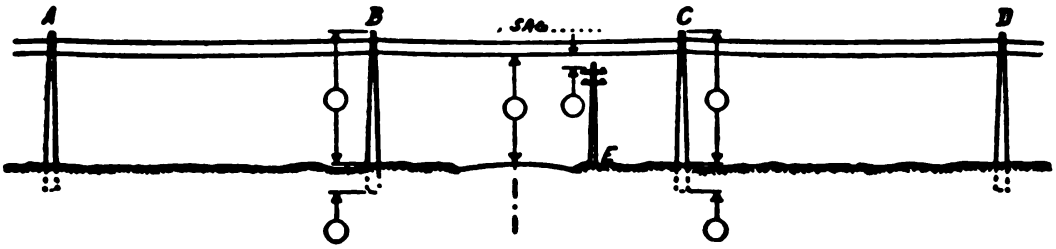
TYPICAL POLE TOP CONSTRUCTION

FILL IN DIMENSIONS INDICATED



PLAN OF CROSSING OVER ABC TELEPHONE WIRES

SAGS ARE FOR 60°F



ELEVATION OF CROSSING OVER ABC TELEPHONE WIRES

XYZ ELECTRIC COMPANY

TRANSMISSION LINE

JOHNSTOWN TO UNIONVILLE

DATE

SIZE OF ORIGINAL

18" X 24"

History: 1944 AC, p. 841; 1954 AC, p. 5949.

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APPENDIX B

Data Sheet for Overhead Supply Line Railroad Wire-Crossing
(To be accompanied by drawing, plate 3, on following page)

Note: Size of this data sheet to be 8½" x 11" or multiples thereof. Reference marks should be used on accompanying drawing, if necessary, to indicate items described on this data sheet. This data sheet and drawing to be filed in duplicate.

Name of company

Name of railroad

Name and location of crossing—Give name of street, city or village and county. If outside of city or village, give name of township, county, section number, survey number and range number. The distance of crossing from the nearest street intersection, station or other landmark should also be given.

Circuits—Describe each circuit giving voltage, frequency, number of wires, phase, lightning protection, telephone, etc.

Poles—Material,—southern pine, western cedar, etc.; Total length; Circumference at top; Circumference at ground line; Depth of setting; Kind of setting,—earth, rock, swamp, etc.

Guys—Number per pole, kind and size; Ultimate strength; Attachment to pole,—height above ground; Attachment to anchor,—distance from pole

Guy clamps—Number, kind and size

Guy insulators—Number, kind and size

Guy anchors—Kind and size; Depth of setting

Anchor rods—Material and size

Cross arms—Material and size; Number, immediate construction; Number, future construction

Cross arm attachments—State of galvanized; Center bolts,—size; Spacers,—kind and size; Braces,—kind and size; Brace bolts,—kind and size at arm end; Brace bolts,—kind and size at pole end

Pins—Material, type and size; If metal, state if galvanized

Insulators—Make, type number, material and catalog number

Conductors—(by circuits) Number and size; Material (give details; for example, if of copper state whether soft, medium, or hard-drawn); Solid or stranded; Bare or insulated

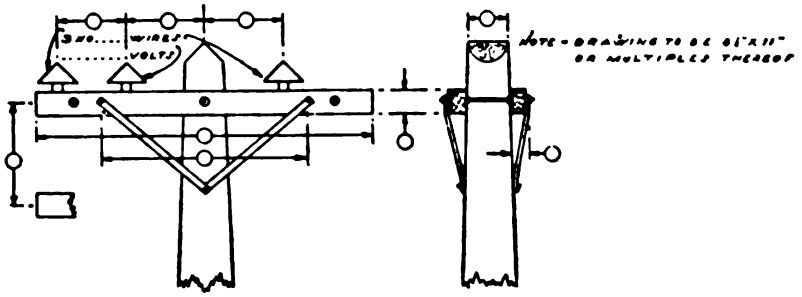
Ties—Type (show by sketch); Tie wire,—material and size

History: 1944 AC, p. 842; 1954 AC, p. 5950.

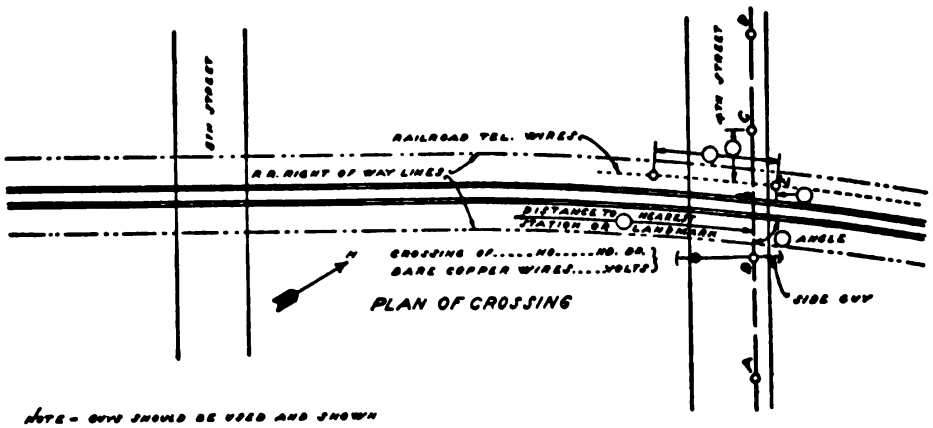
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PLATE 3

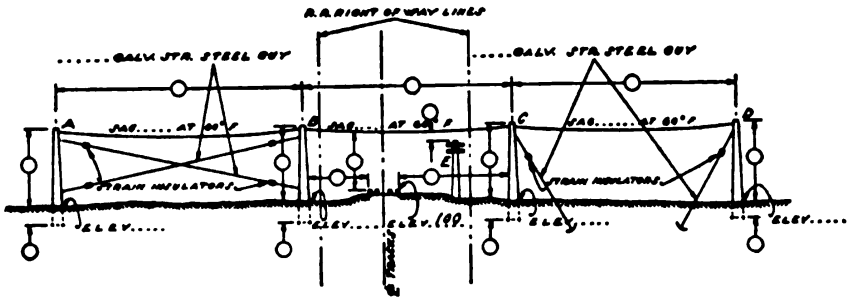
Drawing of Supply Line Railroad Wire-Crossing Above Tracks



TYPICAL POLE TOP CONSTRUCTION



NOTE - GUYS SHOULD BE USED AND SHOWN WHEN NECESSARY TO OBTAIN SUFFICIENT STRENGTH AND RIGIDITY



ELEVATION OF CROSSING LOOKING SOUTHWEST

FILL IN DIMENSIONS INDICATED

LOCATION
CITY _____
VILLAGE _____
TOWNSHIP _____
SECTION _____
SURVEY NO. _____ PJ
RANGE NO. _____ EW

STAMP OF APPROVAL
11" X 34"

XYZ ELECTRIC COMPANY
WIRE CROSSING
OVER
ABC RAILROAD COMPANY
DATE _____

History: 1944 AC, p. 843; 1954 AC, p. 5951.

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APPENDIX C

Data Sheet for Overhead Communication Line
Railroad Wire-Crossing
(To be accompanied by drawing, plate 5, on following page)

Note: Size of this data sheet to be 8½" x 11" or multiples thereof. Reference marks should be used on accompanying drawing, if necessary, to indicate items described on this data sheet. This data sheet and drawing to be filed in duplicate.

Name of company

Name of railroad

Name and location of crossing—Give name of street, city or village and county. If outside of city or village, give name of township, county, section number, survey number and range number. The distance of crossing from the nearest street intersection, station or other landmark should also be given.

Poles—Material,—southern pine, western cedar, etc.; Class,—A, B or C; Total length; Circumference at top; Circumference at ground line; Depth of setting; Kind of setting—earth, rock, swamp, etc.

Guys—Number per pole, kind and size; Nominal breaking strength; Attachment to pole,—height above ground; Attachment to anchor,—distance from pole

Guy clamps—Number, kind and size

Guy insulators (if any)—Number, kind and size

Guy anchors—Kind and size; Depth of setting

Anchor rods—Material and size

Cross arms—Materials, size and pins per arm; Number, immediate construction; Number, future construction

Cross arm attachments—State if galvanized; Center bolts,—size; Spacers,—kind and size; Braces,—kind and size; Brace bolts,—kind and size at arm end; Brace bolts (or drive screws),—kind and size at pole end

Pins—Material, type and size; if metal, state if galvanized

Insulators—Make, type and material

Conductors—Number and size; Material (give details; for example, if of copper state whether soft, medium or hard-drawn)

Messenger strand—Material, kind and size; Nominal breaking strength

Messenger strand attachments—Through bolt,—kind and size; Suspension clamp,—type; Safety strap,—type; Safety strap bolt (or drive screws),—kind and size; Reinforcing link bolts (or drive screws),—kind and size

Cable—Outside diameter; Weight per foot; Number of pairs

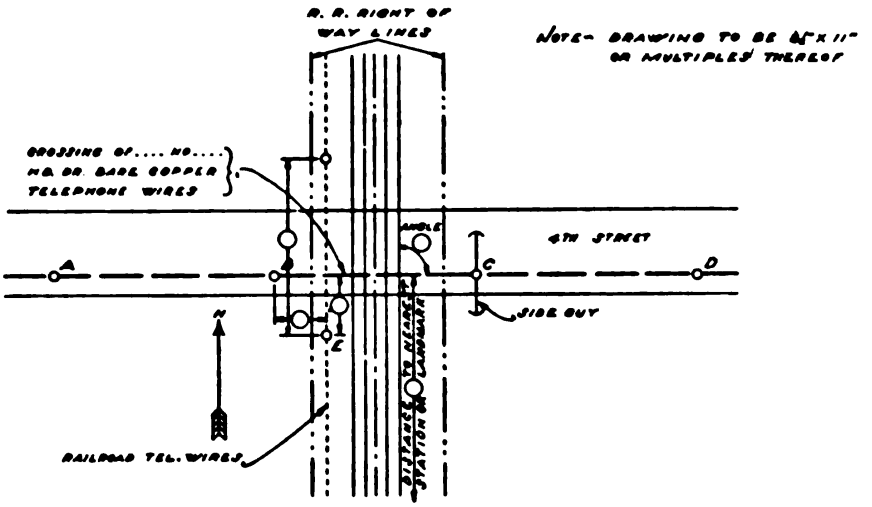
Cable rings—Material, type, spacing

History: 1944 AC, p. 844; 1954 AC, p. 5952.

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PLATE 5

Drawing of Communication Line Railroad Wire-Crossing Above Tracks



LOCATION.
CITY _____
VILLAGE _____
TOWNSHIP _____
SECTION _____
SURVEY NO. _____ NS
RANGE NO. _____ EW

STAMP OF APPROVAL

13" X 34"

XYZ TELEPHONE COMPANY
WIRE CROSSING
OVER
ABC RAILROAD COMPANY
DATE _____

History: 1944 AC, p. 845; 1954 AC, p. 5953.

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UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES

R 460.600—R 460.809 Rescinded.

History: 1944 AC, pp. 848-943; 1954 AC, pp. 5954-6074; rescinded 1954 ACS 24, p. 31, Eff. Jan. 1, 1961.

PRODUCTION AND TRANSMISSION OF NATURAL GAS

(By authority of section 5 of Act No. 9 of the Public Acts of 1929 and section 4 of Act No. 3 of the Public Acts of 1929, as amended, being §§483.105 and 460.4 of the Michigan Compiled Laws)

R 460.851 Scope and application.

Rule 1. These rules apply to the conduct of the business of all natural gas producers, gathering companies and transmitters which are or may hereafter be subject to the jurisdiction of the Michigan public service commission under the laws of the state of Michigan: provided, that when the production of natural gas is incidental to, and unavoidable to connection with, the production of oil or mineral water, R 460.860, R 460.861, R 460.862, R 460.864, R 460.865, R 460.866, R 460.867, R 460.869, R 460.870, and R 460.871 shall not apply, but special rules and regulations pertaining in each such case will be issued by the Michigan public service commission whenever necessary. The grouping of rules under the headings of production and transmission is for convenience only and the application of any rule is not restricted because of this fact.

History: 1944 AC, p. 960; 1954 AC, p. 6074.

R 460.852 Definitions.

Rule 2. For the purposes of these rules the following definitions apply:

(a) The word "commission" shall be defined to mean the Michigan public service commission.

(b) The words "producer" or "operator" shall be defined to mean any corporation, association or person now or hereafter controlling or being responsible for the control of any well, or of the production of gas therefrom.

(c) The term "well owner" shall mean any owner of a full working interest in any well, and the term "fractional well owner" shall mean any owner of a fractional working interest in any well.

(d) The word "transmitter" shall be defined to mean any corporation, association or person, now or hereafter engaging in the carrying or transporting of natural gas by pipe line or lines.

(e) The term "common purchaser" shall be defined to mean any transmitter engaging in the business of purchasing and transporting natural gas for hire, compensation or otherwise: provided, that factories or industries in this state may transport or transmit natural gas through pipe lines for their own use in plants located wholly within this state without constituting themselves common purchasers. (See sections 3 and 4 of Act No. 9 of the Public Acts of 1929.)

(f) The term "common carrier" shall be defined to mean any corporation, association or person purchasing or collecting natural gas and conveying or transmitting the same for hire, compensation or otherwise by pipe line or lines as a common carrier. (See section 6 of Act No. 9.)

(g) The words "gas" or "natural gas" as used in these rules shall, unless otherwise specifically provided, be defined to mean dry, merchantable, natural

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gas, either dry gas as produced from a dry gas well or so-called casinghead gas after removal of gasoline vapors, or either such gas after dilution with other gas or gases, as distinguished from so-called casinghead gas before treatment for removal of gasoline vapors.

(h) The term "cubic foot" of gas as used in these rules shall have the following meanings:

(i) In cases where gas is supplied and metered to the ultimate consumer at the standard delivery pressure which may vary from 3 inches to 10 inches water column, a cubic foot of gas shall be defined to be that volume of gas which, at the temperature and pressure existing in the meter, occupies 1 cubic foot.

(ii) In cases where gas is supplied to purchasers through orifice or positive meters at other than standard delivery pressure as defined above, a cubic foot of gas shall be defined to be that volume of gas which, at 60 degrees Fahrenheit and at absolute pressure of 14.65 pounds per square inch, occupies 1 cubic foot; except that in cases where a different pressure base that is considered by the commission to be fair and reasonable is provided for in gas sales contracts or in rules or practices of a distributor such different pressure base shall be effective. (Corrections for temperature and pressure shall be made in accordance with Charles' law and Boyle's law respectively, except that, when the meter pressure is 125 pounds per square inch gauge or greater, correction shall be made for deviation from such laws (supercompressibility) in accordance with American gas association gas measurement committee report no. 3, "Orifice Metering of Natural Gas" dated April, 1955, or other procedures which may be approved by the commission.)

(iii) The cubic foot of gas for the purposes of measuring gas produced and purchased at wells shall be defined to be that volume of gas which, at an assumed temperature of 60 degrees Fahrenheit and an absolute pressure of 15.025 pounds per square inch, occupies 1 cubic foot: provided, that contracting parties may agree to any special method or procedure in measuring or determining temperatures that is considered by the commission to be reasonable. (Corrections for temperature and pressure shall be made in accordance with Charles' law and Boyle's law respectively, except that, when the meter pressure is 125 pounds per square inch gauge or greater, correction shall be made for deviation from such laws (supercompressibility) in accordance with American gas association gas measurement committee report no. 3, "Orifice Metering of Natural Gas" dated April, 1955, or other procedures which may be approved by the commission.)

(iv) The standard cubic foot of gas for testing the gas itself for heating value, etc., shall be that volume of gas which, when saturated with water vapor and at a temperature of 60 degrees Fahrenheit and under a pressure equivalent to that of 30 inches of mercury (mercury at 32 degrees Fahrenheit and under standard gravity) occupies 1 cubic foot. (Corrections for temperature and pressure shall be made in accordance with Charles' law and Boyle's law respectively, except that, when the meter pressure is 125 pounds per square inch gauge or greater, correction shall be made for deviation from such laws (supercompressibility) in accordance with American gas association gas measurement committee report no. 3, "Orifice Metering of Natural Gas" dated April, 1955, or other procedures which may be approved by the commission.)

(i) "Absolute open flow" is defined as the number of cubic feet of gas per 24 hours that would be produced by a well if the only pressure against the face of the producing sand in the well bore were atmospheric pressure.

(j) "Modified open flow" is defined as the absolute open flow of a well multiplied by the acreage factor applied to such well. (See R 460.865(2).)

History: 1944 AC, p. 980; 1954 AC, p. 6074; 1954 ACS 38, p. 80. Eff. May 15, 1964.

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R 460.853 Qualifying clause.

Rule 3. The adoption of these rules shall in no way prevent the commission from altering or amending the same in due legal form, in whole or in part, or from requiring any other or additional services, appliances or standards, either upon its own motion or upon the application of any consumer, producer, transmitter or distributor.

History: 1944 AC, p. 961; 1954 AC, p. 6075.

R 460.854 Reference to commission.

Rule 4. In any case where the parties concerned shall fail to agree upon the application or the interpretation of any of these rules, or in case of disagreement regarding regulations promulgated by any producer, common carrier, common purchaser or distributor concerning service, the matter may be referred by either party to the commission for settlement.

History: 1944 AC, p. 961; 1954 AC, p. 6075.

R 460.855 Jurisdiction.

Rule 5. (1) The jurisdiction of this commission, according to Act No. 9 of the Public Acts of 1929, over all gas wells and over the production of gas from such wells shall begin at the time the production or preparation for production is started and shall continue and remain with the commission until production is abandoned. The operations of drilling, deepening, plugging and abandoning, and in fact all underground work on gas wells, is under the jursidiction of the supervisors of wells of the department of conservation. (Refer to the rules of the department of conservation covering the drilling, deepening and plugging of wells for natural dry gas.)

(2) Any gas well shall be considered as producing or preparing for production at such time as an application for a well connection permit has been filed with the commission, but in case connection with a line to take gas from any well for any purpose is made before an application for a well connection permit is filed, the commission's jurisdiction over such well shall begin when work of installing connections is started.

(3) During the period that gas wells are under the supervision of the commission it shall be the duty of the chief engineer, directly or through his authorized representatives:

(a) To enforce such rules as the commission may adopt to carry out the requirements of said act.

(b) To inspect the maintenance and operations of all gas wells with a view to preventing waste of gas, damage to gas producing strata or formation, or injury to life or property, and to issue in accordance with the natural gas acts, necessary instructions to guard against and prevent such waste, damage or injury.

(c) To determine the percentage of the open flow capacity of any gas well which may be utilized when in his opinion such action is necessary to protect the gas producing formation; and to specify the time and method for determining the open flow capacities of wells.

(d) To regularly gather data and compile statistics showing production of gas from all wells, fields or pools, and the value of the gas produced.

History: 1944 AC, p. 961; 1954 AC, p. 6075.

R 460.856 Availability of records.

Rule 6. All records required by these rules shall be kept in files within the boundaries of the state, at the offices of the producer or transmitter responsible

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for such records, and shall be available at all reasonable times for examination by authorized representatives of the commission: provided, that temporary absence of records from the state that are necessary or convenient in the record system of a producer or transmitter are approved, and that in specific cases the commission may at its own discretion or upon proper showing, authorize other modifications of this provision. All such records shall be preserved for at least 3 years after they are made, except as otherwise provided.

History: 1944 AC, p. 981; 1954 AC, p. 6076.

R 460.857 Waste prohibited and defined.

Rule 7. (1) Natural gas shall not be produced, transmitted or distributed in the state of Michigan in such manner and under such conditions as to constitute waste.

(2) The term "waste" as used in these rules in addition to its ordinary meaning shall include (a) the permitting of any gas to wastefully burn, (b) the wasteful use of gas including the use of gas in its natural state in engines or pumps where its pressure is the main or direct operating force, unless such gas can be consumed after discharge from such engines or pumps for normal use for fuel purposes, (c) surface waste, which shall include the unnecessary blowing, release or escape of natural gas into the open air, and any unnecessary or excessive surface loss, including leakage, fire loss and loss or destruction incident to the manner of equipping, operating or producing of such well or wells, or by inefficient handling thereof, (d) underground waste, which shall include inefficient, excessive, or improper use or dissipation of the reservoir energy, including gas energy and water drive, of any pool; and the equipping, operating, or producing of any well or wells in such a manner as to reduce or tend to reduce the total quantity of gas ultimately recoverable from such pool, and the unreasonable damage to underground deposits from the operation, maintenance or production of gas; and (e) the intentional drowning with water of a gas stratum capable of producing gas (except that temporary drowning may become necessary as an exigency of drilling or repairing wells).

History: 1944 AC, p. 982; 1954 AC, p. 6076.

R 460.858 Fire prevention and control.

Rule 8. The commission recognizes that practically all gas well fires occurring after wells have been placed on production are due to improper wellhead design or carelessness and the attention of well owners and operators is particularly directed to the following R 460.859 and R 460.860 in order to eliminate this hazard.

History: 1944 AC, p. 982; 1954 AC, p. 6076.

PRODUCTION

R 460.859 Wellhead heaters.

Rule 9. Heaters for preventing freezing in wellhead connections shall be installed or reinstalled for service at the beginning of each winter, only after wellhead connections are checked for leakage, and after any leakages have been repaired and stopped. The products of combustion, or the burned fumes from gas or any other fuel, shall not be used in such heaters or in any other way to apply heat directly to wellheads or to thaw out connections. The points of air mixture for any flame at any wellhead heater shall be located at least 10 feet from the wellhead, and any burned exhaust gases shall be discharged from flue or chimney at least 8 feet from wellhead or wellhead connections and at least 4 feet higher than the top of wellhead connections. All heaters installed at or near wellheads shall be inspected at least once daily while in operation.

History: 1944 AC, p. 982; 1954 AC, p. 6076.

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R 460.860 Wellhead fittings.

Rule 10. (1) Wellhead connections shall be designed and installed in accordance with principles of design and installation illustrated on plate 1A, appendix A, unless specific approval is secured in writing from the chief engineer.

(2) Master or control valve shall be installed with valve stem not less than 2, nor more than 4 feet above the ground level, provided that whenever tubing or siphon is installed in any well, the valve and wellhead fitting construction and spacing will necessarily be governed by special conditions in each separate case.

(3) Wheels on valves shall be left and secured in place to facilitate emergency opening or closing of valves with an emergency long stemmed wrench or key.

(4) A space free from surface obstructions shall be kept clear on the stem or wheel side of each control gate or valve, so that workmen can approach wells and use long stemmed wrenches or keys in opening or closing valves in case of fire.

History: 1944 AC, p. 982; 1954 AC, p. 6077.

R 460.861 Determination of well capacity.

Rule 11. (1) The producing or open flow capacities of wells to be used as a basis for proration shall be determined by the commission at its discretion, when necessary for the practical, equitable and economical operation of wells, pools or fields. The method of determining said capacity where practicable shall avoid the waste of gas encountered in the "open flow" test method, and shall make use of the United States bureau of mines production capacity test method that is based on observations of shut-in well pressure and the measurement of volumes of gas production at varying wellhead pressures, or of any improvements that may be approved by the commission.

(2) Capacity tests may also be made by producers, purchasers or transmitters with the approval of the commission. The commission may require that any applicant for such test shall make a sufficient showing of necessity for a test. All information obtained from such tests shall be promptly compiled and filed with the commission.

(3) When a producer is dissatisfied with a capacity test he may require the commission to redetermine the open flow capacity of the well by notifying it to that effect and depositing the sum of $10.00 with it. If the retest shows the original test to be materially in error, the deposit will be refunded, otherwise it will be retained as nominal compensation for the costs incurred in making the test.

(4) Records of tests of meters, well capacity tests or tests of specific gravity, chemical composition or heating value of gas made by or on the order of any producer, transmitter, purchaser, distributor, or consumer shall be available for information of the commission, and reports shall be filed with the commission when requested.

History: 1944 AC, p. 982; 1954 AC, p. 6077.

R 460.862 Well meters.

Rule 12. (1) No gas shall be withdrawn from wells for transportation or sale, nor for any other regular and extended uses, except for fuel for drilling on the same lease, or for use for domestic purposes by lessors (as usually specified in oil and gas leases), without being metered: provided, however, that the commission may approve in advance an estimate of the amount that will be required for a specific drilling operation off the lease. The commission's representatives shall have access to all meter houses and meters at all times.

(2) Each gas well completed after the effective date of this order shall be equipped with its own separate meter, except that:

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(a) The commission may, in cases of small wells, permit the measurement of the gas from more than 1 well through a single meter.

(b) The commission, the interested well operator and the gas purchaser jointly may, in cases of large wells of identical operator control, agree to the measurement of the gas from more than 1 well through a single meter; provided that:

(c) In either case (a) or (b) of this subrule, the gas from only 1 well at a time shall be measured by a single meter, and that through the use of check-valves, "blind" discs or other device or means, lines from all wells except the 1 from which gas is being measured shall be completely closed so that the gas from any 2 or more wells shall not be in any way intermixed prior to measurement.

(3) Meters shall be located as close to wells as is reasonably practicable, considering accessibility and the possible desirability in some cases of grouping not more than 4 well meters in 1 meter house. Flow lines from wells to meters shall be constructed, maintained and operated in such manner that leakage losses and waste may be avoided, and these lines shall be patrolled regularly to check for leaks or breakage that may develop through unforeseeable and unavoidable accidents.

(4) In view of the latitude allowed in the location of meters and the probability that the "point of delivery" of gas at the wellhead will be some distance from the point of measurement, the gathering company or purchaser is charged with a high degree of care in preventing all gas loss between these 2 points and shall therefore arrange its operating procedure to that end.

(5) The commission shall have authority, upon notice to any purchaser or transmitter, to cause to be made such tests as it may deem necessary to determine the accuracy or other conditions of any meter or of its appurtenances, (see. R 460.907 and R 460.909 in "standards of gas service") and any such purchaser or transmitter shall be entitled to be present at any such test if he so elects.

(6) Upon written request by an interested well operator, well owner or fractional well owner, the commission shall cause to be made special tests of meter through which gas from a well is being measured for any purpose, and the applicant, the gas purchaser or transmitter, and other interested parties shall be entitled to be present when any such test is made. One such special test of a meter shall be made during any calendar year for a fee of $5.00; further special tests of the same meter during a calendar year may be made at the discretion of the commission upon written application of an interested well owner or operator presenting evidence of the necessity for such special test, for a fee of $15.00; but for any test after the first 1 during any calendar year, the commission may at its discretion add to the fixed fee of $15.00 a charge for all traveling and subsistence expenses incurred by its representatives in making such tests.

(7) Any application by an interested well owner or operator for a special meter test shall be accompanied by a deposit of the fixed fee for such test. If the test shows that the calculated measurements of gas are or have been in error more than 2% in favor of the gas purchaser, the deposit made by the well owner or operator shall be refunded to him, and the amount of such refund shall be paid to the commission by the gas purchaser.

(8) In cases where gas measurements are shown by meter tests to have been in error more than 2%, adjustments of accounts shall be made in favor of the party in interest who has been injured by reason of such errors, the measurement error indicated by the meter test being applied to all recorded gas measurements during the time such error has existed if such time is ascertainable, and if not ascertainable then said correction shall be made for ½ of the period since the meter was last tested and adjusted in a manner satisfactory to the commission; except that in

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cases where a different basis of adjustment considered by the commission to be fair and reasonable is provided for in gas purchase contract such different basis shall be effective.

(9) No adjustments in accounts need be made if such adjustments amount to less than $2.00 per month.

History: 1944 AC, p. 963; 1954 AC, p. 6077.

R 460.863 Unmetered gas.

Rule 13. Lessors of lands who are using unmetered gas from wells located on their lands for domestic fuel in their principal houses or dwellings, and well operators or owners who are using unmetered gas from their wells for fuel for drilling on the same lease, shall so construct and maintain their lines and the fittings thereon that there shall be no leakage losses. No wasteful gas burners or other wasteful gas consuming appurtenances shall be used by these consumers of unmetered gas. The representatives of the commission shall require the immediate correction of any wasteful use of gas by these classes of consumers, and may prohibit the continued use of gas if such corrections are not made immediately.

History: 1944 AC, p. 964; 1954 AC, p. 6079.

R 460.864 Permit for well connection.

Rule 14. (1) The operator of each well shall, before gas is produced from such well, make application to the commission on form provided therefor, (form 15A, appendix A) for permission to sell gas from such well: provided, that application and permit shall not be required for making connection to pipe lines used exclusively for transporting or transmitting gas for fuel for drilling wells, or gas used in homes of lessors of lands on which wells are located.

(2) Any application for a standard well connection permit should be submitted to the commission not less than 15 days before the first day of the month during which it is expected that receiving, transmitting or purchasing of gas shall commence. Upon receipt from a well operator of a properly executed application for a well connection permit, the commission will issue well connection permit order (form 16A, appendix A) and will furnish a copy thereof to the purchaser or transmitter designated by the applicant operator, such copy to be furnished to the purchaser or transmitter at least 10 days before the first day of the monthly period used in accounting for gas. The commission will cause well capacity test to be made, and following such test will issue an allowable withdrawal order (form 17A, appendix A) to the well operator, and will furnish a copy thereof to the purchaser or transmitter on or before the first day of the monthly period used in accounting for gas.

(3) The purchaser or transmitter shall connect such well to its gathering system and prepare to receive, transmit or purchase gas during the next succeeding monthly period used in accounting for gas, provided that it has received the copy of the well connection permit from the commission at least 10 days before such date; that the operator has prepared and placed the well in condition to make such connection conveniently possible, and that obstacles or conditions beyond its reasonable control do not prevent such connection.

(4) In case of emergency a temporary well connection permit may be issued by wire upon receipt of an application by telegraph from well operator, giving the full name of the applicant, the full name of the well, the conservation department permit number, the date of well completion, and the open flow capacity of the well; and also a telegraphic statement from the prospective transmitter or common purchaser of gas that it will accept said well for connection. Such

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telegraphic application must be followed within 10 days by the regular application required in subrule (1) of this rule.

(5) The commission and a transmitter or purchaser may at their option and discretion cooperate, if it is reasonably practicable, to issue orders, make well capacity tests, connect to wells and make provisions for receiving, transmitting or purchasing gas from a well if the application for temporary or standard well connection permit has not been filed with the commission as much as 15 days before the beginning of the monthly period used by the transmitter or purchaser in accounting for gas, but there shall be no obligation in such cases on the part of either the commission or the transmitter or purchaser to either commence or complete such orders, tests, connections or preparations to receive, transmit or purchase gas during the next succeeding monthly period.

(6) With each standard well connection permit there will be issued a metal plate bearing the permit number. This plate must be affixed to the wellhead substantially as shown on plate 1A, appendix A, and in case of loss or destruction must be immediately replaced. The original plate will be furnished without charge, but a nominal charge of 50 cents will be made for each replacement plate.

(7) When processed casinghead gas is to be transmitted for public use, application shall be made to the commission for a special connection permit before transmission by pipe line is begun. (See R 460.851.)

History: 1944 AC, p. 984, 1954 AC, p. 6079.

R 460.865 Taking of gas.

Rule 15. (1) Maximum withdrawal:

(a) General. The maximum withdrawal during any 12 months' period from any gas well shall average on a daily basis not more than 17½% of the current approved absolute daily open flow capacity of such well, such withdrawal being the allowable maximum annual withdrawal. Whenever a new open flow capacity test is made and approved by the commission, such new test will, upon notice to the producer and transmitter, become immediately effective in determining the maximum withdrawal. In order to provide for a variable seasonable demand, the following percentages of the last determined allowable maximum annual withdrawal may be taken, but not exceeded: In any 6 consecutive months, 66%; in any 1 month, 12½%; and in any 1 day, .6 of 1%.

(b) Special. The maximum withdrawal from Monroe gas wells located in the Walker-Talmadge oil field shall not exceed 50% of the last officially measured open flow of each such well.

(c) Special. The maximum withdrawal during any 12 months' period from any gas well in the Howell field shall average on a daily basis not more than 25% of the current approved absolute daily open flow capacity of such well, such withdrawal being the allowable maximum annual withdrawal. The allowance for seasonable variation in the rate of take as set forth in subrule (1)(a) shall continue to be based on the annual maximum allowable withdrawal determined as 17½% of the open flow, unless the allowance so determined shall be less than 25% in which case the 25% allowance shall prevail.

(d) Special. When a dry natural gas field has been depleted to such an extent that production has become merely a stripper operation, the commission may approve different maximum withdrawals than required by subrule (1)(a) if it finds that such different withdrawals will conserve gas and, in its opinion, support commercial production for a longer period than would otherwise be the case.

(2) Acreage factor. The acreage or area from which any well is considered to produce or draw gas shall enter into the determination of the take of gas from

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such well, a well in the center of a square 40-acre tract of land being considered as unity, with an acreage factor of 1. The factor for a well producing from a square or rectangular tract of any area other than 40 acres shall be the area in acres allotted to such well divided by 40, and the factor for a well in the center of a base drilling or producing unit of 160 acres of land shall be 4; provided that:

(a) No side of the area allotted a well shall be farther from the well than the distance from the center point of the production area to the most distant side thereof, excepting that:

(i) In the case of a discovery well, this distance may be increased by as much as 330 feet for a well located on a 40-acre tract of land, and 990 feet for a well located on a 160-acre tract of land.

(ii) In the case of a well drilled off center of a production area because of topographical or other physical conditions, this distance may be increased by not to exceed 25% upon presentation to the commission of satisfactory proof, supported by a map and a written statement showing that a center location was prohibited. Every reasonable effort shall be made to drill wells at center locations.

(iii) The 16 gas wells drilled, or in the process of drilling, in the Cannon Creek gas field in the counties of Missaukee and Kalkaska prior to September 15, 1950, shall each be entitled to an acreage factor of 4, as long as the producing unit assigned to each is 160 acres, notwithstanding any other provisions of this rule.

(b) In addition to the above provisions, acreage factors shall be subject to the following limitations:

(i) The length of a production area shall not be greater than twice its width.

(ii) Production areas shall not overlap.

(iii) Any production area shall be entirely within the leasehold (or leaseholds in case 2 or more are pooled) on which the well to which it refers is drilled.

(iv) No acreage factor shall exceed 4 except in the Kawkawlin-Salina gas field, as it is now or may be hereafter defined by the supervisor of wells, wherein it may be increased to 16.

(v) The acreage factors for wells located on tracts that are neither square nor rectangular shall be determined by the commission in each individual case, following, insofar as they are applicable, the general principles applied herein.

(vi) In the following fields which have been developed with 40-acre drilling units, there shall be no acreage factor greater than 1, unless the operator or leaseholder shall secure and file with the commission written consent from all direct and diagonal offset 40-acre leaseholders upon whose holdings there are producing or productive gas wells.

Austin	Crystal
Six Lakes	Broomfield
New Haven-Sumner	Clare (McKay)
West Vernon	Vernon

(vii) No well drilled on a 40-acre location in any of the above fields shall be entitled to an acreage factor greater than 1 if such well is directly offset by more than 2 producing or productive wells with acreage factors of 1 or less.

(c) Traverse oil wells drilled in the Walker-Talmadge field prior to February 25, 1942, shall, when either deepened to produce gas from the Monroe formation or plugged back to produce gas from the Berea formation, receive acreage factors as provided by the attached map entitled plate 2a, but any Monroe or Berea gas wells drilled from the surface of the ground in the Walker-Talmadge oil field subsequent to February 25, 1942, shall receive acreage factors based on the usual provisions as stated in subrule (2)(a) and (b) of this rule.

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(3) Minimum take:

(a) The minimum allowable take of gas from any well shall be 500,000 cubic feet per month, except under the following conditions:

(i) In no case shall the total gas taken from a well be larger than provided for in subrule (1).

(ii) The average minimum volume of gas production monthly per well shall be in conformity with the market demand when such market demand is not high enough to permit the taking of the full minimum allowable from all wells. Each operating month as used by the gas purchasers in a field shall be considered separately in administering the minimum take provisions herein, and, if the total sale or take of gas from any field or pool during any such monthly period is not sufficient to permit the taking of the full minimum allowable from each well, there shall be no carryover or balance of gas to be taken from such well, field, or pool under these minimum take provisions because of such deficiency in total market demand.

(iii) The minimum take of gas from any well having an acreage factor other than 1, as provided for in subrule (2), shall be modified or adjusted by multiplying the minimum allowable take of 500,000 cubic feet by such acreage factor, the resulting minimum take to be subject to the restrictions in subrule (3)(a)(i) and (ii) of this rule.

(b) The allowable take from any well that is not capable of producing as much gas as its allowable minimum under the operating conditions of the field in which it is located shall be the total amount of gas that such well is capable of producing under such conditions.

(c) For fields or pools wherein reservoir conditions and gas withdrawal operations do not permit the practical application of subrule (3)(a), special procedures applicable to such special conditions may be authorized by the commission, provided that any such special procedure shall accomplish the intents and purposes of the rule as closely as is practicably possible.

(4) Ratable taking or gas proration: All gas produced from a field or pool in excess of the minimum allowable provided for in subrule (3) shall be taken ratably from all wells that are capable of producing more than their minimum allowable take. Such excess shall be divided among such wells in proportion to their modified open flow capacities or any other method determined by the commission to be equitable or less wasteful, except that in no case shall the total gas taken from a well be larger than provided for in subrule (1).

(5) Proration schedules:

(a) Proration schedules and orders shall be prepared and issued by the commission. Such orders shall be revised not to exceed once each month, the effective date of any revision being the first day of the monthly period used by the gathering company, transmitter, or purchaser in accounting for gas.

(b) No proration schedule or production order affecting any well shall be made until after well connection permit has been issued.

(6) Well conditioning requirements:

(a) A well to go on proration or production shall have complied with the following requirements: The well and wellhead connections shall be installed in accordance with standards prescribed in R 460.860 of this order. The wellhead connections shall be tight and free from leakage. If there is evidence of underground leakage of gas or of water intrusion, the well shall be repaired to the satisfaction of the commission.

(b) In cases of wells where leaks, other defective well conditions, or water intrusion develop after a well has been placed on proration, the operator shall

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make repairs promptly and to the satisfaction of the commission, and, if repairs have not been made within a reasonable time as determined by the commission, then such a well shall be taken off proration and shall not be returned to proration until the commission has been notified that repairs have been made and has approved a return to proration.

(c) After any gas well has been placed on proration, no deepening or plugging back work shall be started until the operator has notified the commission and the gas transmitter or purchaser, in writing, and until that operator has secured the approval, in writing, of the supervisor of wells of the department of conservation, of the deepening or plugging back plan, in conformity with the rules and regulations of such supervisor of wells.

(d) A well that is being either deepened or plugged back may be removed from proration:

(i) If, in the judgment of the commission, the showing indicates that the operation may affect the open flow capacity of the well.

(ii) If the operation is to consume a period of 10 days or more.

(iii) If the wellhead fittings remain altered in such a manner that reconnection with a pipe line cannot be made within 10 days after such fittings are removed.

(e) A well that has been removed from proration because of deepening or plugging back operations shall not be returned to proration until it has been placed in condition to resume production in a manner satisfactory to the supervisor of wells of the department of conservation and to the commission, and the gas transmitter or purchaser have been so advised in writing.

History: 1944 AC, p. 965; 1944 ACS 18, p. 45; 1944 ACS 25, p. 14; 1954 AC, p. 6080; 1954 ACS 1, p. 34, Eff. Mar. 18, 1955; 1954 ACS 12, p. 55, Eff. Nov. 21, 1957; 1954 ACS 89, p. 142, Eff. Nov. 23, 1976.

R 460.866 Production reports.

Rule 16. (1) Every operator of 1 or more gas wells shall file with the commission, on or before the twenty-fifth day of each month, producer's monthly report (form no. 18A or 18B, appendix A) giving full information as to production of gas from each well separately and such other data as is requested. This report shall be signed by the producer or by a responsible employee, whose capacity or title shall be indicated, and who is in position to know that the data or information given is correct. The commission may permit, upon application and satisfactory showing, a reporting interval of more than 1 month. If this gas production information is regularly furnished to the commission by the purchaser or transmitter of gas, based on information or data gathered by such purchaser or transmitter, the producer may be relieved of obligation to furnish data.

(2) Any gas used, whether metered or unmetered, for drilling or lease operating or other field fuel purposes on a lease other than the one from which it is produced shall be reported to the commission monthly by the gas producer on form 18B appendix A. Either the price per M. cubic feet of gas or the flat rate charge that is made shall be stated, and in the case of gas that is not metered the estimated approximate volume of gas used shall be stated.

History: 1944 AC, p. 967, 1954 AC, p. 6082.

R 460.867 Pumps or compressors.

Rule 17. No gas well, pool or field shall be placed under vacuum by the use of compressors, pumps or other devices except with the approval of the commission. If and when the placing of a vacuum in any well, pool or field is planned, application for approval shall be made to the commission, and the adjoining lease owners and operators of a pool or field who may be affected shall be given notice.

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The commission may call a hearing on the subject, or may take such action as it deems advisable.

History: 1944 AC, p. 967; 1954 AC, p. 6083.

TRANSMISSION

R 460.868 Approval for pipe line project.

Rule 18. (1) Every transmitter shall file with the commission an application (see form 19A, appendix A), setting forth the necessity and practicability of such proposed transmission line or lines; and the commission shall, if its study of the proposed project shows that such line or lines will, when constructed and in operation, serve the convenience and necessities of the public, grant said application; and no construction shall begin prior to the granting of the application and the approval of the map, route and type of construction by the said commission; provided that this rule shall not apply to the laying of pipe lines used exclusively for transporting or transmitting gas for drilling purposes.

(2) The transmitter shall, as a part of the application, submit to the commission a map or plat of the proposed line or lines, showing the dimensions and character of such line or lines, its compressor stations, control valves and connections; an estimate of the cost of the project; an estimate of the proven reserves of gas available for transportation through the proposed line; and an estimate of the anticipated revenue, operating expenses and earnings of the project for a 5-year period.

(3) The transmitter's application shall, among other things, state (a) when said transmitter is a common purchaser the price to be paid producers for the gas and the price at which gas will be sold to distributors; (b) when said transmitter is a common carrier, the rates and fee which it will charge for the service to be performed by it. Certified copies of all executed or proposed contracts with producers or distributors shall be filed with the application, together with such additional information as the commission may require.

History: 1944 AC, p. 967; 1954 AC, p. 6083.

R 460.869 Requirements before transmitter may connect to gas wells.

Rule 19. Transmitters shall not connect with any gas well until a temporary or standard well connection permit has been issued by the commission. (This permit is not required for connecting lines exclusively for carrying gas for drilling purposes.)

History: 1944 AC, p. 968; 1954 AC, p. 6083.

R 460.870 Maximum taking of gas.

Rule 20. The transmitters in any field shall not at any time take gas from such field in greater total amounts than the sum of the withdrawal allowances of all connected individual wells as determined by R 460.865(1).

History: 1944 AC, p. 968; 1954 AC, p. 6083.

R 460.871 Proration among pipe lines and fields.

Rule 21. The allowable rates of withdrawal of gas for purposes of proration among producers and among several purchasers, transmitters or pipe lines from the same field, and the prorating of withdrawals among several fields shall be subject to approval by the commission. It shall be the duty of the commission to determine that production from any pool or field is not abandoned or unreasonably curtailed until recovery of all economically recoverable gas has been assured.

History: 1944 AC, p. 968; 1954 AC, p. 6083.

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R 460.872 Discrimination.

Rule 22. (1) Common purchasers and common carriers are expressly prohibited from discrimination in amount of gas taken, price paid for or rates charged for like grades of natural gas or facilities as between producers or persons; and if a common purchaser or common carrier is likewise a producer, it shall not discriminate in favor of its own production or of production in which it may be interested directly or indirectly. The commission shall have authority to relieve any such common purchaser or common carrier, after due application, notice and hearing, from the obligation of purchasing or receiving gas from wells which due to variation in quality and pressure, or for economic reasons, are not at the time a practicable source of supply.

(2) Except in cases where exigency of service requires emergency measures, common purchasers or common carriers shall not abandon nor curtail withdrawals or purchases of gas from any pool or section of pool in favor of another pool or section thereof, because of temporary or permanent decline in reservoir or producing pressure without having first received the approval of the commission.

History: 1944 AC, p. 968; 1954 AC, p. 6084.

R 460.873 Patrolling and supervision.

Rule 23. It shall be the duty of all transmitters to closely supervise the operation of all their lines to the end that leakage may be kept at the lowest practical minimum. This shall include regular patrolling by competent employees and prompt attention to leaks discovered or to other conditions affecting the safe and efficient operation of pipe line systems.

History: 1944 AC, p. 968; 1954 AC, p. 6084.

R 460.874 Transmitter's or purchaser's reports and records.

Rule 24. (1) Every common purchaser, common carrier or transmitter of natural gas shall file with the commission on or before the twenty-fifth day of each month, for the last preceding month, gas transmitters monthly report (form 20A, appendix A), giving full information as to gas purchased from each producer and as to sales or deliveries. Said report shall be signed by the transmitter or by a responsible employee, whose capacity or title shall be indicated, and who is in a position to know that the data or information is correct.

(2) Meter charts shall be kept on file at the office of the transmitter, and the commission shall have access to all such records at any reasonable time. Also refer to R 460.902 in "standards of gas service."

History: 1944 AC, p. 968; 1954 AC, p. 6084.

R 460.875 Filing of rates, contracts, and regulations.

Rule 25. (1) Complete rate schedules, and rules and regulations governing each common purchaser's or common carrier's relations with its producers and distributors, shall be filed in compliance with commission order D-3096, or in pertinent superseding or modifying orders. In case all purchase contracts in a single field are identical, the filing of such contracts as provided in section 25(2) hereof, shall be considered as fulfillment by the common purchaser of this requirement.

(2) Every common purchaser or common carrier shall file with the commission a true and verified copy of any contracts for purchasing, receiving or supplying of gas within 30 days after the making thereof.

(3) No change shall be made in any filed rates, charges, rules or regulations without approval of the commission.

History: 1944 AC, p. 968; 1954 AC, p. 6084

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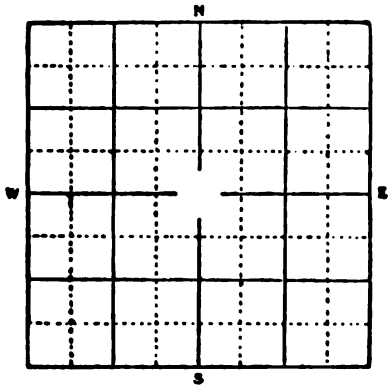
Utilities distributing natural gas should also refer to and be governed by "standards of gas service," commission order no. 1982.

APPENDIX A

STATE OF MICHIGAN

Michigan Public Service Commission

APPLICATION FOR A STANDARD WELL CONNECTION PERMIT



Plat well location and lease boundary lines.
Note: If property is irregular in form attach legal description by metes and bounds together with large sketch giving dimensions and distances in ft.

Date _____, 19____

1. PRODUCER _____
   Address _____
2. Name of lease _____
   _____ Well No. ____
3. Drilling permit No. _____
4. Legal description of drilling and producing unit assigned this well on which gas rights are common or pooled by community agreement for proration purposes.

_____

_____

_____

_____township, _____county and containing _____acres.

5. Well is located: _____ ft. _____ and _____ ft. _____ of nearest
   (N. or S.) (E. or W.)
   section lines.
6. Date well completed _____, 19____ 7. Date well gauged _____, 19____
8. By whom gauged _____ 9. Method of gauging _____
10. Open flow capacity _____ cu. ft./24 hrs. 11. Shut in pressure _____
12. Depth to top of pay _____ ft. 13. Depth to bottom of pay _____ ft.
14. Total depth of well _____ ft. 15. Specific gravity of gas _____
16. Gas to be purchased by _____
17. Attach copy of signed contact for purchase of gas.

STATE OF MICHIGAN
County of _____ } ss. By _____
(Title)

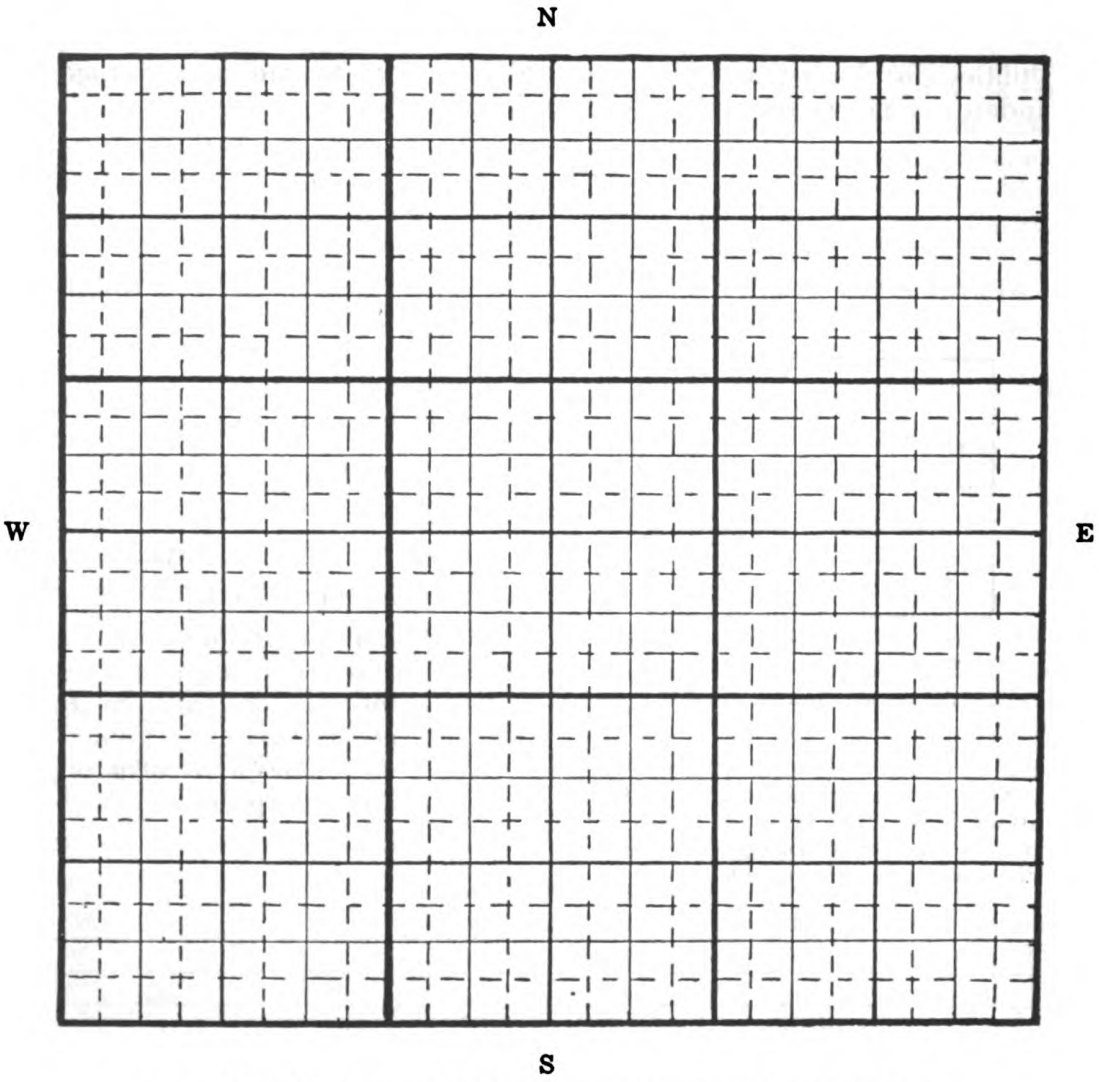
_____, being duly sworn says that he is _____
(Officer)

of the petitioner; that he executed the foregoing petition with full authority; that he knows all the facts therein set forth, and they are true of his own knowledge, except as to those stated upon information and belief, which he believes to be true.

Subscribed and sworn to before me this _____ day of _____ A.D. 19____

_____ Notary public _____ county, Michigan.

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Use this plat as a part of the connection permit application

APPENDIX A

STATE OF MICHIGAN

Before the Michigan Public Service Commission

Standard Well Connection Permit No. _____

In re application of _____

for permission to connect gas well designated as _____

_____ Drilling permit No. _____ to gathering lines of

_____

(Name of Transmitter)

Location of well: _____ township _____ county

_____ ft. _____ and _____ ft. _____ of nearest section lines in the

N. or S. E. or W.

_____ ¼ of the _____ ¼ of the _____ ¼ of Sec. _____

T _____, R _____

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Said application having been made pursuant to commission order No. D-2883 (revised), issued by authority of Act No. 9 of Public Acts of 1929, and Act No. 326, Public Acts of 1937, and a contract having been entered into with the operator of said pipe line for the taking of gas from the above well.

THEREFORE, IT IS ORDERED that applicant be permitted to construct the wellhead connections at the well as described, that _____ (Name of Transmitter) be permitted to connect its gathering lines thereto, and that production of gas shall be permitted in accordance with allowable withdrawal orders to be issued.

That the wellhead connections shall be substantially as shown on plate 1.A, appendix A, of Michigan Public Service Commission order No. D-2883.

That the allowable withdrawal of gas from the well shall be as set forth in allowable withdrawal orders as issued by the commission at such intervals as it may deem necessary.

Given under our hands and the official seal of this commission at the city of Lansing, state of Michigan, this _____ day of _____ A.D. 19____

MICHIGAN PUBLIC SERVICE COMMISSION

By _____
Chairman

_____
Commissioner

_____
Commissioner

_____
Commissioner

_____
Commissioner

Countersigned

_____
Secretary

STATE OF MICHIGAN

Michigan Public Service Commission

ALLOWABLE WITHDRAWAL ORDER

M. P. S. C. WELL CONNECTION PERMIT NO. _____
Drilling permit No. _____
Revision No. _____
Date issued _____, 19____
Date effective _____, 19____
Revising sheet No. _____
Name and number of well _____
Revision due to _____
Location _____ township _____ County
_____ ¼ of the _____ ¼ of the _____ ¼ of Sec. _____
T _____, R _____
Production area assigned well _____
Date well completed _____, 19____

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Original test by commission: Date _____, 19____
Wellhead pressure _____ Absolute open flow _____
Acreage factor _____ Modified open flow _____
Present revised data:
Date of test _____, 19____
Wellhead pressure _____ Absolute open flow _____
Acreage factor _____ Modified open flow _____

Production of gas from this well shall conform with "minimum take" and proration rules of the commission, as specifically provided for in proration schedules to be issued.

Minimum allowable _____ M. Cu. Ft. per month.

	Maximum allowable withdrawal
In 12 months	M. Cu. Ft.
In 6 months	M. Cu. Ft.
In 1 month	M. Cu. Ft.
In 1 day	M. Cu. Ft.

MICHIGAN PUBLIC SERVICE COMMISSION
By _____
Secretary

STATE OF MICHIGAN
Michigan Public Service Commission

PRODUCER'S MONTHLY REPORT

Name of producer _____
Name of purchaser or transmitter _____
For month ending _____, 19____
Field _____ township _____

Name and Number of Well	Gas Sold M. Cubic Feet
Total Gas Sold	

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Remarks _____

_____

_____

By _____
Title

STATE OF MICHIGAN
Michigan Public Service Commission
PRODUCER'S MONTHLY REPORT
MISCELLANEOUS GAS SALES

Month ending _____, 19____
Name of producer _____
Lease name _____ M.P.S.C. Well No. _____
Location: _____ ¼ Sec. _____, T _____ N, _____ R _____ E.
S. W.
To whom sold: Name _____
Location: _____ ¼ Sec. _____, T _____ N, _____ R _____ E.
S. W.
Volume, M. Cu. Ft. _____
Estimated volume, flat rate sales: _____ M. Cu. Ft.
Sale value: _____
Purposes for which used: _____
_____
_____
Remarks: _____
_____
_____
_____

By _____
Title

TRANSMISSION LINE CONSTRUCTION APPLICATION
(Natural Gas)
State of Michigan
MICHIGAN PUBLIC SERVICE COMMISSION

To the Michigan Public Service Commission:
Your Petitioner, _____
_____
respectfully represents:
1. That petitioner is a _____
Person, co-partnership or corporation
whose residence or place of business is at _____,
_____ county, state of Michigan.
2. That it is the purpose of the applicant to construct transmission mains for the transportation or conveying of natural gas from sources of supply to the locality or

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localities where the said natural gas is to be utilized, the said sources and locality or localities being described as follows:

_____

_____

_____

_____

3. That attached hereto and made a part hereof is a map or plat of proposed line or lines, showing the dimensions and characters of such line or lines, compression stations, control valves and connections.

4. That attached hereto and made a part hereof is an exhibit showing the gas reserves served by the proposed main or mains.

5. That attached hereto and made a part hereof is a schedule of the rates and prices at which the applicant herein will receive gas at delivery stations and a schedule of rates or charges at which it will deliver gas to connecting carriers or distributing lines or customers, and, in case it is proposed to operate as a carrier for hire, a schedule of the rates and charges to be made for the services to be performed by the applicant.

6. That attached hereto and made a part hereof are certified copies of all contracts now signed for the purchase or sale of natural gas.

7. That attached hereto and made a part hereof is a carefully compiled estimate by expert engineers setting forth the total cost of the completed project.

8. That attached hereto and made a part hereof is a carefully prepared estimate by competent engineers showing the anticipated revenue, operating expenses and earnings for a five-year period.

And said petitioner, therefore, prays that the Michigan Public Service Commission, under the authority of Act No. 9, of the Public Acts of Michigan for the year 1929, may grant to said petitioner its approval of the said map or plat and of the construction of said line or lines and may determine that such line or lines, when constructed and in operation, will serve the convenience and necessity of the public.

_____

By _____
Title

STATE OF MICHIGAN,
County of _____ } ss.

_____

Being duly sworn, deposes and says that he is _____
Officer

of the above named petitioner; that he has executed the foregoing petition with full authority so to do; that he has actual knowledge of all the facts therein set forth, and the same is true of his own knowledge, except as to the matters therein stated to be upon his information and belief, and as to those matters, he believes it to be true.

Subscribed and sworn before me this _____ day of _____ A.D. 19____.

Notary public _____ county, Mich.
My commission expires _____

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STATE OF MICHIGAN
Michigan Public Service Commission

GAS TRANSMITTER'S MONTHLY REPORT

Name of transmitter _____

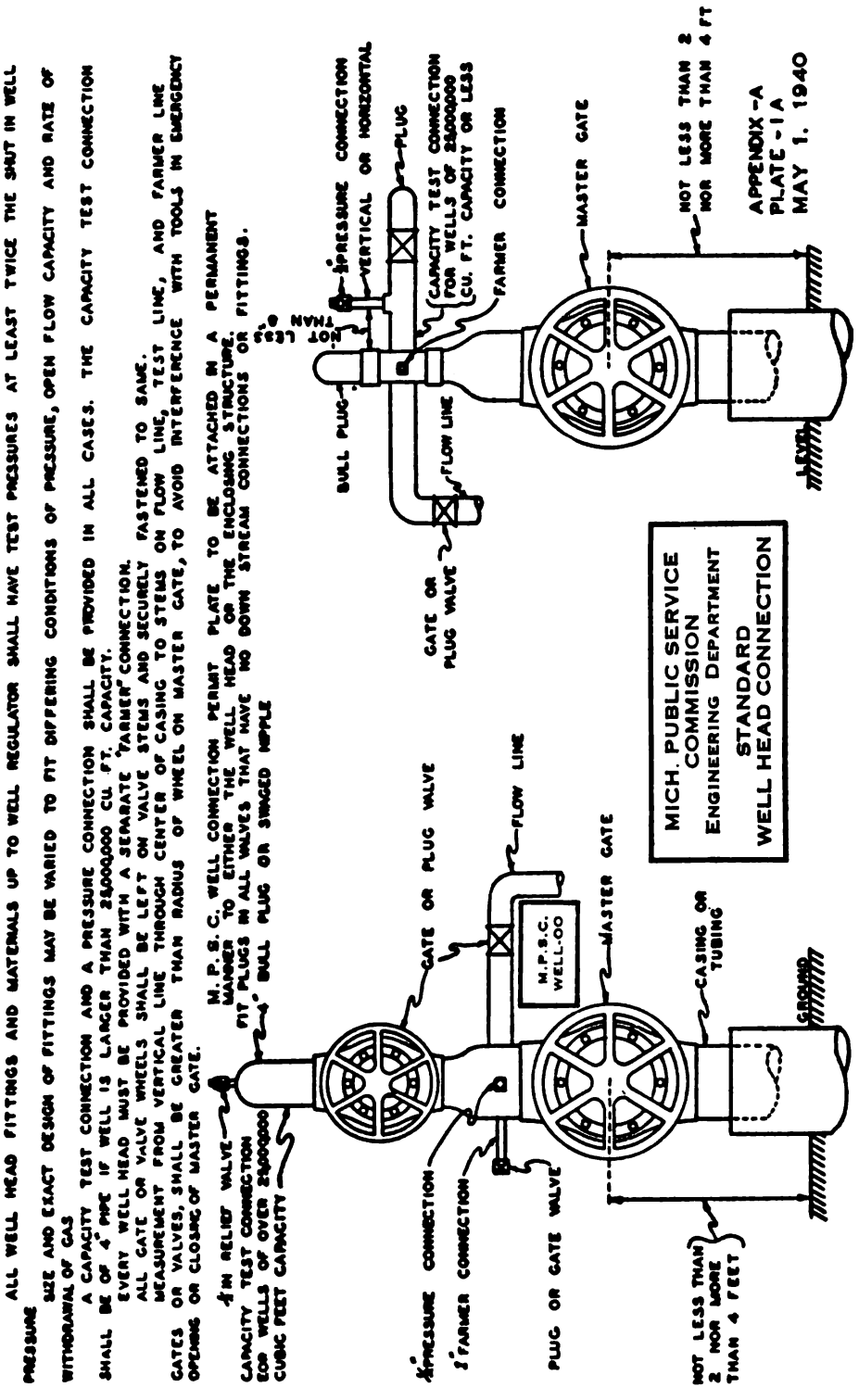
Month ending _____, 19____ Name of field _____
(Report each field or line separately)

Gas purchased from (Name of producer)	M. cubic feet
Total gas purchased from field	
Sales of gas (Name of purchaser and location)	
TOTAL GAS SOLD	
GAS USED BY TRANSMITTER	
GAS UNACCOUNTED FOR	

By _____
Title

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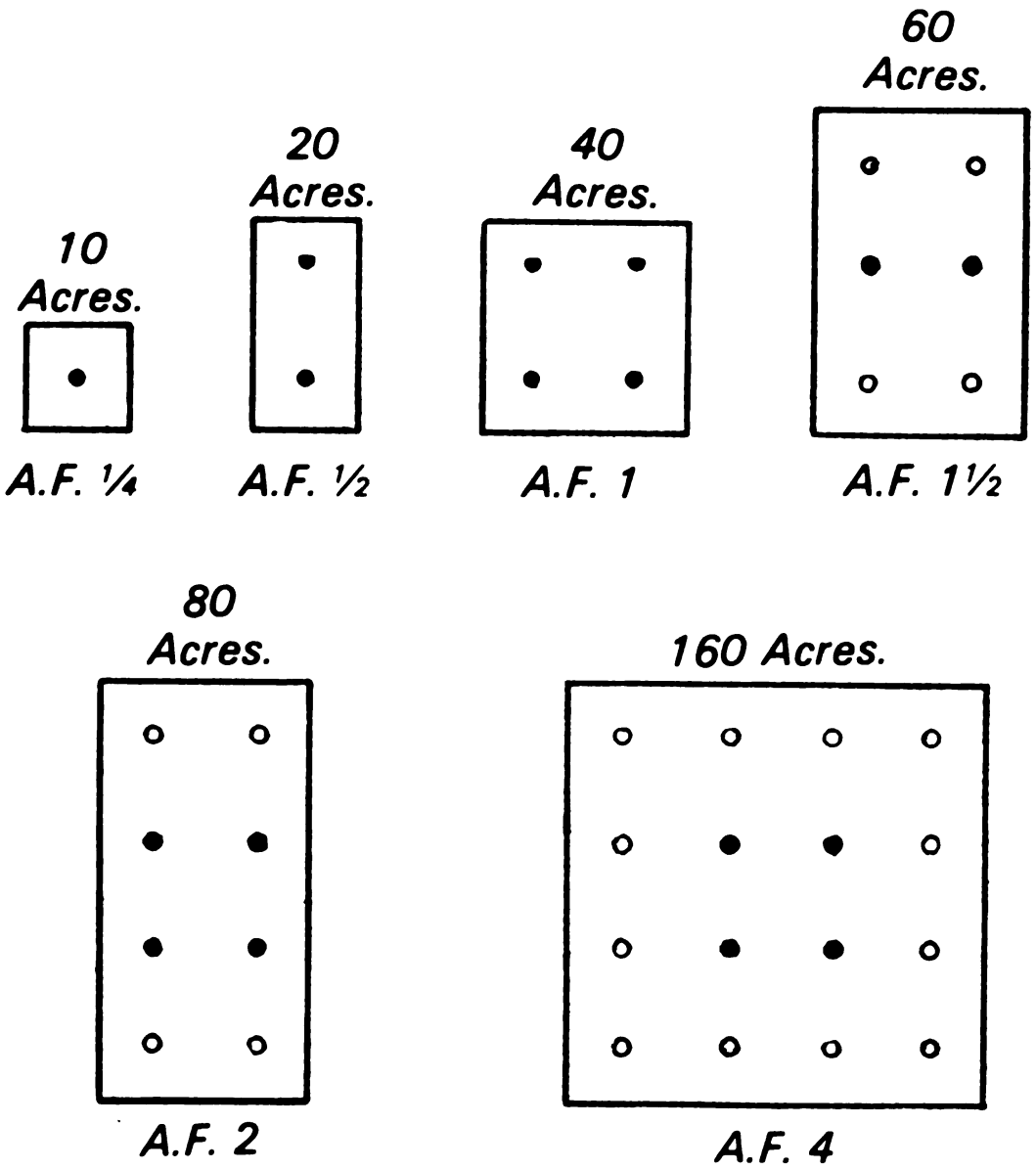
PLATE 1A



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PLATE 2A

Acreage Factors for Various Sized
Tracts in the Walker-Talmadge Oil Field.



Above well locations are on the normal 10-acre pattern used in Walker-Talmadge oil field.

Those well locations shown in solid black represent Traverse oil wells that may be deepened or plugged back to obtain gas production with acreage factors as stated. On tracts of 20 acres or more, operator may deepen or plug back only 1 of the wells shown in black in order to secure maximum allowable for the tract. The deepening or plugging back of a second well on the same tract, regardless of size of tract, shall not increase the allowable. If, at the option of the producer, any of the above Traverse wells, other than those in solid black, are deepened or plugged back, they shall receive the usual acreage factor prescribed by commission's order D-2883, effective May 1, 1940.

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STANDARDS OF GAS SERVICE

(By authority of section 5 of Act No. 419 of the Public Acts of 1919 and section 6 of Act No. 3 of the Public Acts of 1939, being §§460.55 and 460.6 of the Michigan Compiled Laws)

R 460.891—R 460.914 Rescinded.

History: 1944 AC, pp. 978-983; 1944 ACS 23, p. 5; 1954 AC, pp. 6094-6100; 1954 ACS 14, p. 21, Eff. May 15, 1958; rescinded 1954 ACS 96, p. 116, Eff. July 21, 1978.

R 460.915 Service requests.

Rule 25. (1) A full and prompt investigation shall be made of each service request received. The words "service request" as used in this rule, shall be construed to mean reasonable request or application made to a utility for an investigation or a readjustment of its charges, facilities or service.

(2) A record shall be kept of all service requests, showing the name and address of the requesting applicant, the date and time of day the request is received, the nature of the request, the name of the investigator or interviewer, the date of the investigation or interview, the result of the investigation or interview, and the final adjustment or disposal of the service request.

History: 1944 AC, pp. 983, 984; 1954 AC, p. 6101.

Editor's note: R 460.915 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.916 Rescinded.

History: 1944 AC, p. 984; 1954 AC, p. 6101; rescinded 1954 ACS 96, p. 116, Eff. July 21, 1978.

R 460.917 Meter readings.

Rule 27. All service meters shall be read not less frequently than once in every month, and an endeavor shall be made by the utility to read meters on the corresponding day of each meter reading period; provided, that special authority may be granted by the commission for the reading of meters less frequently than once a month if the circumstances warrant. If for reasons beyond the control of the utility it is impossible to read a meter for 2 successive monthly billing periods, it will be permissible for the utility to submit an estimated bill based upon past service records, the amount of such estimated bill to be adjusted as necessary when access to the meter is obtained.

History: 1944 AC, p. 984; 1954 AC, p. 6101.

Editor's note: R 460.917 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.918 Information on bills.

Rule 28. Bills rendered periodically to consumers for metered service shall show the readings of the meter at the beginning and end of the period for which the bill is rendered, the number of volumetric units of gas consumed, dates of meter readings and price per unit. On all bills which are computed on any other basis than a definite charge per volumetric unit of gas consumed, the other factors used in computing the bill shall be clearly stated so that the amount of the bill may be readily computed and checked from the information appearing on the bill. The complete rate schedule for the class of service used shall appear on the bill, provided that special authority may be granted by the commission governing the information to be shown upon the bills if circumstances warrant.

History: 1944 AC, p. 984; 1954 AC, p. 6101.

Editor's note: R 460.918 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

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R 460.919, R 460.920 Rescinded.

History: 1944 AC, p. 984; 1954 AC, pp. 6101, 6102; 1954 ACS 96, p. 116, Eff. July 21, 1978.

R 460.921 Deposits.

Rule 31. (1) A utility may require, as a guarantee of payment for current bills, a reasonable cash deposit from a consumer or prospective consumer. The amount of such deposit shall not exceed the estimated maximum amount of gas bills that would accumulate before discontinuances of service for nonpayment of bills. Interest at the rate of 4% per annum on such deposits for the time such deposit is held by the utility shall be paid by the utility to the consumer, provided, such deposit is held by the utility at least 6 months. Interest shall be payable on the return of the deposit, or annually upon demand of the consumer, except that interest on deposits exceeding $50.00 shall be paid semiannually. There shall be kept by each utility a record of all deposits received from consumers, showing the name of each consumer, the location of the premises occupied by the consumer at the time of making the deposit and each successive location while the deposit is being retained, the date of making and amount of deposit, and the date and amounts of interest paid, and any other desirable information. Each utility shall issue to every consumer from whom a deposit is received, a receipt for the deposit, printed or engraved on good grade bond paper. When the consumer's credit shall have been satisfactorily established, the deposit and interest due shall be returned to the consumer. When service is discontinued the deposit with interest due shall be credited against the final account and the balance, if any, shall be returned to the consumer. Each utility shall provide means whereby a consumer who shall be entitled to a return of his deposit shall not be deprived of such deposit even though he may be unable to produce the original receipt for the deposit.

(2) A deposit will not be required from any consumer whose credit is satisfactory to the utility and any consumer's or prospective consumer's account may be guaranteed by a responsible party in lieu of a deposit. The form prepared by the utility for such guarantee shall clearly state the maximum amount guaranteed by such guarantor and the utility shall not hold the guarantor responsible for any additional amount unless the guarantor agrees to the same in writing.

History: 1944 AC, p. 985; 1954 AC, pp. 6102, 6103.

Editor's note: R 460.921 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.922 Discounts or delayed payment charges.

Rule 32. The difference between the gross and net bills allowed for prompt payment shall be forfeited by the consumer if the net bill is not paid in full on or before the date on which the net bill is due; provided, however, that a utility may accept payment of the net bill after the due date under certain specific conditions which shall be set forth in its rules and regulations. Failure to receive a bill properly rendered by the utility will not extend the net bill period. If the date on which the net bill is due falls on a Sunday or holiday the bill shall be due on the next business day. Consumers mailing remittances before midnight of the last day of the net bill period shall receive the benefit of the net bill, the time of mailing to be determined from the postmark.

History: 1944 AC, p. 985; 1954 AC, p. 6103.

Editor's note: R 460.922 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

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R 460.923 Discontinuance of service.

Rule 33. If any bill for gas service rendered by a utility to a consumer remains unpaid for a period of 10 days after the expiration of the discount period, the utility shall have the right to discontinue such service upon 5 days' notice in writing of its intention to so discontinue, and such discontinuance shall be in effect until such bill, together with any other arrears, and with such charge for discontinuing and reconnecting the service as established and approved in the rate schedule, are paid; provided that, if the bill in question is paid under protest in order to secure continuity of service, the consumer affected shall be entitled to refund in case it shall later be shown that the bill was in error.

History: 1944 AC, p. 985; 1954 AC, p. 6103.
Editor's note: R 460.923 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.924 Rates.

Rule 34. Each utility shall file complete rate schedules with the commission in compliance with commission order no. 3096, as amended, or with pertinent superseding or modifying orders.

History: 1944 AC, p. 985; 1954 AC, p. 6103.
Editor's note: R 460.924 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.925 Access to public.

Rule 35. A copy of these rules, as published and furnished by the commission, also a copy of the rate schedule and rules and regulations of the utility as filed with the commission, shall be kept on file by each utility and open to public inspection; and suitable placards shall be conspicuously posted in the offices of the utility where consumers' bills are payable, calling the attention of the public to the fact that these rules and utility's schedules are so filed.

History: 1944 AC, p. 986; 1954 AC, p. 6103.
Editor's note: R 460.925 was rescinded by 1954 ACS 81, p. 123, Eff. Mar. 5, 1975, insofar as the rule applied to gas residential utility service.

R 460.926, R 460.927 Rescinded.

History: 1944 AC, p. 986; 1954 AC, p. 6104; rescinded 1954 ACS 98, p. 116, Eff. July 21, 1978.

UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

R 460.940—R 460.1212 Rescinded.

History: 1944 AC, pp. 986-1093; 1954 AC, pp. 6104-6221; rescinded 1954 ACS 24, pp. 31, 259, Eff. Jan. 1, 1961.

UNIFORM SYSTEM OF ACCOUNTS FOR WATER UTILITIES

R 460.1251—R 460.1422 Rescinded.

History: 1944 AC, pp. 1101-1173; 1954 AC, pp. 6228-6309; rescinded 1954 ACS 27, p. 31, Eff. Aug. 14, 1961.

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DEPARTMENT OF TRANSPORTATION

RAILROADS

(By authority of section 3 of Act No. 198 of the Public Acts of 1873, section 4 of Act No. 52 of the Public Acts of 1909, sections 5, 33, 34, 36, and 49 of Act No. 300 of the Public Acts of 1909, sections 3 and 5 of Act No. 419 of the Public Acts of 1919, section 2 of Act No. 102 of the Public Acts of 1927, sections 4 and 6 of Act No. 3 of the Public Acts of 1939, and section 3 of Act No. 156 of the Public Acts of 1941, being §§466.3, 469.204, 462.5, 462.33, 462.34, 462.36, 462.49, 460.53, 460.55, 469.82, 460.4, 460.6, and 470.103 of the Michigan Compiled Laws)

R 460.1451 Maintaining telephonic or audible signal devices and the operation of the same on manually operated snowplows on railroads in Michigan.

Rule 1. All Michigan railroads are ordered to cause all manually operated snowplows, or cars equipped with devices for the removal of snow from tracks, when used according to Act No. 102 of the Public Acts of 1927, to be equipped on or before November 1, 1944, with a telephonic device or with an electric signal bell equipment coupled to the locomotive or motor car handling such snowplow or car when in use, according to plans to be submitted to the commission for their approval. When electric signal bell is used the following communicating signals shall be used:

Number of Rings		Indication
2 Rings	when standing	start.
2 Rings	when running	stop at once.
3 Rings	when standing	back the train.
3 Rings	when running	stop at next passenger station.
4 Rings	when standing	apply or release air brakes.
4 Rings	when running	reduce speed.
5 Rings	when running	increase speed.

History: 1944 AC, p. 1183; 1954 AC, p. 6319.

R 460.1452 Filing of working time cards, train order blanks, and train releases.

Rule 2. Every railroad doing business within the state of Michigan whether operated by steam, electric or other motive power, shall, within 30 days from date hereof, deliver to the commission for its use 1 copy of each of its current working time cards, train order blanks and releases, and of all rules governing movement of trains not published in the foregoing, and shall hereafter so file all such working time cards, train order blanks, and releases, and rules for working trains, at once upon issuance of the same.

History: 1944 AC, p. 1183; 1954 AC, p. 6319.

R 460.1453 Mechanical and electrical signal protection at highway crossings of railroads.

Rule 3. (1) Whenever any mechanical or electrical signal protection, installed at any crossing of a highway by the tracks of a railroad in this state to warn highway traffic of the approach of engines and trains, be found inoperative, thereby failing to warn highway traffic of the approach of engines and trains, the company operating such railroad shall, as soon as possible, station at such crossing a watchman to warn highway traffic of the approach of engines and trains until such signals are restored to working order.

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(2) With respect to the construction of highway crossing signals, the commission will from time to time issue approved plans and specifications as conditions may require.

History: 1944 AC, p. 1183; 1954 AC, p. 6319.

R 460.1454 Free transportation.

Rule 4. (1) Policemen and firemen in uniform and in the discharge of their duties are hereby designated as persons to whom common carriers may lawfully, at their option, issue or give free transportation as passengers within the limits of cities.

(2) Former employees of railroad companies who have retired from active work of all kinds by reason of old age, infirmity or permanent disability, and widows and dependent minor children of deceased railroad employees, are hereby designated as persons to whom common carriers may lawfully, at their option, issue or give free transportation.

(3) Necessary attendants of the Michigan department of conservation, not exceeding 6, and 1 messenger accompanying delivery of cans of fish or cases of fish eggs, not to exceed 30 in number, or returning from such delivery, are hereby designated as persons to whom common carriers may lawfully, at their option and on application from said department, issue or give free transportation as passengers.

(4) Necessary attendants of the United States department of interior (fish and wildlife service cars), not exceeding 6 in number, and 1 messenger accompanying delivery of cans of fish or cases of fish eggs, not exceeding 30 in number, or returning after such delivery, are hereby designated as persons to whom the Michigan Central railroad (New York Central railroad company, lessee), the New York Central railroad company, the Pere Marquette railway company, the Pennsylvania railroad, the Detroit and Mackinac railway company, the Ann Arbor railroad company, the Chicago and North Western railway company, the Duluth, South Shore and Atlantic railway company and the Minneapolis, St. Paul and Sault Ste. Marie railway company, common carriers, may lawfully at their option, and on application from said department, issue or give free transportation as passengers; provided that said transportation is to be used in connection with the planting of fish.

(5) Rate inspectors of the Michigan public service commission, duly appointed and bearing proper certificates, are hereby designated as persons to whom carriers may lawfully, at their option, issue or give free transportation, for use only while on official business pertaining to their work as inspectors.

(6) Lecturers and demonstrators, not exceeding 10 in number, are hereby designated as persons to whom common carriers may lawfully, at their option, issue or give free transportation as passengers upon special institute train.

(7) Employees of the international correspondence school, while actually travelling on railroads in this state for the purpose of instructing or educating railroad engineers and firemen in locomotive mechanics; and engineers, firemen, conductors or brakemen in the use of air brakes on railroad trains, are hereby designated as persons to whom common carriers may lawfully, at their option, issue or give free transportation as passengers within this state.

(8) The secretaries and managers of Michigan tourist resort and land settlement associations, which have been approved as such by the Michigan public service commission, are hereby designated as persons to whom the railroads of the state of Michigan may lawfully, at their option, issue or give free transportation as passengers while said persons are necessarily riding from place to place in the

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state of Michigan in the interest of the work of said tourist and resort associations, and not otherwise.

(9) Such railroad companies operating as common carriers in this state as desire to do so may handle freight free, when consigned to regularly constituted relief committees for the relief of sufferers from forest fires, without filing tariffs to cover such movement and upon issuance by any such company of free billing order to its interested agents.

(10) Every railroad company doing business within the state of Michigan, whether operated by steam, electricity or other motive power, shall, on or before February 1, 1945, and on or before the same date in each and every year thereafter, file with the Michigan public service commission on forms to be furnished by said commission, a verified list of all free tickets, free passes and free transportation issued or given by it during the year ending the December 31 preceding, together with the full name and address of recipient thereof and the reason for issuing the same; provided that this shall not be deemed to require the filing of list of such free tickets, free passes and free transportation issued or given by it to its employees or their families, its officers, agents, surgeons, physicians or attorneys at law, and members of their families, or the officers, agents, attorneys and employees of other common carriers and their families.

(11) The several railroads of the state may, at their option, transport school-children to and from public or private schools between such points as is necessary for them to travel in order to attend said schools, whether located in the city, village or township in which the pupil resides, or in some other city, village or township, and on such days as said schools are in session, and under such other conditions as may be arranged between the officials of said transportation companies and the officers of said school district, or the parents of said pupils, at such a rate less than the regularly published fare as may be agreed upon, and the same shall not be deemed by this commission to be a violation of the law.

History: 1944 AC, p. 1183; 1954 AC, p. 6319.

R 460.1455 Construction of end platforms and platform steps on caboose and way cars.

Rule 5. All cabooses or way cars for use on lines of railroads within the state of Michigan shall be equipped according to plans to be submitted by the railroads to the Michigan public service commission for its approval.

History: 1944 AC, p. 1185; 1954 AC, p. 6321.

R 460.1456 Regulation of the speed of trains over interlocking crossings.

Rule 6. Effective January 1, 1945, all existing orders of approval for interlocking and derailing switch and signal systems and all general orders establishing speed limits over interlocked railroad crossings are hereby revised and amended to eliminate speed restrictions. This commission expressly reserves full power and authority under section 11050, being §462.34 of the Michigan Compiled Laws, to order and direct that the rate of speed of trains or cars passing over dangerous or defective tracks or interlockers shall be restricted until proper repairs have been made.

History: 1944 AC, p. 1185; 1954 AC, p. 6321.

R 460.1457 Abandonment and removal of tracks.

Rule 7. (1) Whenever it is proposed to discontinue service from, to or on sidetracks, spurs and branches or abandonment or removal of said sidetracks, spurs or branches, the public shall be given 10 days' notice of the proposed

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discontinuance of service or abandonment, by posting a notice in the nearest open station and on the day of said posting, shall publish notice in a newspaper of general circulation in the community affected by such proposed discontinuance of service or abandonment.

(2) The railroad shall file with this commission an affidavit of a person having personal knowledge that said notice was posted in the nearest open depot or station, which affidavit shall state the place and time of the posting and shall have annexed thereto an exact copy of said notice. The railroad shall also file with the commission due proof of the publication of said notice in a newspaper of general circulation, as aforesaid. Such notice shall plainly state that any interested person desiring to protest the discontinuance of the service, or the abandonment of the tracks, must file his protest with the Michigan public service commission at Lansing, Michigan, and that to be effective such protest must be on file with the commission not later than 5 days after the effective date of said notice. Railroad companies shall not discontinue service from, to or on sidetracks, spurs and branches or abandon or remove said sidetracks, spurs or branches until 10 days after the effective date of said notice.

(3) If after the expiration of the 5 days following the 10 days' notice, no protest has been received by the commission or railroad against the discontinuance of service or the abandonment or removal of said tracks, the railroad shall have authority to discontinue service or abandon or remove said tracks. However, if protests are received by the commission, due notice shall be given fixing the time and place for a hearing of the protests by the commission, and the railroad shall forthwith be given notice of said hearing and they shall not discontinue service nor abandon the sidetracks until after hearing and a determination of the public convenience and necessity by the commission for the continuation of said service and maintenance of said tracks.

History: 1944 AC, p. 1185; 1954 AC, p. 6321.

R 460.1458 Application for permission to construct bridges, buildings, or other structures with less clearance than provided by law.

Rule 8. Any person who, at any time, desires to construct, erect or place, and thereafter maintain, over or adjacent to any railroad track or sidetrack which is a part of, or is in anywise connected with, any railroad, any bridge, structure, pole or other immovable obstruction, which shall be within, or any loading or unloading device, the immovable or fixed parts of which shall be within, the clear spaces over or adjacent to any such track which are provided for in Act No. 156 of the Public Acts of 1941, may make application on forms provided by the Michigan public service commission. Three or more copies of an application for such permission shall be submitted. Each copy of the application must be accompanied by a plan showing the location of the railroad track or sidetrack and of the proposed bridge, structure, pole or other immovable obstruction, or loading or unloading device, as the case may be, and the clear space afforded thereby from a perpendicular extending through the center line of said track, and above the plane of the top of the rails of said track. The application should be addressed to the Michigan Public Service Commission, Lansing, Michigan.

History: 1944 AC, p. 1185; 1954 AC, p. 6321.

R 460.1459 Reports of accidents.

Rule 9. Officials charged with the duty of reporting train accidents, train service accidents and nontrain accidents to this commission, shall cause a prompt report by telegraph to be sent to this commission of fatal accidents falling within

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the aforesaid classes of accidents. The details of such accidents to be set forth on form T of the "monthly report of railway accidents" or on form I in case of nontrain accidents, which monthly accident report must be filed with this commission within 30 days following the month in which said accident occurred, and nonfatal accidents falling within the aforesaid classes of accidents need not be reported by telegraph but must be reported on form T of the "monthly report of railway accidents" or on form I in case of nontrain accidents within 30 days following the month in which said accident occurred, and in case of a train accident, as classified by the interstate commerce commission, bureau of statistics, resulting in the injury or death of trainmen or passengers, a telegraphic report must be filed with this commission as soon as the accident has been reported to the railroad officials, so that this commission may, if it deems necessary, cause an investigation to be made of said accident.

History: 1944 AC, p. 1186; 1954 AC, p. 6322.

SANITATION AND SHELTER FOR RAILROAD EMPLOYEES

(By authority of Act No. 419 of the Public Acts of 1919, being §460.51 et seq. of the Michigan Compiled Laws)

R 460.1461 Jurisdiction; discretion; request.

Rule 1. Adequate facilities of sanitation and shelter for railroad clerical, platform, freight house and express employees shall be provided by all railroad companies under the jurisdiction of this commission in accordance with the following rules, if in the judgment of the commission after investigation and hearing, if requested, such facilities, or any of them, are necessary for the health and welfare of said railroad employees.

History: 1954 ACS 20, p. 15, Eff. Nov. 14, 1959.

R 460.1462 Office employees.

Rule 2. Railroad offices such as general offices, freight offices, yard offices, ticket offices and express offices, shall be reasonably clean, heated and ventilated; further, the employer shall provide sufficient toilet facilities for female and male employees in those offices.

History: 1954 ACS 20, p. 15, Eff. Nov. 14, 1959.

R 460.1463 Employees performing service outdoors.

Rule 3. At locations where change of wearing apparel is required at which yard clerks, car checkers, freight house employees, mail and/or baggage handlers and express employees are employed, lockers will be provided at points where such employees are required to report for duty or are relieved from duty, and where 10 or more are employed, the locker area, which shall be partitioned and adequately heated and lighted, shall consist of not less than 80 square feet of clear floor space for each such 10 employees on duty at any 1 time. Where lockers are not now provided, a sufficient number of metal lockers shall be provided, the inside dimensions of which shall not be less than 72 inches high, 15 inches wide and 18 inches deep, save that, in such locations where larger lockers shall be deemed necessary, they shall be provided as shall be agreed to between the railroad company and its employees. Said lockers shall be equipped on the inside with a top shelf, and not less than 1 clothes hook on each side, a hanger bar, and also sufficient openings in the door for the purpose of ventilation. Tables and benches or chairs, in accordance with the number of employees using the facilities, shall be furnished.

History: 1954 ACS 20, p. 15, Eff. Nov. 14, 1959.

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R 460.1464 General requirements.

Rule 4. The following standards shall apply to facilities of sanitation and shelter furnished for all railroad clerical, platform, freight house and express employees in office and yard service:

(a) Where running water and sewers are reasonably available or where physical conditions and laws, ordinances and public authorities permit the use of septic tanks in lieu of sewers, the employer shall provide hot and cold running water and suitable, adequate and convenient water closet and washing facilities, separate for each sex and plainly designated. Such facilities shall be adequately lighted, ventilated and maintained; every toilet shall be arranged so as to assure privacy in use; and flush toilets shall be provided in accordance with the following minimum requirements.

Number of Persons	Number of Toilets
1 to 10	1
11 to 24	2
25 to 49	3
50 to 100	5
100 or over	1 for each additional 25 persons

(b) Wherever urinals are provided, 1 urinal may be substituted for 1 toilet provided the number of toilets shall not be reduced to less than ⅔ the number shown in the above table.

(c) All inside toilet facilities shall be made of materials impervious and resistant to moisture, and shall be fitted with individual flush system. In the case of urinals, the water may be allowed to run continuously.

(d) The walls of compartments or partitions between toilet fixtures may be less than room height, but the top shall not be less than 5 feet from the floor and the bottom not more than 1 foot from the floor.

(e) An adequate supply of cool, sanitary water, satisfactory for drinking purposes, shall be made available. The company shall furnish individual drinking cups in all offices or other facilities where drinking fountains or bubblers are not furnished.

(f) During the period of the year in which insects are prevalent, screens will be furnished for the windows and doors.

History: 1954 ACS 20, p. 16, Eff. Nov. 14, 1959.

R 460.1465 Running facilities.

Rule 5. Baggage and express cars, when occupied by employees coming under the provisions of these rules, while moving in trains, either will have drinking water, toilet and washing facilities, or if not so equipped, will be so arranged in the train that employees required to ride such cars will have access to drinking water, toilet, and washing facilities.

History: 1954 ACS 20, p. 16, Eff. Nov. 14, 1959.

R 460.1466 Construction and maintenance of outside toilets used by employees.

Rule 6. (1) The commission may, after proper investigation, hearing and order in the matter, permit the installation and maintenance of outside toilet facilities, where it is found otherwise impractical to install inside toilet and urinal facilities.

(2) Where outside toilets are installed and maintained in accordance with the above paragraph, they shall be located on ground that is well drained and where there is no possibility of contaminating any drinking water supply.

(3) Suitable approach, such as concrete, gravel or cinder walk, shall be provided.

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(4) All windows, ventilators, and other openings, except doors, shall be screened to prevent the entrance of insects. A separate ventilator duct, with hood, shall be provided for the vault, and shall extend above the roof.

(5) The entire installation must be kept clean and sanitary. Milk of lime (freshly slaked lime) or other equally effective disinfectant shall be used in the vault and in the urinal trough in sufficient quantities and at frequent intervals.

History: 1954 ACS 20, p. 16, Eff. Nov. 14, 1959.

R 460.1467 Existing facilities; continuance.

Rule 7. Any shelter and sanitary facilities which have been constructed and are presently being maintained in accordance with an agreement heretofore entered into between the parties in interest, and agreed to or ordered by the commission, shall be deemed a complete compliance with these rules, until such time as a specific complaint is filed with the commission claiming that, on account of changes made in the uses of the facilities, such facilities are inadequate; provided nothing herein shall be construed to abrogate or limit any agreement between the interested parties now in effect which provides for better or more adequate facilities, or to prevent the negotiation of such an agreement in the future.

History: 1954 ACS 20, p. 17, Eff. Nov. 14, 1959.

R 460.1468 Existing facilities; complaint.

Rule 8. In the absence of specific complaint, present facilities shall be deemed adequate. In the event of a complaint filed hereafter in respect of such facilities, and the commission shall find the same inadequate, the railroad company involved shall have a reasonable time in which to complete the work required in the light of the then existing situation, circumstances, and conditions.

History: 1954 ACS 20, p. 17, Eff. Nov. 14, 1959.

R 460.1469 Hearing.

Rule 9. In the event of any dispute or disagreement between any employee and any employer as to the intent, meaning and interpretation of any or all of the rules hereinabove set forth, the commission reserves unto itself the right to set a hearing thereon, and to issue appropriate order or orders, so as to effectuate and carry out the intent and purpose of said rules.

History: 1954 ACS 20, p. 17, Eff. Nov. 14, 1959.

R 460.1470 Relief; modification of rules.

Rule 10. Any railroad company being of the opinion that the application or enforcement of these rules, or any part thereof, at any particular place, will be unjust or unreasonable, may apply to the commission for relief therefrom, and the commission may, by written order, relieve said railroad company from the application of these rules, or any part thereof, at such place, or modify the same in such manner and to such extent as shall be just and reasonable.

History: 1954 ACS 20, p. 17, Eff. Nov. 14, 1959.

SANITATION AND SHELTER FOR RAILROAD EMPLOYEES

(By authority of Act No. 419 of the Public Acts of 1919, Act No. 9 of the Public Acts of 1929, as amended, and Act No. 3 of the Public Acts of 1939, as amended, being §460.51 et seq., §483.101 et seq. and §460.1 et seq. of the Michigan Compiled Laws)

R 460.1471 Definitions.

Rule 1. The words and phrases used herein shall be construed as follows, unless the context shall otherwise require:

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(a) The term "localized facilities," when used herein, shall mean those facilities of sanitation or shelter for the welfare and health of railroad trainmen, enginemen and yardmen, which facilities are to be maintained at points where employees are required to report for duty or are relieved from duty.

(b) The term "highway crossing shanty," when used herein, shall mean a building at which public highway crossing watchmen are regularly stationed for performance of their duties.

(c) The term "running facilities," when used herein, shall mean those facilities of sanitation or shelter to be maintained on engines, trains or cabooses for the welfare and health of railroad trainmen, enginemen and yardmen.

(d) The term "camp facilities," when used herein, shall mean those facilities of sanitation or shelter for the welfare and health of maintenance of way employees, when such facilities are to be maintained at railroad camps of a permanent or seasonal nature, or are located in movable cars when used for housing maintenance of way employees.

(e) The term "crossing watchmen," when used herein, shall include such employees as are used in the flagging of public highway crossings or in the actual operation of manually controlled gates, public highway crossing signals, or other appurtenances having to do with the protection of such crossings.

(f) The term "section house facilities," when used herein, shall mean the shelter facilities maintained for maintenance of way employees at points where such employees report for duty or are relieved from duty.

History: 1944 ACS 18, p. 45; 1954 AC, p. 6323.

R 460.1472 Localized facilities.

Rule 2. Adequate localized facilities, as defined in R 460.1471(a), consisting, as in each location may be necessary, of the following facilities, installed and maintained as specified, shall be furnished by all railroad companies under the jurisdiction of this commission, if, in the judgment of the commission, such facilities, or any of them, are necessary for the welfare and health of the above-mentioned employees:

(a) There shall be provided a locker room, separate from the toilet room by solid partitions, where the employees may change their clothing. The area of such room shall not be less than 80 square feet of clear floor space for 10 employees, and adequate space to be added for additional employees.

Necessary benches and tables shall be provided.

(b) Where lockers are not now provided, a sufficient number of metal lockers shall be provided, the dimensions of which shall not be less than 72 inches high, 15 inches wide and 18 inches deep, save that, in such locations where larger lockers shall be deemed necessary, they shall be provided as shall be agreed to between the railroad company and its employees. Said lockers shall be equipped on the inside with a top shelf, and not less than 1 clothes hook on each side, a hanger bar, and also sufficient openings in the door for the purpose of ventilation.

(c) Where running water and sewers are reasonably available or where physical conditions and ordinances permit the use of septic tanks in lieu of sewers, hot and cold running water, sufficient wash bowls and shower facilities, and flush toilets in accordance with the following minimum requirements, shall be provided:

Number of Persons	Number of Toilets
1 to 10	1
11 to 24	2

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Number of Persons	Number of Toilets
25 to 49	3
50 to 100	5
100 or over	1 for each additional 25 persons

(d) Wherever urinals are provided, 1 urinal may be substituted for 1 toilet, provided the number of toilets shall not be reduced to less than ⅔ the number shown in the above table.

(e) If practical, every toilet room shall be so located as to open to the outside light and air by windows or skylights.

(f) All inside toilet facilities shall be made of materials impervious and resistant to moisture, and shall be fitted with individual flush systems. In the case of urinals, the water may be allowed to run continuously.

(g) The walls of compartments or partitions between toilet fixtures may be less than room height, but the top shall not be less than 5 feet from the floor and the bottom not more than 1 foot from the floor.

(h) An adequate supply of cool, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Where necessary, this water shall be provided in suitable sanitary containers, conveniently placed for the use of the above-mentioned employees, and each container will be equipped with a faucet or other dispenser. The company shall furnish individual drinking cups.

(i) Locker and toilet rooms shall be adequately heated, ventilated, lighted, and provided with screens, and said facilities shall be kept reasonably clean by the employer.

History: 1944 ACS 18, p. 46; 1954 AC, p. 6323.

R 460.1473 Running facilities.

Rule 3. (1) Adequate toilet facilities shall be made available for trainmen, enginemen and yardmen, after hearing thereon and order by the commission, which toilet facilities shall be kept in a reasonably clean and sanitary condition.

(2) All yard diesels shall have the floors cleaned and the windows washed at reasonable intervals.

(3) All cabooses shall have the interior washed once each year. Road cabooses used on trains handling ore in open top equipment, and all yard and transfer cabooses, shall have the floors scrubbed or mopped once each month. Other road cabooses on any run shall have the floors scrubbed or mopped once each month, if the crew using same request it.

Windows on all cabooses shall be washed once a month, except in freezing weather.

(4) When required by the season of the year, doors and windows of cabooses shall be equipped with adequate metal stripping. Similarly, when required by the season of the year, cabooses shall be equipped with screen doors or screen panels, and windows on each side of each caboose shall be screened. Sliding screen windows, however, shall be deemed adequate.

(5) An adequate supply of cool, sanitary water, satisfactory for drinking purposes, shall be made available for the use of trainmen, enginemen and yardmen. Suitable sanitary containers, equipped with a faucet or other dispenser, shall be maintained on cabooses and locomotives, and individual drinking cups shall be furnished by the company.

(6) Every caboose used in any train in this state, regardless of service, shall be provided with a stove or other adequate means of heating. A sufficient amount of fuel for the trip or shift shall be made available.

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(7) Baggage and express cars, when occupied by employees coming under the provisions of this act, will be so arranged in the train that employees required to ride such cars will have access to the drinking water, toilet and washing facilities provided in a coach in said train; and, if it is found impractical to so arrange said cars in the train, then drinking water, toilet and washing facilities must be furnished for the employees riding said cars upon formal order of and by the commission.

History: 1944 ACS 18, p. 46; 1954 AC, p. 6324; 1954 ACS 1, p. 35, Eff. Mar. 18, 1955.

R 460.1474 Crossing watchmen facilities.

Rule 4. (1) Adequate shelter shall be furnished for crossing watchmen, and said shelter shall be properly sealed and insulated against cold, and heated.

(2) If, in the judgment of the commission, it is practical, toilet and washing facilities will be furnished as the commission may require, after inspection and agreement or hearing in the matter.

History: 1944 ACS 18, p. 47; 1954 AC, p. 6324.

R 460.1475 Camp facilities.

Rule 5. (1) When employees are furnished meals in camp cars, as hereinbefore defined, adequate sanitary facilities and space shall be provided.

(2) Where cars, other than passenger coaches, are furnished for sleeping quarters, cars shall not house over 10 men each. Where passenger coaches are furnished, the commission may designate the number of men to be housed in each coach.

(3) All camp cars will be properly heated, ventilated, sealed and lighted, and, during the period of the year in which insects are prevalent, the doors and windows will be screened.

(4) All extra and permanent gangs will be furnished with shower car, with running hot and cold water. Adequate toilet facilities will be furnished for all employees.

(5) Camp man or janitor will be furnished for all gangs over 20 men for the purpose of keeping the cars and grounds in a clean and sanitary manner.

(6) When extra and permanent gangs are furnished with kitchen car or cars, the same shall be well equipped with adequate kitchen facilities. Such kitchen cars shall be maintained in a clean and sanitary condition.

History: 1944 ACS 18, p. 47; 1954 AC, p. 6325.

R 460.1476 Section houses.

Rule 6. Adequate shelter facilities, located in section houses or other suitable buildings, consisting, as in the individual case may be necessary, of the following appliances, installed and maintained as specified, shall be furnished by all railroad companies under the jurisdiction of this commission for regularly assigned maintenance of way employees, at points where such employees are required to report for duty or are relieved from duty, as, in the judgment of the commission, after investigation, and hearing, if requested, such facilities, or any of them, are necessary for the welfare and health of the above-mentioned employees:

(a) There shall be provided space, adequate for the number of employees using said facilities, where employees may change their clothing, furnished with tables and benches or chairs, in accordance with the number of employees using the facilities. Where lockers are not now provided, and the same are requested by the employees using the individual facility, a sufficient number of metal lockers shall be provided to meet the requirements of said employees.

(b) During the period of the year in which insects are prevalent, screens will be furnished for the windows and doors.

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(c) The space designated as shelter will be partitioned, sealed and adequately heated and lighted.

(d) Where running water and sewerage facilities are reasonably available, flush toilets and washing facilities will be provided. Otherwise, an outside toilet will be furnished and maintained in accordance with the provisions of R 460.1477; provided, however, the provisions of this subdivision shall not be applicable where toilets and washing facilities are otherwise made reasonably available for maintenance of way employees.

(e) If necessary, a sufficient supply of running or well water will be made reasonably available, and individual drinking cups will be furnished.

History: 1944 ACS 18, p. 47; 1954 AC, p. 6325.

R 460.1477 Construction and maintenance of outside toilets when used by employees coming under the provisions of this act.

Rule 7. (1) The commission may, after proper investigation, hearing and order in the matter, permit the installation and maintenance of outside toilet facilities, where it is found otherwise impractical to install inside toilets and urinal facilities.

(2) Where outside toilets are installed and maintained in accordance with the above paragraph, they shall be located on ground that is well drained, and where there is no possibility of contaminating any drinking water supply.

(3) Suitable approach, such as concrete, gravel, or cinder walk, shall be provided.

(4) All windows, ventilators, and other openings, except doors, shall be screened to prevent the entrance of insects. A separate ventilator duct, with hood, shall be provided for the vault, and shall extend above the roof.

(5) The entire installation must be kept clean and sanitary. Milk of lime (freshly slaked lime), or other equally effective disinfectant, shall be used in the vault and in the urinal trough, in sufficient quantities and at frequent intervals. The floors, seats and urinals must be scrubbed as often as necessary.

History: 1944 ACS 18, p. 48; 1954 AC, p. 6325.

R 460.1478 Compliance.

Rule 8. Any shelter and sanitary facilities which have been constructed and are presently being maintained in accordance with an agreement heretofore entered into between the parties in interest, and agreed to or ordered by the commission, shall be deemed a complete compliance with these rules, until such time as a specific complaint is filed with the commission claiming that, on account of changes made in the uses of the facilities, such facilities are inadequate; provided nothing herein shall be construed to abrogate or limit any agreement between the interested parties now in effect which provides for better or more adequate facilities, or to prevent the negotiation of such an agreement in the future.

History: 1944 ACS 18, p. 48; 1954 AC, p. 6326.

R 460.1479 Application for relief from order.

Rule 9. Any railroad company being of the opinion that the application or enforcement of this order, or any part thereof, at any particular place, will be unjust or unreasonable, may apply to the commission for relief therefrom, and the commission may, by written order, relieve said railroad company from the application of this order, or any part thereof, at such place, or modify the same in such manner and to such extent as shall be just and reasonable.

History: 1944 ACS 18, p. 48; 1954 AC, p. 6326.

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R 460.1480 Adequacy of present facilities.

Rule 10. In the absence of specific complaint, present facilities shall be deemed adequate. In the event of a complaint filed hereafter in respect of such facilities, and the commission shall find the same inadequate, the railroad company involved shall have a reasonable time in which to complete the work required in the light of the then existing situation, circumstances and conditions.

History: 1944 ACS 18, p. 48; 1954 AC, p. 6326.

R 460.1481 Intent and purpose of rules.

Rule 11. In the event of any dispute or disagreement between any employee and any employer as to the intent, meaning and interpretation of any or all of the rules hereinabove set forth, the commission reserves unto itself the right to set a hearing thereon, and to issue appropriate order or orders, so as to effectuate and carry out the intent and purpose of said rules.

History: 1944 ACS 18, p. 48; 1954 AC, p. 6326.

STANDARDIZATION OF ELECTRICALLY OPERATED HALF-ROADWAY GATES

(By authority of Act No. 198 of the Public Acts of 1873 and Act No. 9 of the Public Acts of 1929, as amended, being §463.1 et seq. and §483.101 et seq. of the Michigan Compiled Laws)

R 460.1491 Purpose.

Rule 1. The purpose of these specifications is to provide for electrically operated half-roadway gates used in combination with standard highway crossing signals of the flashing-light type, for protection of highway traffic at railroad-highway crossings at grade.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6326.

R 460.1492 Use.

Rule 2. Half-roadway gates shall be used in combination with flashing-light signals which are hereafter installed at highway crossings of multiple main tracks, unless otherwise decided; and may be used at other crossings if mutually agreed upon, subject to approval by the Michigan public service commission.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6326.

R 460.1493 Design.

Rule 3. The assembled signal and gate shall conform to a design prescribed by the Michigan public service commission, a copy of which is attached hereto and made a part hereof.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6327.

R 460.1494 Location.

Rule 4. Half-roadway gates shall preferably be placed on, or in close proximity to, the flashing-light signals.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6327.

R 460.1495 Aspect.

Rule 5. (1) Half-roadway gates, when indicating the approach or presence of a train, shall present across the lane or lanes used by highway traffic approaching the crossing, the aspect of an arm equipped with red lights, being lowered, or at rest in the horizontal position, centered 3 feet, 6 inches above the top of highway surface.

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(2) Half-roadway gates, when not indicating the approach or presence of a train, shall not obstruct, or interfere with, highway traffic.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6327.

R 460.1496 Mechanisms.

Rule 6. (1) Gate operating mechanisms shall be of the double bearing type.

(2) Gate arm support shall be provided with facilities for adjusting torque of the gate.

(3) Torque for gate in the horizontal position shall be not less than 50 foot-pounds for any length of gate arm. Torque in the clear position shall be not less than 175 foot-pounds for minimum gate arm length and such additional amount as may be required, according to the length of the gate arm.

(4) Motors shall be D.C., for first voltage range operation.

(5) Mechanism employing power to assist the force of gravity when gate is being lowered may be used.

(6) The hold-clear device shall be so constructed that it will hold the gate arm in the clear position by application of electrical power and, upon the hold-clear magnet de-energizing, the gate shall assume the horizontal position by force of gravity.

(7) The mechanism shall be so constructed that if the arm shall strike or foul an object while being lowered, it will readily stop and, upon removal of the obstruction, it will assume the position that corresponds with the control apparatus.

(8) Mechanism cases shall be of metal, weatherproof, and of ample strength and size to properly house the apparatus and wiring contained therein.

(9) Gate shall operate uniformly and smoothly, and complete all movements without rebound or slap.

(10) All metal parts shall be given a finish coat of paint of white or aluminum.

History: 1944 ACS 18, p. 49; 1954 AC, p. 6327.

R 460.1497 Mounting.

Rule 7. (1) Gate may be mounted on flashing-light signal mast or on a pedestal supporting the flashing-light signal mast; where conditions require, it may be mounted on a mast or pedestal separate from the flashing-light signal support.

(2) Where gate mechanism is mounted on a mast, then such mast shall be of wrought steel pipe of standard weight, not less than 5 inches I.D., where gate mechanism is mounted on a pedestal, then such pedestal shall be of not less than 12 gauge steel adequately reinforced.

(3) Base shall be of adequate design and strength to support the load placed upon it; with holes for 1-inch anchor bolts.

(4) Anchor bolts shall be not less than 1-inch diameter and 36 inches in length.

(5) Concrete foundations shall be of such quality and dimension as to securely support the gate, or gate and signal.

History: 1944 ACS 18, p. 50; 1954 AC, p. 6327; 1954 ACS 13, p. 92, Eff. Feb. 14, 1958.

R 460.1498 Gate arm.

Rule 8. (1) Gate arm shall conform to the design prescribed by the Michigan public service commission, as shown on the attached plan, and shall be painted with black and white stripes.

(2) Gate arms shall be equipped, on the approach side, with crystal (clear) reflector buttons in each black stripe.

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(3) Gate arm shall be equipped with not less than 3 red lights for single approach lane highway, and 1 additional red light for each additional approach lane.

(4) Lights shall be arranged to shine in both directions along the highway, and, so far as is practicable, shall be positioned so that no 1 vehicle standing within the limits of any highway traffic lane approaching the crossing, will obscure all these lights from the view of the drivers of following vehicles.

(5) Gate lamps shall provide an indication having a clear beam candlepower of not less than 20 in the horizontal plane at any angle up to 12¼ degrees on either side of the axis.

(6) On gate arm over 30 feet long a spring buffer rod of required length shall be used to insure that the gate, when lowered, will remain at the correct elevation over the highway throughout its entire length, unless such correct elevation can be maintained by internal buffing service of gate mechanism.

(7) Length of gate arm to be determined by the railroad and highway authorities, subject to the approval of the Michigan public service commission.

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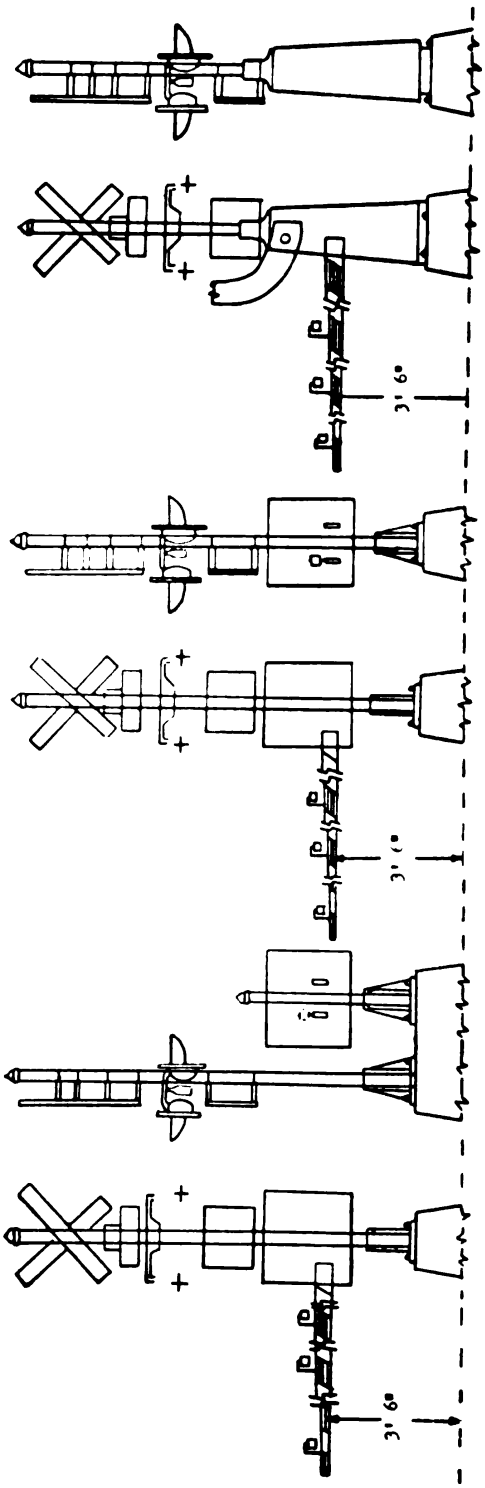


FIGURE 3
Half-Roadway Gate
Mounted With Flashing
Light Signal

FIGURE 2
Half-Roadway Gate
Mounted With Flashing
Light Signal

FIGURE 1
Half-Roadway Gate
Mounted Separately

History: 1944 ACS 18, p. 50; 1954 AC, p. 6327; 1954 ACS 13, p. 92. Eff. Feb. 14, 1958.

R 460.1499 Operation.

Rule 9. (1) Gate arm shall start its downward motion not less than 3 seconds nor more than 5 seconds after the signal lights begin to operate, and shall reach its full horizontal position not less than 10 seconds nor more than 15 seconds after

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starting its descent, unless obstructed by severe weather or other unusual physical conditions.

(2) Gate arm shall reach full horizontal position before the arrival of any train at the crossing and shall remain in that position until the rear of any train has cleared the crossing.

(3) Gate arm lights shall operate at all times when the gate is not in its normal position. When gate is in operation the light nearest the tip of the arm shall burn steadily. The other arm lights shall flash alternately.

(4) Circuits shall be arranged so that failure of the gate mechanism to operate as intended will not prevent the lights on the gate arm from operating on the approach of a train.

(5) At installations where gates are operated automatically, and where railroad movements are of such a nature and frequency that unnecessary delays are thereby caused to highway traffic, special circuits shall be installed to avoid such delays, so far as may be practicable, unless the railroad company involved can obviate such delays by changes in its operation practices.

(6) All gate installations shall be provided with a controlling device for manual operation of the gates in case of emergency.

(7) Wire shall be sufficient size and battery of adequate capacity and voltage to clear the gate in the required time, under normal conditions.

History: 1944 ACS 18, p. 50; 1954 AC, p. 6328.

R 460.1500 Affidavit.

Rule 10. When the installation has been completed, the railroad company will file an affidavit with the Michigan public service commission to the effect that all its requirements have been complied with.

History: 1944 ACS 18, p. 51; 1954 AC, p. 6328.

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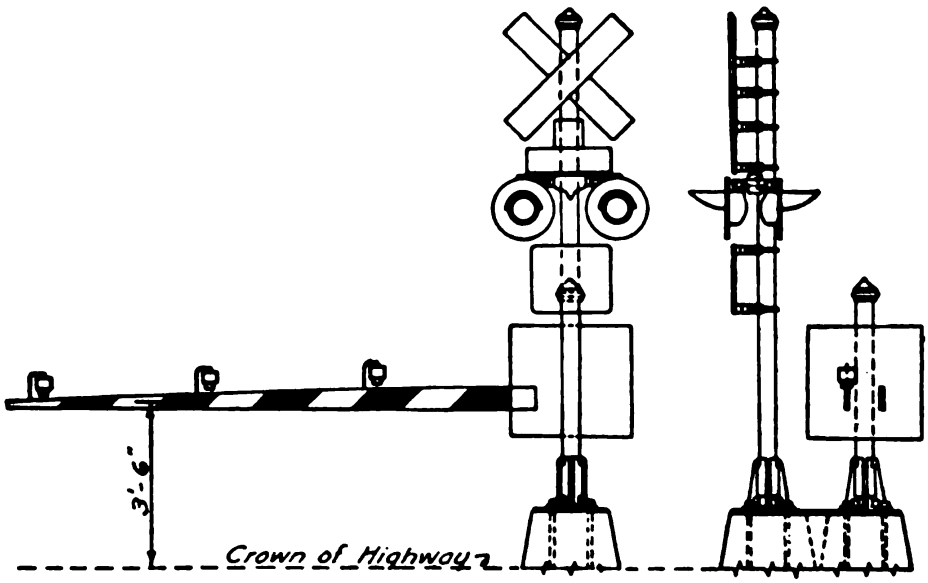


FIGURE 1
Half-Roadway Gate Mounted On Separate Mast

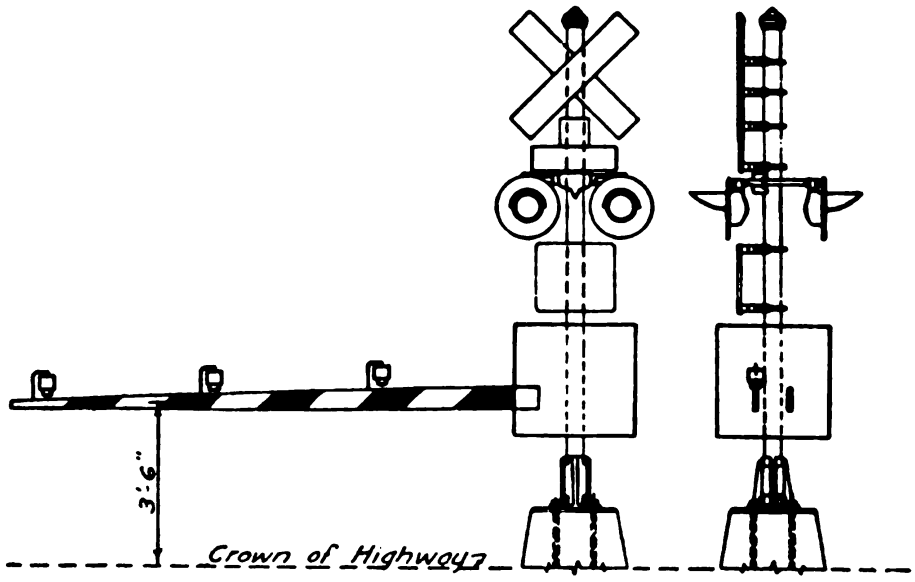


FIGURE 2
Half-Roadway Gate Mounted on Flashing Light Signal Mast
Revised 10-25-48.

History: 1944 ACS 18, p. 52; 1954 AC, p. 6329.

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TRACK MOTOR CAR

(By authority of Act No. 37 of the Public Acts of 1949, being §469.521 et seq. of the Michigan Compiled Laws)

R 460.1511 Equipment.

Rule 1. (1) Any person, firm or corporation operating or controlling any railroads running through or within this state upon which railroads said person, firm or corporation causes to be operated any track motor car between 30 minutes before sunset and 30 minutes after sunrise, shall conform to this rule and the following rules.

(2) Each such track motor car shall be equipped with an electric headlight of sufficient candlepower to render visible for a distance of at least 300 feet ahead any track obstruction, landmark or warning signal, and with a red rear electric light of sufficient candlepower to be visible for a distance of at least 300 feet.

History: 1944 ACS 22, p. 12; 1954 AC, p. 6330.

R 460.1512 Nighttime operation.

Rule 2. No such track motor car shall be operated during the aforesaid nighttime period unless the prescribed equipment has been installed and has been inspected by duly authorized employees of the commission, nor shall such track motor car be operated during said nighttime period unless it shall have affixed to it in a readily visible place, a metal tag certifying that it has been inspected and certified as meeting the prescribed requirements, which said metal tag shall be furnished by the commission.

History: 1944 ACS 22, p. 12; 1954 AC, p. 6330.

R 460.1513 Notice of number of cars used during nighttime.

Rule 3. Each person, firm or corporation operating or controlling such track motor car shall notify the commission on or before July 1, 1950 of the number of such track motor cars used or intended to be used during the said nighttime period.

History: 1944 ACS 22, p. 12; 1954 AC, p. 6330.

R 460.1514 Effective date.

Rule 4. These rules shall take effect on July 1, 1950, with the exception of R 460.1513, which shall be immediately effective.

History: 1944 ACS 22, p. 12; 1954 AC, p. 6330.

INSPECTION OF TRACKS UPON WHICH PASSENGER TRAINS OPERATED

(By authority of Act No. 180 of the Public Acts of 1956, being §469.601 et seq. of the Michigan Compiled Laws)

R 460.1521 Track inspection personnel.

Rule 1. (1) All main line and branch line railroad tracks owned or operated by a railroad company in the state of Michigan, upon which passenger trains carrying paying passengers are operated, shall be inspected in accordance with this rule and the following rules.

(2) Each railroad company owning or operating such tracks shall assign a supervisory employee, or employees, above the rank of track foreman, to be in charge of the inspection.

History: 1954 ACS 14, p. 20. Eff. May 14, 1958.

Editor's note: For legislative alterations and abrogations of these rules, see Senate Concurrent Resolution No. 20 of the 1958 Regular Session of the Michigan Legislature.

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R 460.1522 Frequency of inspection.

Rule 2. (1) All such tracks classified as "class A" shall be inspected not less than 3 days a week, unless specific authorization for any other requirement shall be obtained.

(2) All other tracks that do not conform to the specifications for class A tracks shall be inspected not less than 5 days a week, unless specific authorization for any other requirement shall be obtained.

History: 1954 ACS 14, p. 20, Eff. May 14, 1958.

R 460.1523 Switches; inspection.

Rule 3. Safety inspection of switches shall be made on foot at least twice each month. These rules do not apply to switches within automatic signal territory or centralized traffic control territory.

History: 1954 ACS 14, p. 20, Eff. May 14, 1958.

R 460.1524 Safety inspection of tracks; personnel; methods; objects of special attention; definition.

Rule 4. (1) Safety track inspections shall be made:

(a) By the track foreman or a qualified employee of the maintenance of way department of the railroad company owning or operating the tracks involved.

(b) Patrolling on foot or on track motor car, or other vehicle which shall be operated in a manner similar to motor cars. Motor cars or other vehicles used for such purpose shall be operated at a speed that will insure adequate safety inspection. Any such motor car, or other vehicle, shall be operated at a speed not to exceed 5 miles per hour at all railroad crossings, highway crossings and switches.

(c) Inspection of railroad crossings-at-grade, and track, shall include particular attention to the detection of unsafe conditions resulting from bad alignment, improper cross level, faulty gauge, loose ties, broken or missing bolts, and broken rails and angle bars.

(d) In all track safety inspections of highway crossings and crossing platforms, particular attention shall be given to the detection of unsafe conditions resulting from loose planking or obstructed flangeways.

(e) In the semimonthly foot track-safety inspection of switches, particular attention shall be given to the detection of unsafe conditions resulting from open or defective switch points, loose or missing bolts in heel fillers or blocking, defective guard rails or cracked frogs. Switches not in "automatic signal" or "centralized traffic control territory" shall be operated at least once each month to insure that they are in proper working order.

(f) Track inspection territory assigned to a track inspector shall not be more than 50 miles per day.

(g) Inspections of class A track shall be made at intervals not more than 65 hours, nor less than 36 hours, apart, unless otherwise ordered by the commission.

(h) When necessary to operate passenger trains over tracks not regularly used for passenger service, they shall be inspected not more than 72 hours prior to the operation of such passenger trains and shall be inspected as often as passenger trains are operated over such tracks, and if operated more than 4 days a week, section 2 of these rules shall apply.

(2) The following terms as used herein are defined as follows:

(a) "Class A tracks" shall conform to the following specifications:

Consisting of rails weighing 105 pounds per lineal yard, or heavier; ballast of crushed stone, 18 inches in depth or equivalent; treated cross ties 7″x9″x8′;

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roadbed with adequate drainage; protected by automatic block signals or centralized traffic control.

(b) "Bad alignment" means deviation from the built-in or predetermined relation to the line stake location of the track at any given point in the total structure, whether curve, tangent or turnout such as would cause rough operation, undue strain or wear on track or rolling stock.

(c) "Improper cross level" means the settlement or heave in the track such as would cause one rail to leave a predetermined relation to the opposite rail so as to cause a condition of unbalance to rolling stock or to cause undue strain or wear to the track structure or to rolling stock.

(d) "Faulty gauge" means the reduction or enlargement of the predetermined space between 2 running rails such as would cause undue wear or strain on the track structure or rolling stock.

(e) "Loose ties" means ties which, due to not being surrounded and supported by well impacted ballast material and which are not tightly (railroad companies' current engineering specifications) fastened to the rail, are displaced from their predetermined spacing, angle to the running rails, or otherwise offer lack of intended support.

(f) "Defective switch point" means one which, due to wear, chipped end or top, has been bent out of its predetermined contour, lack of intended adjustment of position, or that fails to maintain the required snug fit on the closed side, or the required clear space on the open side.

History: 1954 ACS 14, p. 20, Eff. May 14, 1958.

R 460.1525 Additional inspections.

Rule 5. Nothing in these rules shall be construed as limiting the authority of this commission to order inspections in excess of those as set forth in R 460.1522 when, in the judgment of the commission, unusual or extraordinary conditions necessitate such additional inspections.

History: 1954 ACS 14, p. 21, Eff. May 14, 1958.

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DEPARTMENT OF COMMERCE

PUBLIC SERVICE COMMISSION

UNIFORM SYSTEM OF ACCOUNTS— CLASS A, B, C, D, AND E TELEPHONE COMPANIES

R 460.1601—R 460.1931 Rescinded.

History: 1944 AC, pp. 1187-1300; 1954 AC, pp. 6331-6454; rescinded 1954 ACS 85, p. 38, Eff. Oct. 1, 1975.

INTRASTATE TELEPHONE SERVICES AND FACILITIES (ORDER NO. T-576-1944 REVISION)

(By authority of sections 3 and 13 of Act No. 206 of the Public Acts of 1913, section 5 of Act No. 419 of the Public Acts of 1919, and sections 4 and 6 of Act No. 3 of the Public Acts of 1939, being §§484.103, 484.113, 460.55, 460.4, and 460.6 of the Michigan Compiled Laws)

R 460.1951 Scope and application.

Rule 1. These rules, governing the furnishing of intrastate telephone services and facilities by companies subject to the jurisdiction of the Michigan public service commission apply to all said services and facilities except as may be otherwise provided in the approved tariff of a utility.

History: 1944 AC, p. 1300; 1954 AC, p. 6454.

R 460.1952 Definitions.

Rule 2. (1) "Base rate area"—The urban portion or portions of the exchange area surrounding and including the location of the central office or offices, as defined in the utility's local tariff. Within this area urban services (individual, 2-party, 4-party, and semipublic pay station services) are furnished at rates that do not vary with the distance from the central office.

(2) "Base rates"—The rates for urban classes of service within the base rate area.

(3) "Central office"—The inside plant including the switchboard (manual or dial, attended or unattended) with associated equipment, apparatus and wiring, used to establish connections between customers' lines or between such customers' lines and the trunk or toll lines to other central offices within the same or at other exchanges.

(4) "Classes of service"—Classes of service are: Business, residence, public, semipublic, etc.

(5) "Contract"—The service agreement between a customer and the telephone company under which facilities or communication services are furnished.

(6) "Customer"—The person, firm, corporation or association who contracts for facilities and is responsible for the payment of charges and compliance with the rules of the telephone company.

(7) "Customer's location"—For mileage purposes, the customer's location is taken as the junction point between the customer's service drop and the general plant facilities, or the junction point between the customer's outside and inside facilities, whichever point is most favorable to the customer.

(8) "Exchange"—The unit established for the administration of telephone service in a defined area, which unit usually embraces a town, village or city and its environs and for which there is a distinct or separate local tariff filing. It

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includes all the plant facilities, including the lines, instruments and 1 or more central offices, used in furnishing telephone service within the area.

(9) "Exchange area"—The area served by an exchange.

(10) "Grades of service"—Grades of service are: Individual, 2-party, 4-party, multi-party, etc.

(11) "Instrumentalities"—A station together with associated inside wiring on the customer's premises, not including the drop and block wiring.

(12) "Premises"—A building or a portion of a building occupied by the customer in the conduct of his business, or as a residence.

(13) "Station"—A telephone instrument installed for the use of a customer.

History: 1944 AC, p. 1300; 1954 AC, p. 6454.

R 460.1953 Filing and posting of rates and regulations.

Rule 3. (1) There shall be kept on file and open for public inspection in the business offices of each telephone utility a copy of its rate schedules and its rules and regulations applicable within the area or areas served by each said business office. These rates and regulations shall be the same as filed with the commission.

(2) There shall also be posted in a conspicuous place in or about the said business office a public notice in large plain type stating that the rates and the rules and regulations applicable within the (named) service areas served by the business office, and as approved by the commission, are kept there and are open for public inspection.

(3) When the utility maintains no business office in an area and customer's accounts are payable at an agent's office it will suffice if a notice is posted there similar to the above modified to indicate that the rates and rules and regulations there applicable are on file and open to public inspection during specified business hours at a (named) nearby business office of the utility.

History: 1944 AC, p. 1301; 1954 AC, p. 6455.

Editor's note: R 460.1953 was rescinded by R 460.2216, 1954 ACS 90, p. 62, Eff. May 14, 1977, insofar as the rule applied to residential telephone service.

R 460.1954 General provisions.

Rule 4. (1) Oral or written applications for service and facilities become contracts upon the establishment of the service or facility.

(2) Unless otherwise specified, the minimum contract period for telephone exchange service is 1 month.

(3) In general, all equipment and apparatus necessary for the provision of a given service or facility will be furnished and maintained by the telephone company.

(4) The customer may be required to provide and maintain suitable housing or protective apparatus when equipment is installed in locations exposed to weather or other hazards.

(5) The furnishing of certain services or facilities may involve impairment of transmission or signalling, in which case the customer may be required to contract for such equipment or apparatus as is necessary, in place of or in addition to that regularly provided, to assure satisfactory service.

(6) A customer or user may not rearrange, disconnect, reconnect, remove or attempt to repair any apparatus or wiring installed by the telephone company, nor may the customer connect or use in connection with the telephone company's facilities any line, instrument or apparatus except upon the written consent of the telephone company.

(7) The service and facilities furnished are intended only for communications in which the customer or authorized user has a direct interest. Business telephone service, except joint user service, hotel branch exchange service or semipublic

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service is furnished only for use by the customer and his employees, associates or representatives; residence telephone service is furnished only for the use of the customer and members of the customer's domestic establishment.

(8) Subscriber telephone service, as distinguished from public and semipublic telephone service, is not installed or allowed to remain on premises of a public or semipublic character unless so located that it is not readily available to the public or patrons of the customer except registered guests at hotels.

History: 1944 AC, p. 1301; 1954 AC, p. 6455

R 460.1955 Advance payments and deposits.

Rule 5. (1) Applicants may be required to pay at the time application is made for service all service connection charges, construction charges and installation charges that may be applicable.

(2) Applicants or customers whose credit rating is, or may become, unsatisfactory may be required at any time to make a suitable deposit to be applied upon termination of the service in payment of:

(a) Any unpaid charges for service rendered to the customer.

(b) Termination charges that may be applicable.

(c) Loss or damage of equipment (see R 460.1957(2) and (3)).

(3) Any balance of the amount deposited is returned to the customer at the time of termination of the contract or may be returned at any time previous thereto when a satisfactory credit rating has been established.

(4) An accurate record shall be kept by the telephone company of all sums deposited with it for surety, and the utility shall refund without regard of whether or not the customer produces a receipt or other evidence of such deposit.

(5) Simple interest of not less than the legal rate shall be paid annually on all sums retained on deposit for 30 days or more. No interest credit will be made on a deposit, or any portion thereof, after the date on which a notice of refund is deposited in the U.S. mail addressed to the last known address of the customer.

(6) The fact that a deposit has been made neither relieves the applicant or customer from complying with the telephone utility's rules as to advance payments and the prompt payment of bills when rendered, nor constitutes a waiver or modification of the regulations with respect to discontinuance of service for nonpayment of any sums due for service rendered.

(7) The amount of the deposit shall not exceed the estimated maximum amount of charges that would accumulate before discontinuance of service for nonpayment of bills.

History: 1944 AC, p. 1302; 1954 AC, p. 6456.

Editor's note: R 460.1955(2) to (7) were rescinded by R 460.2216, 1954 ACS 90, p. 62, Eff. May 14, 1977, insofar as the rules applied to residential telephone service.

R 460.1956 Payment for services and facilities.

Rule 6. (1) Unless otherwise provided the customers shall pay monthly in advance for local exchange services and facilities; and for other services and facilities including service connection, move, change, installation, additional message, and toll charges, the customers shall pay when billed.

(2) The customer is responsible for all charges originated at equipment contracted for by him and for messages received on which the charges have been reversed with the consent of the person answering the telephone.

(3) Where a customer is a subscriber for telephone service at 2 or more locations each subscription is a separate contract. In case of nonpayment of charges service may be discontinued on such contract as may be in default, but service shall not be denied on such contracts as are paid up and in good standing. Contracts for directory advertising or other things or services not directly

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associated with the general telephone service offered by the utility are not enforceable by discontinuance or termination of telephone service.

(4) Charges and credits for a fractional part of a month shall be computed on the basis of a 30-day month; the period of service to commence with the day following the establishment of service and to end at the close of the day service is terminated.

History: 1944 AC, p. 1302; 1954 AC, p. 6456.

Editor's note: R 460.1956(3) was rescinded by R 460.2216, 1954 ACS 90, p. 62, Eff. May 14, 1977, insofar as the rule applied to residential telephone service.

R 460.1957 Termination of service.

Rule 7. (1) Contracts for service or facilities may not be terminated except upon advance notice to the telephone company, at which time there is due and payable all unpaid charges or guarantees for the period the service or facilities have been furnished, and all applicable minimum and termination charges.

(2) Upon termination of the service for any cause whatsoever except as provided in subrule (3) of this rule, equipment furnished by the telephone company shall be returned to the telephone company in good condition, reasonable wear excepted, and the customer will be held responsible for the value of equipment lost or destroyed or for the cost of restoring the equipment to its original condition.

(3) The customer will not be liable for loss of or damage to any of the utility's equipment because of fire or other cause beyond the control of the customer.

History: 1944 AC, p. 1302; 1954 AC, p. 6457.

R 460.1958 Cancellation for cause.

Rule 8. (1) Under the following conditions the utility without incurring liability may discontinue service or terminate a contract 5 days after furnishing a notice by depositing in the mails a letter addressed to the customer or his agent:

(a) In the event the customer neglects or refuses to comply with the rules and regulations of the utility and the said violation is not otherwise provided for.

(b) Upon the use of a service or facility for the purpose of reselling the service or performing a service in competition with any service offered by the utility.

(c) Upon improper use of a party line service, including interference with an equitable proportionate use of the service by other customers on the line, and upon notice the customer fails or refuses to contract for a higher grade of service.

(d) When the manner of use of the service by a customer differs from that contemplated for the class or grade of service contracted for, and upon notice, the customer fails or refuses to contract for a proper class or grade of service.

(2) Under the following conditions, discontinuance of service may be made by the utility without previous notice to the customer and without incurring any liability:

(a) In the event of the use of profane or indecent language over the facilities.

(b) In the case of abandonment of the station or the facilities, or the premises upon which they are installed.

(c) If the use of the service or facility by the customer, or the manner of such use, or the failure to contract for adequate facilities, or the attachment of any unauthorized instrument or device to the telephone company's lines or facilities, affects injuriously the efficiency of the general plant or services.

(d) If a service or facility is used in a manner which substantially impairs the service of a particular customer.

(e) Whenever the judge of any court of record having jurisdiction over criminal offenses, the attorney general of Michigan, or the United States attorney in and for any federal judicial district in Michigan, or the prosecuting attorney, shall

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represent in writing to the telephone company that he has probable cause to believe that the service furnished at a designated location is being used in furtherance of the commission of a specified criminal offense, and in such writing shall request that such service be discontinued, it shall be, and with like effect as to both the telephone company and the customer as though the latter had of his own volition directed that the same be done.

History: 1944 AC, p. 1302; 1954 AC, p. 6457.

Editor's note: R 460.1958 was rescinded by R 460.2216, 1954 ACS 90, p. 62, Eff. May 14, 1977, insofar as the rule applied to residential telephone service.

R 460.1959 Inspection and repairs.

Rule 9. (1) Upon proper identification agents and employees of the utility are authorized to enter the premises of a customer at any reasonable hour for the purpose of inspecting, repairing, or removing instruments or lines and making collections from coin boxes.

(2) All expenses of maintenance and repair in connection with equipment, facilities and services furnished by the telephone company is borne by the utility unless otherwise provided.

History: 1944 AC, p. 1303; 1954 AC, p. 6457.

R 460.1960 Liability of the telephone company.

Rule 10. (1) In the event of an interruption to the service which is not due to the negligence or wilful act of the customer, upon notice and application by the customer an allowance will be made for the time the interruption continues. (See R 460.1956(4).)

(2) The liability of the telephone utility for damages arising out of mistakes, omissions, interruptions, delays, errors, or defects in transmission, occurring in the course of furnishing service or facilities and not caused by the negligence of the customer, shall in no event exceed an amount proportionate to the charge to the customer for the period of service during which such mistake, omission, interruption, delay, defect, or error in transmission occurs.

(3) The telephone utility is not liable for errors in or omissions from directories except in cases where a specific charge has been made for a listing; in no event shall the liability for such error or omission be beyond the amount of the specific charge.

(4) The telephone company is not liable for unavoidable defacement of or damage to the premises of a customer resulting from the attachment of the telephone company's equipment on such premises, or from the removal thereof.

(5) In the adjustment of charges because of an error in billing, refunds and charges will be made in the full amount when they can be determined; when the exact amount cannot be determined from the records, the maximum refund or charge will not exceed an estimated amount equal to such charge for a 3-year period.

(6) The customer has no property right in a telephone number and telephone numbers may be changed whenever the exigencies of the business so require.

History: 1944 AC, p. 1303; 1954 AC, p. 6457.

R 460.1961 Classification of service.

Rule 11. (1) The determination as to whether telephone service should be classified as business or residence is based on the character of the use made of the service. Service is classified as business service where the use is primarily or substantially of a business, professional, institutional or otherwise occupational nature, including, but not by way of limitation, those in the following categories:

(a) In offices, stores and factories, and in quarters occupied by clubs, lodges, fraternal societies, schools, colleges, libraries, hospitals and other business establishments.

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(b) In residence locations where the place of residence is in the immediate proximity to a place of business and it is evident that the telephone in the residence quarters is or will be used for business purposes.

(c) In residence locations where an extension is located at a place where business rates would apply.

(d) In the residence of a practicing physician, dentist, veterinary, surgeon or other medical practitioner who has no service at business rates at another location.

(e) In any residence location where there is substantial business use of the service and the customer has no service elsewhere at business rates.

(2) Where the business use, if any, is incidental and where the major use is of a social or domestic nature, service is classified as residence if installed in a residence.

History: 1944 AC, p. 1303; 1954 AC, p. 6458.

R 460.1962 Directories.

Rule 12. (1) Directories are furnished as an aid to the use of the telephone service. A listing in the alphabetical section is provided each customer without extra charge. As an aid to the service, cross reference listings or alternate spelling of surnames may be provided. Listings are subject to the following:

(a) Listings are limited to information which is essential to identification.

(b) When clearness of the listing and identification of the customer are not impaired thereby, the listing is limited to 1 line. Additional necessary lines are furnished at no charge to the customer.

(c) A listing must be the actual name of the customer to whom service is rendered, or the name of a member, officer, employee or representative thereof, or the name of other business which the customer represents, controls or owns.

(d) No assumed name will be listed unless it is registered as required by law, and a name which is likely to mislead or deceive the public, or which is inserted for advertising purposes, will not be listed.

(e) Double name listings such as "XYZ Mfg. Co., John Doe, manager" are not permitted.

(2) Additional listings for which a charge is made are designated "extra listings." Extra listings must be contracted for by the customer, which customer is responsible for the charges. Extra listings are subject to the same rules as regular listings. Charges for extra listings are discontinued upon termination of the main station service or upon notice to the utility of cancellation of said listing.

(3) When the customer contracts for more than 1 individual line of the same class and at the same location, consecutive telephone numbers should be assigned, if available, in which case only 1 listing will be furnished.

(4) The telephone listing of a professional person such as a physician, dentist, minister, etc., may include the professional degree or title; and the residence telephone listing of a nurse may include the word "nurse."

(5) The liability of the telephone company with reference to directory errors and omissions is limited as is given in R 460.1960(3).

History: 1944 AC, p. 1304; 1954 AC, p. 6458.

R 460.1963 Construction charges.

Rule 13. (1) Special charges, not in excess of the additional cost, may be applied in addition to the usual service connection charges when an unusual investment or expense is involved and the estimated revenue does not reasonably compensate the telephone company. Examples of such cases are:

(a) Where facilities are provided in remote, rural or undeveloped sections.

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(b) When conditions require the use of costly private right-of-way, or the provision of special equipment, or unusual and expensive methods of plant construction, installation or maintenance.

(2) Title to all construction provided wholly or partly by a customer, or wholly or partly at a customer's expense, is vested in the telephone company.

(3) When attachments are made to poles of others in lieu of providing construction for which the customer would be charged under the provisions hereof, the cost to the telephone company of such attachments is to be borne by the customer.

(4) The customer is required to pay construction charges as made by a foreign company providing facilities connecting with the facilities of the normal telephone company in order to provide foreign exchange service.

History: 1944 AC, p. 1304; 1954 AC, p. 6459.

R 460.1964 Miscellaneous services and facilities.

Rule 14. (1) An arrangement (facilities permitting) whereby a customer with individual line service at 2 separate locations upon different premises within the same central office area may answer calls for either main station at the other station location is known as combination service. There is no additional charge for this service, the charge for each main station being the established individual line rate according to the classification of the service at each of the premises as to business or residence character.

(2) Extension stations are additional stations used in connection with main station service; such stations are subject to the following conditions:

(a) Extension stations must be located in the same local service area as the associated main station.

(b) Extension stations must be located on the premises of the customer (or the joint user) and are restricted to his use and the use of members of his domestic establishment or his employees, except that extensions may be located upon another's premises if the use is restricted to incoming calls and a separate exchange service is provided at the other premises.

(c) Extension stations on premises other than those on which the main station is located (off-premises) are furnished subject to the availability of suitable facilities and only if a satisfactory grade of service can be maintained. Additional charges for circuit mileage are applicable in connection with all off-premises extensions.

(d) Separate telephone numbers or other distinctive designations are not assigned to extension stations nor is code ringing permitted. Extension stations are not listed in the directory. No additional free listings are allowed in connection with the main station on account of extension stations.

(e) Intercommunication between main and extension stations is not contemplated except as provided for by wiring plans or key systems.

(f) Extension stations are given the same classification, i.e., business or residence, as the main station with which they are associated.

(3) Foreign exchange service is exchange telephone service from an exchange other than the 1 from which service would normally be furnished. Foreign exchange service is furnished subject to the following conditions:

(a) Terminal facilities used by the customer of foreign exchange service furnished by means of extensions of exchange lines are usually furnished and maintained by the foreign exchange.

(b) Terminal facilities used by the customer of foreign exchange service furnished by means of toll facilities are usually furnished by the normal exchange.

(c) Foreign exchange customers are considered as subscribers to the foreign

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exchange for billing purposes and are subject to the rules of both the normal exchange and the foreign exchange.

(d) Pay stations are not available upon the basis of foreign exchange service.

(e) Toll stations are not subject to foreign exchange service rules.

(f) Foreign exchange customers are entitled to a listing in the directory of the foreign exchange.

(g) The determination as to whether foreign exchange service will be provided by means of toll facilities or exchange facilities shall rest upon the exchanges involved inasmuch as existing arrangements of plant facilities are an important factor.

(4) Joint user service is an arrangement whereby a person or firm (designated a joint user) is permitted to use the service of a customer. Joint user service is subject to the following conditions:

(a) Joint user service is provided only in connection with individual line business service.

(b) The joint user must be located in the same office or offices as the customer, or in an office immediately adjacent thereto and connected therewith by passageways other than public passages.

(c) No separate ring numbers or distinctive station designations are assigned to joint users.

(d) Joint user service must be contracted for by the original customer who is required to assume responsibility for all charges incurred.

(e) Joint user service is not available to a customer engaged primarily in performing a service of a secretarial nature for the customer.

(f) A directory listing is provided for each joint user.

(g) Charges for joint user service date from the day such service is first rendered. The minimum charge for joint user service is for a period of 1 month.

(5) Mileage charges:

(a) Base rate area and exchange area boundaries. In the case of base rate areas, exchange areas and locality rate areas bounded by streets or highways, the area includes that side of the street or highway on which are located the general plant facilities. When such facilities are located on the near side, a customer located on the opposite side is considered to be within the area if he can be served by a drop wire using not more than 1 additional pole. When the facilities are located on the far side, a customer on that side is considered to be within the area if he can be served by means of a drop wire not requiring any additional poles.

(b) Exchange line mileage. For urban telephone service other than locality rate area service (see subdivision (d) below) furnished outside the base rate area, but within the exchange, line mileage charges apply based upon the air-line distance between the customer's location and the nearest point of the base rate area boundary.

(c) Foreign exchange line mileage. Foreign exchange line mileage charges according to the tariffs of the telephone company or telephone companies furnishing the service apply to exchange services located outside the exchange area (see also subrule (3) of this rule).

(d) Locality rate area. In specified outlying sections of exchanges a commuted exchange line mileage charge may be applied throughout the defined area to specified classes of service. The commuted mileage charge, plus the base rate for the classes of service specified, is the locality rate.

(6) Moves and changes:

(a) A move is a transfer of equipment from 1 location to another upon the same the same premises.

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(b) A change is a substitution of a different type or style of instrument, or a rearrangement of equipment or wiring, made at the request of the customer. A "change of name," or a "change of address" is not considered a change and is covered under service connection charges.

(c) Charges for moves or changes do not apply to the following cases:

(i) Changes in the type or style of instrument made at the time of installation or at the time of a charged-for move of that instrument.

(ii) Moves or changes made at the initiative of the telephone company for maintenance reasons, because of a change in method of operation, or for other reasons.

(iii) Changes made at the time of a service reclassification (e.g., 4-party service to 2-party service) provided such change is necessary because of the reclassification.

(7) Restoral of service:

(a) Restoral of service charges apply where service has been temporarily denied for nonpayment—but not terminated—or where on account of nonpayment of charges the telephone company's representative visits the premises of the customer to disconnect and remove the equipment and because of payment does not remove the equipment.

(b) Restoral of service charge does not apply where service has been terminated; in that event service is reestablished on the basis of a new application for service and the charges associated therewith apply (see service connection charges).

(8) Service connection charges:

(a) Service connection charges are applicable with the establishment of new and additional exchange telephone service—except nonguarantee public telephone service—as specified in the telephone company's tariff and are in addition to all other rates and charges.

(b) Changes of location of service from 1 premises to another are considered service connections.

(c) Where a service is continued intact but there is a change in the party known as the customer (change of interest) together with a change in the name by which the customer is known to the telephone company (change of name), service connection charges apply as specified for situations where the instrumentalities are in place. Where there is a "change of interest" without a "change of name," or a "change of name" without a "change of interest," by reason of the same no additional charges apply.

(d) Service connection charges do not apply in connection with the reclassification of a service; for example, party line service to individual line service or vice versa, individual lines to private branch exchange trunks, residence to business service, extension stations to main stations, etc.

(e) Service connection charges do not apply when a service is rendered inoperative by fire or other cause beyond the control of the customer which renders the premises unfit for occupancy and service is reestablished at another location. A service connection charge is made for transferring a temporary installation from one premises to another.

(f) Service connection charges do not apply to the reestablishment of service temporarily denied for nonpayment, provided the service has not been terminated (see subrule (7) of this rule).

(9) At exchanges where season service rates are authorized, such rates are applied where it is evident that the service will be retained only during a short or seasonal period in sections where it would otherwise be unnecessary for the

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telephone company to maintain general plant facilities throughout the year.

(10) Suspension of service:

(a) Suspension of service rates apply when, upon the request of the customer, service is temporarily suspended for a period of 1 month or more.

(b) Bills are rendered at the reduced rates specified in the tariff on the regular billing periods during the period of suspension.

(c) The equipment is left on the premises and the customer's directory listing is preserved during the suspension period.

(d) Service is restored without charge at any time upon due notice from the customer.

(e) Full rates apply, calculated in accordance with R 460.1966(4), during periods when service is furnished, but at least 2 months' full rate rental must be paid between each suspension period.

History: 1944 AC, p. 1304; 1954 AC, p. 6459.

R 460.1965 Message toll telephone service.

Rule 15. Intrastate message toll telephone service, which consists in furnishing facilities for telephonic communication between customers located in different local service areas in Michigan, is governed by rules, regulations and rates filed with the Michigan public service commission in the tariff of the utility, or filed by another company with whose rules, regulations and rates the utility in question concurs, as set forth in its tariff book.

History: 1944 AC, p. 1307; 1954 AC, p. 6462.

R 460.1966 Public and semipublic service.

Rule 16. (1) Public telephone service:

(a) Public telephone service (or nonguarantee pay station service) is provided by the utility for the use of the general public wherever reasonably required.

(b) Directory listings are not provided, nor are extension stations permitted, unless required to meet a special condition, in which case they are furnished at no additional charge.

(c) Service connection, mileage, or other miscellaneous charges do not apply, nor is the owner of the premises held responsible for loss of or damage to the equipment, or loss of moneys.

(d) Public telephones are usually connected to individual lines, however, where the use of individual lines is not warranted (as in small resort areas) more than 1 public telephone may be connected to the same line. Public telephones are not connected to rural service lines.

(e) There is no minimum guarantee with respect to receipts, and the charges are 5¢ for each local call and the established rates for toll messages.

(2) Semipublic service:

(a) Semipublic service (or guarantee pay station service) in general is designed to meet telephone requirements at the following locations:

(i) At locations where the installation of a public telephone is not warranted but where there is a demand for service for transients.

(ii) At locations where there is a collective use of the service by guests, members, employees or occupants.

(iii) At locations where the demand for service is for a combination of transient and customer usage.

(b) Extension stations for answering incoming calls may be installed in connection with the service when such extensions are essential. The extension station must be on the same premises as (and in plain view of) the main station.

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(c) Listings in the directory are provided pursuant to R 460.1962 of these rules.

(d) Collections from semipublic stations are made at intervals determined by the receipts. The amount due as of the collection date is the amount of the local message guarantee plus the amount due for toll messages. If the local receipts are less than the guarantee, the customer is required to pay the deficit. The guarantees on and receipts from all semipublic telephones furnished to a customer and installed on the same premises are considered collectively.

(e) Local receipts in excess of the guarantee for any collection period are not credited against deficits for any other period.

(f) The customer is required to:

(i) Redeem slugs and spurious, mutilated or foreign coins deposited in the collection device, at the value for which they were deposited.

(ii) Reimburse the telephone company for loss through theft of moneys from the collecting device.

(iii) Display public telephone signs furnished by the telephone company.

(g) All rules and charges applicable in connection with business main station service, unless otherwise provided, apply in connection with semipublic service.

History: 1944 AC, p. 1307; 1954 AC, p. 6462.

R 460.1967 Rural telephone service.

Rule 17. (1) Rural line service is furnished only by means of multi-party lines and may be either dial or manual type service.

(2) Rural line service is provided outside base rate areas only.

(3) Where the facility arrangements do not otherwise permit business and residence rural stations may be connected to the same line.

History: 1944 AC, p. 1308; 1954 AC, p. 6463.

R 460.1968 Service station service.

Rule 18. (1) Service station service consists of providing toll connections, switching local calls and providing directory listings to persons acting in joint association who furnish their own line and station facilities, and are located outside the base rate area but within the exchange area. Service station customers are required to conform with the following rules:

(a) Provide and maintain to required commercial standards station equipment and connecting lines and circuits of a type approved by the telephone company.

(b) Conform to the rules and regulations of the telephone company.

(c) The lines of service station associations having more than 1 central office line are considered collectively with respect to minimum guarantees.

(2) The telephone company provides and maintains the necessary circuit or circuits between the central office and a point on the base rate area boundary where the facilities of the telephone company and the service station association are joined.

(3) The telephone company provides 1 directory listing for each main service station.

(4) Service station customers are charged at regular rates for toll messages.

(5) Charges for switching and for toll service are billed against the service station association and not against individual members.

(6) In case of failure to conform to the telephone company's rules, treatment is applied to the association, not to individual members.

(7) Termination of a service station line at more than 1 central office or more than 1 toll station is not permitted nor may connection between service station

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lines be made by means other than through the telephone company's central office or toll station.

History: 1944 AC, p. 1308; 1954 AC, p. 6463.

FILING PROCEDURE FOR RATE SCHEDULES, FRANCHISES, PERMITS, CONTRACTS, AND AGREEMENTS BY ELECTRIC, TELEPHONE, AND GAS UTILITIES (ORDER NO. 3096-1944 REVISION)

PART 1. GENERAL PROVISIONS

R 460.2001 Scope.

Rule 1. This order of the commission prescribes the procedure to be followed by all electric, gas, and telephone utilities in filing:

(a) Rate schedules.
(b) Rules and regulations.
(c) Standard forms.
(d) Franchises.
(e) Permits.
(f) Agreements.
(g) Contracts.

History: 1944 AC, p. 1309; 1954 AC, p. 6463.

R 460.2002 Definitions.

Rule 2. For the purposes of these rules the following definitions apply:

(a) The word "commission" refers to the Michigan public service commission.

(b) The term "rate schedule" shall refer to the rate or charge for a particular classification of service including all special terms and conditions under which service shall be furnished at such rate or charge.

(c) The term "rules" and/or "regulations" shall include the rules, practices, classifications, exceptions, and conditions observed by the utility in supplying service.

(d) The term "standard forms" shall include all standard contract or agreement forms for execution between the utility and its customers.

(e) The term "rate book" shall refer to the assembled "rate schedules," "rules," "regulations," and "standard forms" of the utility as filed with this commission.

History: 1944 AC, p. 1309; 1954 AC, p. 6463.

PART 2. RATE SCHEDULES

R 460.2003 General filing instructions.

Rule 3. (1) All rate schedules, rules, regulations, forms, etc., in the form prescribed shall be submitted to the commission in triplicate for filing. After acceptance, 1 stamped copy will be returned to the utility which shall be the notice to the utility that the filing has been accepted.

(2) All rate schedules submitted to the commission for filing should be accompanied by a letter of transmittal which lists the sheets being transmitted.

(3) It is recommended that where numerous filings are made, or are contemplated to be made, that the letters of transmittal be serially numbered so that each filing may be readily identified.

(4) If an acknowledgment of the filing is desired, the letter of transmittal should be sent in duplicate with a request that the duplicate be returned.

History: 1944 AC, p. 1309; 1954 AC, p. 6464.

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R 460.2004 Size and form of rate schedules and rate books.

Rule 4. (1) All rate schedules, rules and regulations shall be filed with the commission in loose leaf form on 8½ x 11" sheets printed (or typewritten with standard type) on 1 side of the sheet only, and on a good grade of bond paper of durable quality. Sufficient margin shall be allowed on each sheet for a left-hand binding edge so that when the rate book is open all printed matter will be in view.

(2) The commission does not furnish blank forms for rate schedules nor binders for rate books. The utility shall supply durable binders for this purpose.

(3) Gas and electric utilities. Rate books shall consist of the following sections in the order named:

(a) Front cover.
(b) Title page.
(c) Table of contents—check list.
(d) Description of territory served.
(e) Index of communities served.
(f) Miscellaneous.
(g) Rules and regulations.
(h) Technical terms and abbreviations.
(i) Rate schedules.
(j) Standard forms and riders.
(k) Back cover.

(4) Telephone utilities. In general, the rate books of telephone utilities should contain in the order named:

(a) Front cover.
(b) Title page.
(c) Table of contents (See note A).
(d) General description of the territory served.
(e) General rules and regulations (See note B).
(f) General rates (See note B).
(g) Local rates (See note B).
(h) Exchange area map sheets (See note B).
(i) Back cover.

Notes:

A. Table of contents may be omitted in rate books of less than 20 sheets.

B. Where it is desirable or necessary to divide the filing into several rate books or sections, each book or section should follow the foregoing outline with respect to subdivisions (a), (b), (c), and (d) of subrule (4) following which the remaining material should be arranged in logical sequence within each book or section.

History: 1944 AC, p. 1309; 1954 AC, p. 6464.

R 460.2005 Numbering and general data to appear on each sheet.

Rule 5. (1) Every sheet in the rate book shall be numbered except the front and back covers. It is suggested that a decimal system of numbering, or its equivalent, be adopted so that a new or additional sheet may be inserted in its logical place in the proper section of the rate book.

(2) All rate books must be given a Michigan public service commission number (M.P.S.C. number) which shall appear in the upper left-hand corner of every sheet except the front and back covers. The first rate book issued by a utility shall be designated as M.P.S.C. No. 1, and any subsequent issue of a complete new rate book shall be given the next successive number, except as may otherwise be provided or directed. If the name of the utility is changed, the new rate book shall be M.P.S.C. No. 1.

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(3) The first issue of every sheet in the rate book shall be marked "original sheet" in the upper right-hand corner of the sheet. As an example,

Original sheet No. 1.

(4) Revised sheets in the rate book shall be marked with the serial number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example,

First revised sheet No. 5.1
Cancels original sheet No. 5.1.

(5) Every sheet except the front and back covers shall have the issued date in the lower left-hand corner of the sheet and the name and title of the issuing officer of the utility.

(6) Every sheet containing a rate schedule, rule or regulation, standard form or rider shall have the effective date in the lower right-hand corner of the sheet.

The term "effective date" shall be construed as follows:

(a) On an original sheet, the effective date is the date on and after which the rate schedule or regulations shown on the sheet become effective.

(b) On a revised sheet, the effective date is the date on and after which the revision of the rate schedule or regulations becomes effective.

(7) Every sheet containing a rate schedule, rule or regulation, standard form or rider, approved by formal order of the commission, shall have the following notation at the bottom of the sheet:

Issued under authority of order No. _____ of Michigan Public Service Commission, dated _____.

(8) Each utility should adopt a system for indicating the nature and extent of the revision of rates or regulations contained on a revised sheet so that such revisions can be readily recognized. The revised portion may be printed in a different style of type, underlined, or otherwise marked with some symbol, such as,

C. To signify a changed regulation.
D. To signify a discontinued rate, treatment or regulation.
I. To signify an increase.
N. To signify a new rate or regulation.
R. To signify a reduction.
T. To signify a change in text but no change in rate or regulation.

History: 1944 AC, p. 1310; 1954 AC, p. 6465.

R 460.2006 Description of individual sheets.

Rule 6. (1) The front cover should adequately identify the volume as the rate book filed by the particular utility with the Michigan public service commission for the sale of electricity, gas or telephone service.

(2) The title sheet shall be a repetition of the front cover except that it shall be sheet number 1 of the rate book (upper right-hand corner) and shall have thereon all the general information required by section 5 of these rules.

(3) Table of contents:

(a) Each sheet of the rate book shall be listed by sheet number, including revision number and effective date, in a table of contents—check list.

(b) The table of contents—check list shall be amended whenever any change or addition is made in the rate book.

(c) The table of contents—check list shall be supplemented by a "topical" or "subject" index to facilitate the use of the rate book.

(d) On June 30 of each year, each utility shall notify the commission of the date of issue of the effective table of contents—check list.

(4) Description of territory served:

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(May be omitted if the information is shown on title sheet.)

(a) Gas and electric utilities: List the communities and the townships served. A map (8½ x 11 inches) showing the territory served should be included if available.

(b) Telephone utilities: A brief, general description of the territory, or a reference to description shown elsewhere in the tariffs, should be given. This may be placed on the title page (b) above, when the brevity of the description permits.

(5) Index of communities served and applicable rate schedules:

(a) This index should list each community and township served and indicate for each the rate schedules available to customers located therein.

(b) If the utility's rate schedules are uniform with respect to communities served (i.e., the same rates are available throughout all territory) this division of the schedules of rates may be omitted, providing the "description of territory served" is complete and each rate schedule clearly states that it is available throughout the utility's entire territory.

(6) Information of a general nature that does not belong under any of the specified captions should be placed in this section. If rates in certain communities are claimed to be governed by franchise, permits or agreements, it should be so stated.

(7) Regulations:

(a) This shall include all rules, regulations, practices, services, classifications, exceptions and conditions made or observed relative to the utility service furnished which are general and apply to all or many of the rate schedules or exchange areas served.

(b) The regulations shall be lettered or numbered and titled so that convenient reference can be made to them.

(c) If a general regulation does not apply to a particular rate schedule or exchange, that fact should be clearly stated.

(8) Full and concise information shall be given as to the meaning of all technical and special terms and abbreviations and of all reference marks used in the regulations or rate schedules.

(9) Rate schedules:

(a) All rate schedules shall be placed in and made a part of the rate book, except special contract rates. (See "contracts and agreements.")

(b) In case information pertaining to an individual rate schedule cannot be placed on 1 sheet, place the note "continued to sheet No. _____" at the bottom of the sheet and "continued from sheet No. _____" at the top of the next sheet.

(c) Gas and electric utilities:

(i) The sequence of arrangement for rate schedules in the rate book should be as follows:

(A) Rate schedules of general availability.

(B) Rate schedules for residential (domestic) service.

(C) Rate schedules for rural service.

(D) Rate schedules for commercial service.

(E) Rate schedules for industrial service.

(F) Rate schedules for municipal service.

(G) Rate schedules for miscellaneous or special services.

(ii) Only 1 rate schedule shall be placed on a single sheet.

(iii) The following information, if applicable, shall be shown in connection with every rate schedule:

(A) Who may take or use the service and the territory to which the rate is applicable.

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(B) Hours service is available.

(C) Character of service, such as continuous, limited, standby, etc.

The current characteristics for electric service shall be stated and the heating value for gas service, unless shown elsewhere in the rate book for the entire territory served.

(D) Rate or rates.

(E) Discount or other terms of payment.

(F) Minimum charge.

(G) If rates are subject to contract or agreement, give number of contract or agreement form and the term required. If they are not, so state.

(H) If special rules or regulations apply to a rate and are not printed as a part of it, definite reference shall be made on the rate schedule sheet to such special rules which shall be printed elsewhere in the rate book.

(d) Telephone utilities (local exchange schedules):

(i) Local rates for no more than 1 exchange area shall appear on a sheet.

(ii) Applications of and exceptions to general regulations and rates should be clearly stated.

(iii) Sequence of arrangement for rate schedules in the rate book should be as follows:

(A) Rates and services within the base rate area.

(B) Rates and services outside the base rate area but within the exchange service area.

(C) Miscellaneous local rates and services if not shown in or if they differ from the general rates and services otherwise applicable.

(D) Map and/or written description of base rate area.

(E) Map and/or written description of exchange service area.

(10) Standard forms and riders:

(a) An exact copy of every uniform contract, agreement, service application or other form where the same pertains to subscribers and/or customers' services, etc., shall accompany the schedule to which it is applicable. If such standard forms are numerous they may be placed in a separate binder and proper reference made to them in the rate book.

(b) Each rider form shall be included with the contract or agreement to which it belongs.

(c) All such forms shall be given a number so that reference can be made to them.

(d) When any such form is changed, altered or amended the revised issue shall be filed with the commission before the form is used.

History: 1944 AC, p. 1311; 1954 AC, p. 6465.

PART 3. FRANCHISES, PERMITS, AND AGREEMENTS

R 460.2007 Certified copies to be filed.

Rule 7. (1) A certified copy of all franchises, agreements and/or permits granted by any municipality shall be filed with the commission.

(2) Where a franchise has been duly ratified by the electors the certification shall be as follows:

FRANCHISE CERTIFICATION

STATE OF MICHIGAN
County of _____ (name) } ss.

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I, _____ (name), _____ (title), of _____ (name of company), do hereby certify that the annexed is a true and correct copy of the original certified copy of the proceedings of the village (city or township) council (or board) of the village (city or township) of _____ (name), _____ (name) County, Michigan, with reference to the granting of a franchise to _____ (name of company), and with reference to the (special) election held in said village (city or township) upon the _____ (date) day of _____ (month), _____ (year), and was duly ratified by more than a _____ (three-fifths or majority)* vote of the electors voting at such election, and became effective on said date; that I have compared the annexed with the original certified copy filed in the office of _____ (name of company) and that the same is a true transcript thereof.

_____
Signature of officer

Dated _____ 19____. Effective date _____.
Place corporate seal here. Expiration date _____.

(3) Where a franchise, permit or agreement has not been ratified by the electors the certification shall be as follows:

FRANCHISE, PERMIT OR AGREEMENT CERTIFICATION

STATE OF MICHIGAN
County of _____ (name) } ss.

I, _____ (name), _____ (title) of _____ (name of company), do hereby certify that the annexed is a true and correct copy of the original certified copy of the proceedings of the village (city) or (township) council (or board) of the village (city or township) of _____ (name), _____ (name) county, Michigan, with reference to the granting of a franchise (permit or agreement) to _____, and that I have compared the annexed with the original certified copy filed in the office of _____ (name of company), and that the same is a true transcript thereof.

_____
(Signature of officer)

Dated _____ 19____.
Place corporate seal here.

_____

Effective date _____.
Expiration date _____.

History: 1944 AC, p. 1312; 1954 AC, p. 6467.

PART 4. CONTRACTS AND AGREEMENTS

R 460.2008 Filing of contract and agreements.

Rule 8. (1) Whenever a special contract is entered into by a utility for the sale of its product or services in a manner or at a rate not specifically covered by its

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filed regulations and rate schedules, a conformed copy of such contract or agreement shall be placed on file with the commission before the effective date thereof.

(2) If approval of the contract by the commission is required, the contract shall be forwarded in triplicate.

History: 1944 AC, p. 1313; 1954 AC, p. 6468.

CONSUMER STANDARDS AND BILLING PRACTICES FOR ELECTRICAL AND GAS RESIDENTIAL SERVICE

(By authority conferred on the public service commission by Act No. 106 of the Public Acts of 1909, as amended, section 5 of Act No. 419 of the Public Acts of 1919, sections 4 and 6 of Act No. 3 of the Public Acts of 1939, as amended, and sections 3, 9 and 231 of Act No. 380 of the Public Acts of 1965, being §§460.551 to 460.559, 460.55, 460.4, 460.6, 16.103, 16.109, and 16.331 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS AND DEFINITIONS

R 460.2101 Application of rules.

Rule 1. These rules apply to all electric and gas public utilities which are or may hereafter be subject to the jurisdiction of the public service commission under the laws of the state.

History: 1954 ACS 81, p. 109, Eff. Mar. 5, 1975.

R 460.2102 Definitions.

Rule 2. (1) "Billing month" means a utility service consumption period of not less than 26 nor more than 35 days.

(2) "Complaint and information officer" means a member of the commission staff designated to perform responsibilities in accordance with these rules.

(3) "Complaint determination" means the written decision of a utility hearing officer with respect to any complaint filed regarding residential utility service.

(4) "Consumer services division" means the staff of the commission designated to perform responsibilities in accordance with these rules.

(5) "Customer" means any purchaser of electricity or gas supplied by a utility for residential purposes.

(6) "Cycle billing" means a system employed by a utility which results in the rendition of bills for utility service to various customers on different days of any one calendar month.

(7) "Delinquent account" means a bill rendered to a customer for utility service which remains unpaid at least 5 days after the due date of the bill.

(8) "Discontinuance of service" means a cessation of utility service not voluntarily requested by a customer.

(9) "Energy usage" means the consumption of electricity or gas sold by a public utility.

(10) "Estimated bill" means a bill rendered by a utility for energy use which is not calculated or computed by employing an actual reading of a meter or other measuring device.

(11) "Fuel clause" means the automatic adjustment approved by the commission to recognize variations in the cost of fuel for electric generation, purchased power or purchased gas from a base level.

(12) "In dispute" means any matter regarding a customer's utility service which is the subject of a pending disagreement, claim or complaint by a customer.

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(13) "Informal appeal" means an appeal of a complaint determination of a utility hearing officer made to the consumer services division of the commission.

(14) "Informal appeal decision" means the written determination of the consumer services division with respect to an informal appeal.

(15) "Late payment charge" means a finance, service, carrying or penalty charge assessed by a utility upon the bill of a customer for the reason that any balance due and owing upon the bill remains outstanding beyond the period of time established for payment.

(16) "Residential service or use" means the provision of or use of electricity or gas for residential purposes.

(17) "Seasonally billed customer" means a residential customer billed on a seasonal basis in accordance with a utility tariff on file with the commission.

(18) "Settlement agreement" means a written agreement entered into by a customer and a utility which purports to resolve any matter in dispute between the parties or provides for the payment of moneys not in dispute over a reasonable period of time.

(19) "Termination" means a cessation of utility service voluntarily requested by the customer.

(20) "Utility" means a person, firm, corporation, cooperative, association or other agency subject to the jurisdiction of the public service commission, which distributes and sells electricity or gas for residential use.

(21) "Utility service charges" means the rates for utility service and other charges authorized by the commission as an integral part of utility service.

History: 1954 ACS 81, p. 109, Eff. Mar. 5, 1975.

R 460.2103 Discrimination prohibited.

Rule 3. A utility shall not discriminate against nor penalize a customer for exercising any right granted by these rules.

History: 1954 ACS 81, p. 110, Eff. Mar. 5, 1975.

R 460.2104 Form of proceedings.

Rule 4. The informal procedures required by these rules shall not constitute a contested case as defined by section 3 of Act No. 306 of the Public Acts of 1969, as amended, being §24.203 of the Michigan Compiled Laws.

History: 1954 ACS 81, p. 110, Eff. Mar. 5, 1975.

R 460.2105 Additional rules.

Rule 5. A utility may adopt such reasonable rules governing its relations with customers as are necessary and are not inconsistent with these rules. The rules shall be an integral part of the utility's schedule of rates and tariffs and approved by the commission.

History: 1954 ACS 81, p. 110, Eff. Mar. 5, 1975.

PART 2. BILLING AND PAYMENT STANDARDS

R 460.2111 Billing frequency.

Rule 11. A utility shall render a bill once during each billing month to every residential customer in accordance with approved rate schedules. Bills to seasonally billed customers and bills by a utility authorized to use a customer read and self-billing system shall be rendered in accordance with the tariff on file with the commission.

History: 1954 ACS 81, p. 110, Eff. Mar. 5, 1975.

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R 460.2112 Estimated billing.

Rule 12. (1) A utility may estimate the bill of any residential customer every other billing month. A utility may estimate bills upon a different frequency upon a finding by the commission that such procedures assure reasonable billing accuracy. Any bill rendered on an estimated basis shall be clearly and conspicuously identified. A utility shall not render an estimated bill unless the estimating procedures employed by the utility and any substantive changes in those procedures have been approved by the commission.

(2) A utility may render estimated bills to seasonally billed customers in accordance with the tariff on file with the commission.

(3) Notwithstanding the provisions of subrule (1), a utility may estimate the bill of any residential customer if extreme weather conditions, emergencies, work stoppages or other circumstances of force majeure prevent actual meter readings.

(4) If the utility is unable to gain access to read a meter, the utility shall undertake reasonable alternative measures to obtain an actual reading including mailing or leaving postpaid pre-addressed postcards upon which the customer may note the reading. If the customer fails to comply with such alternative measures, or makes reading of the meter unnecessarily difficult, the utility may render an estimated bill notwithstanding subrule (1). When an actual reading cannot be obtained, the utility shall maintain accurate records of the reasons therefor and efforts it has made to secure the actual reading.

History: 1954 ACS 81, p. 110, Eff. Mar. 5, 1975.

R 460.2113 Customer meter reading.

Rule 13. A utility shall provide each customer with the opportunity to read and report energy usage as long as energy usage is reported on a regular and accurate basis and shall provide postpaid pre-addressed postcards for this purpose upon request. At least annually, a utility shall obtain an actual meter reading of customer usage in order to verify the accuracy of readings reported in this manner. This rule shall not prevent a utility from reading meters on a regular basis.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2114 Equal monthly billing.

Rule 14. Notwithstanding R 460.2112, a utility may bill its customers in accordance with equal monthly billing programs at the election of the utility customer upon a finding by the commission that such programs assure reasonable billing accuracy.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2115 Cycle billing.

Rule 15. A utility may bill its customers on a cyclical basis if the individual customer receives each billing on or about the same day of each billing month. If a utility changes meter reading routes or schedules, billing cycles may be altered upon 10 days' written notice to the affected customer.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2116 Payment of bills.

Rule 16. A utility shall permit each residential customer at least 21 calendar days from the date of rendition of each bill for payment in full.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

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R 460.2117 Computation of payment period.

Rule 17. The date of rendition of a utility bill for residential service shall be the date of physical mailing of the bill by the utility. If the last calendar day for remittance falls upon a Sunday, a legal holiday or any other day when the offices of the utility regularly used for the payment of customer bills are not open to the general public, the final payment date shall be extended through the next business day. The date of payment for remittance by mail is 2 days prior to receipt of the remittance.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2118 Discounts and late payment charges prohibited.

Rule 18. After the effective date of these rules, a utility shall bill each customer for the amount of volumetric energy consumed, and any other approved charges in accordance with the net rates in the tariffs and schedules approved by and on file with the commission. A utility shall not employ any net/gross payment discount provision or assess any late payment charge in determining the amount of any bill due and owing by a residential customer.

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2119 Billing information.

Rule 19. Every bill rendered by a utility for residential utility service shall state clearly:

(a) The beginning and ending meter readings of the billing period and the dates thereof. Utilities authorized to use a customer read and self-billing system need not provide this information.

(b) The due date.

(c) Any previous balance.

(d) The amount due for energy usage.

(e) The amount due for other authorized charges.

(f) The total amount due.

(g) The statement that rate schedules, an explanation of how to calculate the accuracy of the bill, and an explanation of the fuel clause, if any, are available and will be mailed upon request.

(h) The statement, "Register any inquiry or complaint about this bill prior to the due date."

(i) The address and telephone number of the utility designating where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided by the utility.

(j) The statement that, "This utility is regulated by the Michigan Public Service Commission, Lansing, Michigan."

History: 1954 ACS 81, p. 111, Eff. Mar. 5, 1975.

R 460.2120 Separate bills.

Rule 20. A utility shall render a separate billing as required by R 460.2119 for service provided at each residence or location and shall not combine 2 or more accounts without written authorization of the customer.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

R 460.2121 Special services.

Rule 21. A utility may include charges for special services together with charges for utility service on the same monthly bill if the charges for special

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services are designated clearly and separately from the service account. If partial payment is made, the utility shall first credit all payments to the balance outstanding for utility service.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

PART 3. GUARANTEE OF PAYMENT AND SECURITY DEPOSITS

R 460.2131 Deposits; new service.

Rule 31. A utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an unsatisfactory credit or service standing with the utility due to either of the following:

(a) The customer has outstanding a prior utility service account with the utility which accrued within the last 6 years and at the time of the request for service remains unpaid and not in dispute.

(b) In an unauthorized manner, the customer has interfered with or diverted the service of the utility situated or delivered on or about the customer's premises within the last 6 years if the finding of unauthorized interference or use is made and determined after notice and opportunity for hearing is provided to the customer pursuant to these rules and is not in dispute.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

R 460.2132 Deposits; existing service.

Rule 32. A utility shall not require a cash deposit or other guarantee as a condition of continued service unless a customer has an unsatisfactory credit or service standing with the utility due to either of the following:

(a) The service of the customer has been discontinued for nonpayment of a delinquent account not in dispute.

(b) In an unauthorized manner, the customer interfered with or diverted the service of the utility situated or delivered on or about the customer's premises if the finding of unauthorized interference or use is made and determined after notice and opportunity for hearing is provided to the customer pursuant to these rules and is not in dispute.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

R 460.2133 Other standards prohibited.

Rule 33. A utility shall not require a cash deposit or other guarantee as a condition of new or continued utility service based upon commercial credit standards, income, home ownership, residential location, race, color, creed, sex, age, national origin or any other criteria not authorized by these rules.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

R 460.2134 General deposit conditions.

Rule 34. A cash deposit required pursuant to these rules is subject to the following terms and conditions:

(a) A deposit required as a condition of new service due to a prior outstanding account not in dispute shall not exceed the lesser of the amount of the prior outstanding account or $100.00. The utility may also require payment of the prior outstanding account as a condition of new service.

(b) A deposit required as a condition of continued service due to discontinuance for nonpayment shall not exceed the lesser of an amount equal to the actual or estimated maximum monthly bill for service at the customer's premises or

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$100.00. The utility may also require payment of the prior outstanding account as a condition of continued service.

(c) A deposit required for new or continued service due to unauthorized interference or use shall not exceed $100.00.

(d) Before requiring a deposit as a condition of continued service, the utility shall have offered the customer prior to discontinuance for nonpayment, the opportunity to enter into a settlement agreement as provided in part 6 of these rules.

(e) Interest at the rate of 6% per annum shall be payable on all deposits. Interest shall be credited semi-annually upon the service account of the customer or paid upon the return of the deposit, whichever occurs first. The commission by order may revise the annual interest rate not later than January 31 of each year after the effective date of these rules, after having given notice of the proposed revision by publication in 3 daily newspapers of general circulation, 1 of which shall be in the Upper Peninsula, and having afforded all interested parties the opportunity to comment upon the proposed interest rate.

(f) Upon termination of service, the deposit, with accrued interest shall be credited to the final bill and the balance shall be returned promptly to the customer.

(g) The credit of a customer shall be established and a deposit and accrued interest shall be refunded promptly by the utility upon satisfactory payment by the customer of all proper charges for utility service for a period of 9 successive months. For purposes of this subrule, payment is satisfactory if made prior to the issuance of a notice of discontinuation of service for nonpayment not in dispute. The utility may withhold the deposit funds pending the resolution of a discontinuance for nonpayment which is in dispute in accordance with these rules.

(h) A utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer, the location of the premises occupied by the customer at the time of making the deposit and each successive location while the deposit is retained, the date of making and amount of deposit, and the date and amounts of interest paid.

(i) Each customer posting a cash deposit shall receive in writing at the time of tender of deposit funds a receipt as evidence thereof, which contains the following minimum information:

(i) Name of customer.

(ii) Place of payment.

(iii) Date of payment.

(iv) Amount of payment.

(v) Identifiable name and signature of the utility employee receiving payment.

(vi) Statement of the terms and conditions governing the receipt, retention and return of deposit funds.

(j) A utility shall provide means whereby a customer entitled to a return of his deposit is not deprived of deposit funds even though he may be unable to produce the original receipt for the deposit.

(k) A utility shall apply deposit standards uniformly as a condition of utility service to all residential customers.

History: 1954 ACS 81, p. 112, Eff. Mar. 5, 1975.

R 460.2135 Guarantee in lieu of deposit.

Rule 35. In lieu of a cash deposit required by these rules, a utility shall accept the written guarantee of a responsible party as surety for a customer service account.

History: 1954 ACS 81, p. 113, Eff. Mar. 5, 1975.

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R 460.2136 Guarantee terms and conditions.

Rule 36. A guarantee accepted in accordance with these rules is subject to the following terms and conditions:

(a) It shall be in writing and shall be renewed in a similar manner at least annually.

(b) It shall state the terms of guarantee, the maximum amount guaranteed and that the utility shall not hold the guarantor liable for sums in excess thereof unless agreed to in a separate written instrument.

(c) Credit shall be established for the customer and the guarantor shall be released upon satisfactory payment by the customer of all proper charges for utility service for a period of 9 successive months. For purposes of this subrule, payment is satisfactory if made prior to the issuance of a notice of discontinuation of service for nonpayment not in dispute. The utility may withhold the release of the guarantor pending the resolution of a discontinuance for nonpayment in dispute in accordance with these rules.

History: 1954 ACS 81, p. 113, Eff. Mar. 5, 1975.

R 460.2137 Deposit refund.

Rule 37. A utility shall refund all cash deposits held as security for residential service currently in its possession and terminate all existing guarantees in lieu of deposits not maintained or executed in compliance with this part. A utility shall notify each customer that any deposit so refunded is pursuant to these rules. Interest on refunded deposits shall accrue in accordance with the interest rate paid by the utility on the effective date of these rules. A utility may apply all deposits subject to refund against existing arrearages not in dispute prior to refund.

History: 1954 ACS 81, p. 114, Eff. Mar. 5, 1975.

PART 4. UTILITY PROCEDURES

R 460.2141 Applicability.

Rule 41. These procedures shall be applicable to all customer inquiries and complaints made to a utility regarding residential utility service and charges therefor.

History: 1954 ACS 81, p. 114, Eff. Mar. 5, 1975.

R 460.2142 Complaint procedures.

Rule 42. (1) A utility shall establish procedures which will insure the prompt, efficient and thorough receipt, investigation and where possible, resolution of all customer inquiries, service requests and complaints regarding residential utility service and charges therefor.

(2) A utility shall obtain commission approval of any substantive changes in the procedures prior to implementation.

History: 1954 ACS 81, p. 114, Eff. Mar 5, 1975.

R 460.2143 Personnel procedures required.

Rule 43. A utility shall establish personnel procedures which as a minimum insure that:

(a) Qualified personnel shall be available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests and complaints. A utility shall make necessary arrangements to insure that customers unable to communicate in the English language receive prompt and effective assistance.

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(b) Qualified personnel responsible for and authorized to enter into written settlement agreements on behalf of the utility shall be available at all times during normal business hours to respond to customer inquiries and complaints.

(c) Qualified personnel shall be available at all times to receive and initiate response to customer contacts regarding any discontinuance of service and emergency conditions occurring within the utility's service area.

(d) Names, addresses and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests and complaints are current and on file with the consumer services division.

History: 1954 ACS 81, p. 114, Eff. Mar. 5, 1975.

R 460.2144 Utility hearing officers.

Rule 44. (1) A utility shall employ or contract with competent utility hearing officers who shall be notaries public and qualified to administer oaths and other supporting personnel as necessary to comply with part 6.

(2) Utility hearing officers so employed or contracted to comply with part 6 shall function exclusively in this capacity and shall not engage in any other activities for or on behalf of the utility.

(3) Utility hearing officers and utility hearing procedures shall be subject at all times to investigation and review by the commission to insure the impartiality and integrity of the hearing process.

History: 1954 ACS 81, p. 114, Eff. Mar. 5, 1975.

R 460.2145 Publication of procedures.

Rule 45. (1) A utility shall prepare a pamphlet which in layman's terms summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions.

(2) The pamphlet shall be displayed prominently and available at all utility office locations open to the general public and shall be mailed to each residential customer of the utility. Thereafter the pamphlet shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request.

(3) The pamphlet shall contain information concerning, but not limited to:

(a) Billing procedures and estimation standards.

(b) Methods for customers to verify billing accuracy.

(c) Explanation of operation of fuel clauses.

(d) Customer payment standards and procedures.

(e) Security deposit and guarantee standards.

(f) Discontinuation and reconnection of service.

(g) Inquiry, service and complaint procedures.

(h) Public service commission consumer procedures.

(4) The cover of each pamphlet shall indicate conspicuously that the pamphlet is being provided in accordance with the rules of the commission and shall indicate in Spanish that the pamphlet or a translation thereof is available in Spanish. Upon request, a utility shall provide the pamphlet or a translation thereof in the Spanish language.

History: 1954 ACS 81, p. 115, Eff. Mar. 5, 1975.

R 460.2146 Public access to rules and rates.

Rule 46. A utility shall keep on file and provide public access to a copy of these rules, all other rules of the utility as filed with the commission regarding customer

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service and a schedule of all residential rates and service charges together with an explanation of the operation of any applicable fuel clause at all offices of the utility. Suitable signs shall be posted conspicuously at each such location calling attention to the public that the rules, regulations and rate schedules are so filed and available for inspection. Upon request, the utility shall provide 1 copy of these rules or schedules to a customer without charge.

History: 1954 ACS 81, p. 115, Eff. Mar. 5, 1975.

R 460.2147 Reporting requirement.

Rule 47. A utility shall file a quarterly report within 20 days after the end of each calendar quarter with the consumer services division, which in detail contains information concerning:

(a) The payment performance of its customers in relation to established due and payable periods.

(b) The number and general description of all complaints registered with the utility.

(c) The number of discontinuation notices issued by the utility and the reasons therefor.

(d) The number of hearings held by the utility, the type of the dispute relating thereto and the number of complaint determinations issued.

(e) The number of written settlement agreements entered into by the utility and a synopsis of the terms, conditions and standards upon which the settlement agreements were entered into.

(f) The actual number of discontinuations of service and the number of reconnections.

(g) A critique of the performance of the consumer services division of the commission.

History: 1954 ACS 81, p. 115, Eff. Mar. 5, 1975.

R 460.2148 Inspection.

Rule 48. A utility shall permit authorized staff of the commission to inspect all of the utility's operations relating to customer service.

History: 1954 ACS 81, p. 115, Eff. Mar. 5, 1975.

PART 5. PHYSICAL DISCONTINUATION OF SERVICE

R 460.2151 Time of discontinuation.

Rule 51. (1) Subject to the requirements of these rules, a utility may discontinue service to a residential customer on the date specified in the notice of discontinuation or within a reasonable time thereafter only between the hours of 8:00 a.m. and 4:00 p.m.

(2) Service shall not be discontinued on a day, or a day immediately preceding a day when the services of the utility are not available to the general public for the purpose of reconnecting discontinued service.

History: 1954 ACS 81, p. 116, Eff. Mar. 5, 1975.

R 460.2152 Manner of discontinuation.

Rule 52. (1) At least 1 day preceding physical discontinuation of service, the utility shall make reasonable efforts to contact the customer by telephone to advise the customer of the pending action and what steps must be taken to avoid discontinuation.

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(2) Immediately preceding the physical disconnection of service, the employee of the utility designated to perform such function shall identify himself to the customer or other responsible person then upon the premises and shall announce the purpose of his presence.

(3) The employee shall have in his possession the past due account of the customer and request any available verification that the outstanding claims have been satisfied or are currently in dispute. Upon the presentation of evidence which reasonably indicates that the claim has been satisfied or is currently in dispute, service shall not be discontinued.

(4) The employee may be authorized to accept payment and in such case shall not discontinue service if the customer then and there tenders payment in full together with a reasonable charge for sending the employee to the premises if provided in the utility's schedule of rates and tariffs.

(5) Payment may be made by the customer in any reasonable manner including personal check. Payment by personal check is not reasonable if the customer on a previous occasion within the last 3 years has tendered payment in this manner and the check has been returned for insufficient funds.

(6) If prior telephone contact has not been made as provided in subrule (1) and the customer or other responsible person is not in or upon the premises, the employee shall leave notice in a manner conspicuous to the customer that service will be discontinued on the next business day unless outstanding claims have been satisfied. If the customer or other responsible person has been telephonically contacted, service may be discontinued immediately.

(7) If the customer or other responsible person is not in or upon the premises upon the return of the employee, or upon the first visit if the customer or other responsible person does not respond when it reasonably appears that the premises are occupied, the employee may discontinue service.

(8) When service is discontinued, the employee shall leave notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

History: 1954 ACS 81, p. 116, Eff. Mar. 5, 1975.

R 460.2153 Medical emergency.

Rule 53. Notwithstanding any other provision of these rules, a utility shall postpone the physical discontinuation of utility service to a residential customer for a reasonable time not in excess of 21 days if the customer produces a physician's certificate or notice from a public health or social services official which states that physical discontinuation will aggravate an existent medical emergency of the customer, a member of his family or other permanent resident of the premises where service is rendered. The certificate shall identify the medical emergency and specify the period of time during which discontinuation will aggravate the circumstances. The postponement may be extended by renewal of the certificate or notice.

History: 1954 ACS 81, p. 116, Eff. Mar. 5, 1975.

R 460.2154 Restoration of service.

Rule 54. (1) After service has been discontinued, a utility shall restore service promptly upon the customer's request when the cause for discontinuation of service has been cured or satisfactory credit arrangements have been made.

(2) Every effort shall be made to restore service at all times upon the day restoration is requested and in any event, restoration shall be made no later than the first working day after the day of the request of the customer.

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(3) The utility may charge the customer a fee reasonably related to the manner in which service was discontinued for restoration of that service, if provided in the utility's approved schedule of rates and tariffs.

History: 1954 ACS 81, p. 116, Eff. Mar. 5, 1975.

PART 6. DISCONTINUANCE OF SERVICE

R 460.2161 Discontinuance.

Rule 61. Subject to the requirements of these rules, a utility may discontinue service to a residential customer for 1 or more of the following reasons:

(a) Nonpayment of a delinquent account.

(b) Failure to post a cash security deposit or other form of guarantee.

(c) Unauthorized interference with or diversion or use of the utility service situated or delivered on or about the customer's premises.

(d) Failure to comply with the terms and conditions of a settlement agreement.

(e) Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(f) Misrepresentation of identity for the purpose of obtaining utility service.

(g) Violation of any other rules of the utility on file with and approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's energy delivery system.

History: 1954 ACS 81, p. 117, Eff. Mar. 5, 1975.

R 460.2162 Discontinuance of service prohibited.

Rule 62. (1) None of the following shall constitute sufficient cause for a utility to discontinue service:

(a) The failure of a customer to pay for merchandise, appliances, or services not approved by the commission as an integral part of the utility service provided by a utility.

(b) The failure of a customer to pay for concurrent service received at a separate metering point, residence, or location. In the event of discontinuation or termination of services at a separate residential metering point, residence, or location in accordance with these rules, a utility may transfer any unpaid balance to any other residential service account of the customer.

(c) The failure of a customer to pay for a different class of service received at the same or different location. The placing of more than 1 meter at the same location for the purpose of billing the usage of specific domestic energy using devices under optional rate schedules or provisions is not construed as a different class of service for the purpose of this rule.

(d) The failure of a customer, such as a landlord, to pay for service where service is used by another person, such as a tenant. A utility may discontinue service, however, in any of the following circumstances:

(i) If the customer supplies a written statement under oath that the premises are unoccupied.

(ii) If the premises are occupied, and the occupant agrees in writing to the discontinuation of service.

(iii) If it is not feasible to provide service to the occupant as a customer without a major revision of existing distribution facilities. Where it is feasible to so provide service, the utility, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in his own name. If the occupant then declines to so subscribe, the utility may discontinue service

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pursuant to these rules. A utility shall not attempt to recover, or condition service upon the payment of, any outstanding bills or other charges due upon the account of any other person.

(2) Utility service to any residential customer shall not be discontinued for nonpayment of a delinquent account, if before discontinuance of service, a government-funded service agency verifies, or the customer provides documentation to the utility, that application has been made to the agency by the customer for economic assistance which, if granted, will, to any extent, assist the customer in paying the delinquent account. The utility shall not discontinue service for at least 14 days after the date the verification is made or the documentation is provided. If a determination is made by the agency before the expiration of the 14-day period that the customer is eligible for assistance, and notice of the determination is provided to the utility, then the utility shall not discontinue service for at least 5 days after such notice is given to provide the customer with an opportunity to make full payment of the delinquent account or to enter into a settlement agreement with the utility.

History: 1954 ACS 81, p. 117, Eff. Mar. 5, 1975; 1954 ACS 99, p. 152, Eff. May 12, 1979.

R 460.2163 Notice of discontinuation of service.

Rule 63. (1) A utility shall not discontinue residential service pursuant to R 460.2161 unless written notice by first class mail is sent to the customer or personally served not less than 10 days before the date of the proposed discontinuance. Notice shall be sent to the account name and address and to the address where service is provided, if different. Service of notice by mail is complete upon mailing. A utility shall maintain an accurate record of the date of mailing.

(2) A utility shall permit a residential customer to designate a consenting individual or agency to receive a copy of any notice of discontinuation sent by the utility to the customer.

(3) If notice of discontinuation of service is issued pursuant to this rule, but the 10-day notice period pursuant to subrule (1) is extended by the operation of R 460.2162(2), then no additional written notice need be given by the utility before the discontinuation of service, except when required by R 460.2152(6).

History: 1954 ACS 81, p. 117, Eff. Mar. 5, 1975; 1954 ACS 99, p. 153, Eff. May 12, 1979.

R 460.2164 Form of notice.

Rule 64. Notice of discontinuation of service shall contain the following information:

(a) The name and address of the customer and the address of the service, if different.

(b) A clear and concise statement of the reason for the proposed discontinuation of service.

(c) The date, or within a reasonable time thereafter, on which service will be discontinued unless the customer takes appropriate action.

(d) The right of the customer to enter into a settlement agreement with the utility if the claim is for moneys not in dispute and the customer is presently unable to pay in full the amount due the utility.

(e) The right of the customer to file a complaint disputing the claim of the utility before the date of the proposed discontinuation of service.

(f) The right of the customer to request a hearing before a utility hearing officer if the complaint cannot be otherwise resolved and a statement that the

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customer must pay to the utility that portion of the bill not in dispute within 3 days of the date that the hearing is requested.

(g) The right of the customer to represent himself or to be represented by counsel or other person of his choice in the complaint process.

(h) A statement that service will not be discontinued pending the resolution of a complaint filed with the utility in accordance with the rules of the Michigan public service commission.

(i) The telephone number and address of the utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.

(j) A statement advising the customer to contact a social service agency immediately if the customer believes he or she might be eligible for emergency economic assistance.

(k) A statement indicating that discontinuation of service may be postponed if a medical emergency exists in the customer's residence.

History: 1954 ACS 81, p. 118, Eff. Mar. 5, 1975; 1954 ACS 99, p. 153, Eff. May 12, 1979.

R 460.2165 Complaints and disputed claims.

Rule 65. (1) When a customer advises a utility prior to the date of the proposed discontinuation of service that all or any part of any billing as rendered is in dispute, the utility shall:

(a) Immediately record the date, time and place the complaint is made and mail postcard verification to the customer.

(b) Investigate the dispute promptly and completely.

(c) Advise the customer of the results of the investigation.

(d) Attempt to resolve the dispute informally in a manner mutually satisfactory to both parties.

(e) Provide the opportunity for each customer to enter into a reasonable settlement agreement in order to mutually settle the disputed claim or to satisfy any liability not in dispute.

(2) A customer may advise a utility that a claim is in dispute in any reasonable manner such as by written notice, in person or by a telephone call directed to the utility.

(3) A utility, in attempting to resolve the dispute in a mutually satisfactory manner, may employ telephone communication, personal meetings, on site visits or any other technique reasonably conducive to dispute settlement.

History: 1954 ACS 81, p. 118, Eff. Mar. 5, 1975.

R 460.2166 Hearing.

Rule 66. If the parties are unable to resolve the dispute in a mutually satisfactory manner, a utility shall afford a customer the opportunity for a hearing before a utility hearing officer. If the customer fails to request a hearing within 3 days from the date that the opportunity for hearing is offered or if the customer fails to pay the amount which represents that part of the bill not in dispute within 3 days of the date that the hearing is requested, the utility may exercise its rights pursuant to these rules.

History: 1954 ACS 81, p. 118, Eff. Mar. 5, 1975.

R 460.2167 Payment of amount not in dispute.

Rule 67. (1) If a customer requests a hearing before a utility hearing officer, he shall pay to the utility an amount equal to that part of the bill not in dispute.

(2) The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior consumption history, weather varia-

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tions, the nature of the dispute and any other pertinent factors in determining the amount not in dispute.

(3) If the parties are unable to mutually determine the amount not in dispute the customer shall pay to the utility 50% of the bill in dispute not to exceed $100.00 per billing period which shall represent the amount not in dispute.

(4) The amount not in dispute shall be subject to review at the hearing before the utility hearing officer in accordance with R 460.2169.

(5) Failure of the customer to pay to the utility the amount not in dispute within 3 days of the date that the hearing is requested shall constitute a waiver of the customer's right to the hearing, and the utility may then proceed to discontinue service as provided in part 5.

(6) If the dispute is ultimately resolved in favor of the customer in whole or in part, any excess moneys paid by the customer shall be refunded promptly with interest at 6% per annum.

History: 1954 ACS 81, p. 118, Eff. Mar. 5, 1975

R 460.2168 Notice of hearing.

Rule 68. (1) The customer and the utility shall be mailed or personally served written notice of the time, date and place of the hearing at least 10 days prior to the hearing.

(2) The notice shall describe the hearing procedures as contained in these rules.

(3) Failure of the customer or the utility to attend the hearing without due cause or prior request for adjournment constitutes a waiver of the right of that party to the hearing.

History: 1954 ACS 81, p. 119, Eff. Mar. 5, 1975

R 460.2169 Hearing procedures.

Rule 69. (1) A utility shall establish a hearing procedure which at a minimum provides that the customer and the utility:

(a) Have the right to represent themselves or to be represented by counsel or other person of their choice.

(b) Have the right to examine at least 2 days prior to a scheduled hearing a list of all witnesses who will testify and all documents, records, files, account data and similar material which may be relevant to the issues to be raised at the hearing.

(c) Have the right to present evidence, testimony and oral and written argument.

(d) Have the right to confront, question and cross-examine witnesses appearing on behalf of the other party.

(2) A hearing requested by the customer or his authorized representative shall be held at a time during normal business hours. A utility shall take reasonable steps to insure that customers unable to attend hearings due to physical incapacity shall not be denied the right to a hearing.

(3) The burden of proof is upon the utility in all cases.

(4) All witnesses appearing for either party shall testify under oath.

(5) All hearings shall be informal and the proceedings need not be recorded or transcribed. All evidence relevant to the dispute shall be received and the formal rules of evidence shall not apply.

(6) For each hearing held, the utility hearing officer shall compile a hearing record which contains:

(a) A concise statement in writing of the position of the utility relative to the dispute.

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(b) A concise statement in writing of the position of the customer relative to the dispute. If the customer has not or is unable to reduce his position to writing, the hearing process shall provide a method for accomplishing this with the opportunity for proper acknowledgment by the customer.

(c) Copies of all evidence submitted by the parties.

(7) Upon the closing of the record, the utility hearing officer shall state his findings and decision orally and issue a complaint determination in a form approved by the commission which shall contain:

(a) A concise summary of the evidence and argument presented by the parties.

(b) The decision of the utility hearing officer based solely upon the evidence presented and the reason therefor.

(8) Upon the issuance of a complaint determination, the utility hearing officer shall orally advise the customer and the utility:

(a) That each party has a right to file by mail, telephone or in person, within 5 days after the date of issuance of the complaint determination, an informal appeal with the consumer services division of the commission.

(b) That if appealed, the decision of the utility hearing officer, including a finding that service may be discontinued, is stayed pending review by the consumer services division.

(c) Of the address and telephone number where the customer may file an informal appeal with the commission.

(9) Prior to issuance of a complaint determination, the utility hearing officer may propose to the parties a settlement of all matters in dispute. Acceptance of the proposed settlement by both parties is binding unless the utility fails or refuses to abide by the terms of the settlement. The agreement shall be reduced to writing and signed by both parties in the presence of the utility hearing officer.

(10) If, at the conclusion of the hearing, a utility hearing officer finds that the utility may discontinue service unless the customer complies with the complaint determination, he shall so notify the customer and authorize the utility to issue immediately and serve the customer or his representative personally with written notice in a form approved by the commission that service will be discontinued after 5 days unless compliance or payment occurs or the determination is appealed in accordance with these rules.

(11) At the conclusion of the hearing, the utility hearing officer shall serve the parties with a copy of the complaint determination, appeal information as provided in subrule (8) and where applicable, the settlement agreement or notice of discontinuation of service.

(12) The complaint determination, settlement agreement or notice of discontinuation of service shall be made part of the hearing record and together with other documents contained therein shall be certified by the utility hearing officer.

(13) The complaint determination is binding upon the parties unless appealed as provided in these rules.

History: 1954 ACS 81, p. 119, Eff. Mar. 5, 1975.

R 460.2170 Settlement agreement.

Rule 70. (1) If the utility and the customer arrive at a mutually satisfactory settlement of any claim in dispute or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility shall offer the customer the opportunity to enter into a settlement agreement.

(2) A settlement agreement shall be in writing and signed by the customer or his representative and a representative of the utility authorized to enter into the agreement. A settlement reached by telephone shall be confirmed by the utility in

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writing and mailed to the customer with instructions to sign a confirming copy and return it in a prepaid self-addressed return envelope as provided. The original settlement agreement shall be maintained on file by the utility for 2 years.

(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(4) For purposes of determining reasonableness under these rules the parties shall consider the:

(a) Size of the delinquent account.

(b) Customer's ability to pay.

(c) Customer's payment history.

(d) Time that the debt has been outstanding.

(e) Reasons why debt has been outstanding.

(f) Any other relevant factors concerning the circumstances of the customer.

(5) A settlement agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in boldface print at least 2 sizes larger than any other used thereon, that "IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. YOU MAY FILE AN INFORMAL COMPLAINT AND HAVE A HEARING BEFORE A UTILITY HEARING OFFICER BEFORE YOUR SERVICE MAY BE TERMINATED.

IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO AN INFORMAL HEARING BEFORE A UTILITY HEARING OFFICER ON ANY MATTER INVOLVED IN THIS DISPUTE EXCEPT THE UTILITY'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT.".

History: 1954 ACS 81, p. 120, Eff. Mar. 5, 1975.

R 460.2171 Default of settlement agreement.

Rule 71. (1) If a customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer in writing by personal service or first class mail:

(a) That the customer is in default of the settlement agreement.

(b) The nature of the default.

(c) That unless full payment of the claim is made within 10 days from the date of mailing, the utility will discontinue service.

(d) The date, or within a reasonable time thereafter, upon which service will be discontinued.

(e) That the customer has a right to request a hearing before a utility hearing officer only if the customer alleges that the utility has failed or refused to follow the terms of the settlement agreement.

(f) The address and telephone number where the customer may file the request for hearing with the utility.

(2) Upon determination by the utility hearing officer, a complaint determination and notice of proposed action shall be issued in accordance with R 460.2169.

(3) A utility is not required to enter into any subsequent settlement agreement with a customer until the terms of any previous settlement agreement have been fully executed.

(4) A utility is not required to enter into any subsequent settlement agreement with a customer who defaults upon the terms and conditions of a previous agreement.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

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R 460.2172 Res judicata.

Rule 72. A utility may treat a customer complaint or dispute involving the same question or issue based upon the same facts as res judicata and is not required to comply with these rules more than once prior to discontinuance of service.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

R 460.2173 Emergency discontinuation.

Rule 73. Notwithstanding any other provision of these rules, a utility may discontinue residential service temporarily for reasons of health or safety or in a state or national emergency.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

PART 7. COMMISSION APPEAL PROCEDURE

R 460.2181 Informal appeal.

Rule 81. Within 5 days from the date of service of a complaint determination of a utility hearing officer, either party may file an informal appeal with the consumer services division of the commission.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

R 460.2182 Filing procedure.

Rule 82. (1) An informal appeal may be filed in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone or in person at the offices of the commission.

(2) A written appeal need not be verified.

(3) The appealing party shall provide the following information to the commission:

(a) Name and address of the customer.

(b) Name of the utility involved.

(c) The nature of the original complaint in a clear and concise manner.

(d) The relief requested and whether the customer has pursued the remedies available with the utility complained of pursuant to these provisions.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

R 460.2183 Exhaustion of remedies.

Rule 83. The commission may require the customer to pursue remedies directly with the utility as provided in these rules prior to the acceptance for filing of an informal appeal. The commission specifically reserves the right to waive this rule when in equity and good conscience circumstances so require.

History: 1954 ACS 81, p. 121, Eff. Mar. 5, 1975.

R 460.2184 Informal appeal procedure.

Rule 84. (1) Upon filing, the appeal shall be assigned to a complaint and information officer of the consumer services division, or other officer or employee of the commission as the commission may designate, who shall reduce the appeal to writing and shall be responsible for:

(a) Advising the appealing party of the procedures of the commission by telephone or in writing.

(b) Advising the other party that an informal appeal has been filed.

(c) Issuing interim determinations as may be necessary in the proceedings.

(d) Reviewing or investigating the appeal as provided in these rules.

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(e) Issuing an informal appeal decision.

(2) Upon notification by the commission that an informal appeal has been filed, the utility hearing officer shall forthwith file with the consumer services division the certified hearing record concerning the matter in dispute. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. The complaint and information officer shall not be required to receive or consider any additional evidence or information submitted by a party in arriving at the informal appeal decision.

(3) In all appeals filed pursuant to these rules, the utility has the burden of proof.

History: 1954 ACS 81, p. 122, Eff. Mar. 5, 1975.

R 460.2185 Interim determinations.

Rule 85. (1) After the receipt of the hearing record and pending the final resolution of an informal appeal, the complaint and information officer may issue an interim determination upon such terms and conditions as he deems appropriate. In the case of appeals regarding bills or deposits, the complaint and information officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the discontinuance of service as provided in these rules. The complaint and information officer may consider such amounts as reasonably appear to reflect the cost of utility service in determining the undisputed portion of a claim.

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing thereof by first class mail, the utility may discontinue service as provided in these rules.

History: 1954 ACS 81, p. 122, Eff. Mar. 5, 1975.

R 460.2186 Appeal review.

Rule 86. The complaint and information officer shall review the informal appeal thoroughly and when necessary conduct further investigation. New evidence may be offered by any party if the complaint and information officer determines that it is relevant and could not have been offered at the hearing before the utility hearing officer through the exercise of due diligence by the offering party. When further investigation is necessary, the complaint and information officer may request additional evidence or upon his own motion may hold an informal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the informal conference without good cause shown or prior request for adjournment, the right of the absent party to appear at the conference shall be waived. At any informal conference, each party shall have the right to:

(a) Represent himself or to be represented by counsel or other person of his choice.

(b) Present oral and documentary evidence.

(c) Refute in a reasonable manner the evidence of the other party.

(d) Submit an oral or written statement of position.

History: 1954 ACS 81, p. 122, Eff. Mar. 5, 1975.

R 460.2187 Discontinuance pending decision.

Rule 87. A utility shall not discontinue residential service nor issue a notice of discontinuation relative to the matter in dispute pending the decision of the consumer services division unless pursuant to the terms of an interim determination.

History: 1954 ACS 81, p. 122, Eff. Mar. 5, 1975.

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R 460.2188 Informal appeal decision.

Rule 88. The complaint and information officer or other employee so designated by the commission shall within 30 days issue a written informal appeal decision affirming, modifying or reversing the complaint determination. In reversing or modifying the complaint determination, the decision shall set forth the terms and conditions for continued service, discontinuation or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact and the reasons for the decision.

History: 1954 ACS 81, p. 122, Eff. Mar. 5, 1975.

R 460.2189 Notice and discontinuation.

Rule 89. A copy of the informal appeal decision shall be served personally or sent by first class mail to the parties. Failure of either party to comply with the decision within 10 days from the date of service of mailing thereof shall permit the action or remedy as provided therein.

History: 1954 ACS 81, p. 123, Eff. Mar. 5, 1975.

R 460.2190 Res judicata.

Rule 90. The consumer services division may treat an informal appeal involving the same question or issue based upon same facts as res judicata and may dismiss without following every procedure set forth in these rules.

History: 1954 ACS 81, p. 123, Eff. Mar. 5, 1975.

R 460.2191 Formal appeal.

Rule 91. Either party may appeal the decision of the complaint and information officer by filing a formal complaint in accordance with the rules of practice and procedure before the commission. A party may proceed in accordance with the terms of the informal appeal decision unless otherwise ordered by the presiding officer assigned to the formal complaint.

History: 1954 ACS 81, p. 123, Eff. Mar. 5, 1975.

R 460.2192 Other remedies.

Rule 92. Nothing in these provisions shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time prior to or after the issuance of any informal appeal decision.

History: 1954 ACS 81, p. 123, Eff. Mar. 5, 1975.

R 460.2199 Rescission.

Rule 99. Rules 6, 25, 27, 28, 31 to 35 of the Standards of Gas Service being R 460.896, R 460.915, R 460.917, R 460.918, R 460.921 to R 460.925 of the Michigan Administrative Code and appearing on pages 6095 and 6101 to 6103 of the 1954 volume of the Code and rules 5, 7, 8, 10, 11, 14 to 17 and 28 of the Rules of Electric Service, being R 460.501, R 460.502 and R 460.504 of the Michigan Administrative Code and appearing on pages 5788 to 5792 of the 1954 volume of the Code, are rescinded insofar as they apply to electrical and gas residential utility service.

History: 1954 ACS 81, p. 123, Eff. Mar. 5, 1975.

RESIDENTIAL TELEPHONE SERVICE

(By authority conferred on the public service commission by sections 3 and 13 of Act No. 206 of the Public Acts of 1913, section 5 of Act No. 419 of the Public Acts of 1919, sections 4 and 6 of Act No. 3 of the Public Acts of 1939, and sections 3, 9,

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and 231 of Act No. 380 of the Public Acts of 1965, being §§484.103, 484.113, 460.55, 460.4, 460.6, 16.103, 16.109, and 16.331 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS AND DEFINITIONS

R 460.2211 Application of rules.

Rule 1. These rules apply to all telephone public utilities which are or may hereafter be subject to the jurisdiction of the public service commission under the laws of the state.

History: 1954 ACS 90, p. 61, Eff. May 14, 1977.

R 460.2212 Definitions.

Rule 2. As used in these rules:

(a) "Billing month" means a telephone service usage period of not less than 28 nor more than 31 days.

(b) "Complaint" means a written or oral request or allegation with respect to any aspect of residential telephone service that is not resolved to the satisfaction of the customer within 1 billing month after the receipt of the complaint by the telephone utility.

(c) "Complaint and information officer" means a member of the commission staff designated to perform responsibilities in accordance with these rules.

(d) "Complaint determination" means the written decision of a utility hearing officer with respect to a complaint filed regarding residential telephone service.

(e) "Consumer services division" means the staff of the commission designated to perform responsibilities in accordance with these rules.

(f) "Customer" means a purchaser of residential telephone service offered by a telephone utility.

(g) "Cycle billing" means a system employed by a telephone utility in which different customers are billed on different days of any 1 calendar month.

(h) "Delinquent account" means a bill rendered to a customer for telephone service which remains unpaid at least 5 days after the due date of the bill.

(i) "Discontinuation of service" means a cessation of telephone service not voluntarily requested by a customer.

(j) "In dispute" means any matter regarding a customer's utility service which is the subject of a pending disagreement, claim, or complaint by a customer.

(k) "Informal appeal" means an appeal of a complaint determination of a utility hearing officer made to the consumer services division of the commission.

(l) "Informal appeal decision" means the written determination of the consumer services division with respect to an informal appeal.

(m) "Late payment charge" means a finance, service, carrying, or penalty charge assessed by a utility upon the bill of a customer for the reason that a balance due and owing upon the bill remains outstanding beyond the period of time established for payment.

(n) "Seasonally billed customer" means a residential customer billed on a seasonal basis in accordance with a telephone tariff on file with the commission.

(o) "Settlement agreement" means a written agreement entered into by a customer and a utility purports to resolve a matter in dispute between the parties or provides for the payment of moneys not in dispute over a reasonable period of time.

(p) "Suspension of service" means a temporary curtailment of telephone service voluntarily requested by a customer for a period of time not less than 1 month nor more than 1 year.

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(q) "Telephone adjustment clause" means an automatic adjustment clause, if and when approved by the commission, to recognize variations in the cost of providing telephone service from a base level.

(r) "Telephone utility" means a person, firm, corporation, cooperative association, or other agency subject to the jurisdiction of the public service commission, which offers telephone service for residential use.

(s) "Termination" means a cessation of telephone service voluntarily requested by the customer.

(t) "Telephone service charges" means the rates for telephone service provided by the telephone utility.

(u) "Unauthorized" means unlawful or prohibited by a Michigan public service commission order.

History: 1954 ACS 90, p. 61, Eff. May 14, 1977.

R 460.2213 Discrimination prohibited.

Rule 3. A telephone utility shall not discriminate against nor penalize a customer for exercising a right granted by these rules.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2214 Nature of proceedings.

Rule 4. The informal proceedings required by these rules shall not constitute contested cases as defined by section 3 of Act No. 306 of the Public Acts of 1969, being §24.203 of the Michigan Compiled Laws.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2215 Adoption of additional rules.

Rule 5. A telephone utility may adopt such reasonable rules governing its relations with customers as are necessary and are not inconsistent with these rules. The rules shall be an integral part of the utility's schedule of rates and tariffs and approved by the commission.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2216 Rescission.

Rule 6. Rules 3, 5.2 to 5.7, 6.3, and 8 of the rules entitled "Rules and Regulations Governing the Furnishing of Intrastate Telephone Services and Facilities," being R 460.1953, R 460.1955.2 to R 460.1955.7, R 460.1956.3, and R 460.1958 of the Michigan Administrative Code and appearing on pages 6454 to 6457 of the 1954 volume of the code, are rescinded insofar as they apply to residential telephone service.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

PART 2. BILLING AND PAYMENT STANDARDS

R 460.2221 Billing frequency.

Rule 21. A telephone utility shall, after the initial bill for new service is rendered, render a bill once during each billing month to every residential customer or in accordance with approved rate schedules and tariffs.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2222 Billing cycle.

Rule 22. A telephone utility may bill its customers on a cyclical basis if the individual customer receives each billing on or about the same day of each billing

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month. Billing cycles may be altered upon 10 days' written notice to the affected customer.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2223 Payment of bills.

Rule 23. A telephone utility shall permit each residential customer at least 21 calendar days from the date of rendition of each bill for payment, in full, except when the customer has had service discontinued pursuant to R 460.2255 within the preceding 12 months and the customer's current toll bill exceeds 6 times the average residential toll bill for the company in the previous 12 months. In the latter case, the telephone utility may demand payment on the date following rendition of the bill. Five days thereafter, the bill will be deemed delinquent in accordance with R 460.2212(h) and the notice required by R 460.2257 may then be sent to the customer. All other provisions of parts 5 to 7 of these rules are then applicable.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2224 Computation of payment period.

Rule 24. The date of rendition of a telephone utility bill for residential service shall be the date of physical mailing of the bill by the utility. If the last calendar day for remittance falls upon a Sunday, legal holiday, or any other day when the offices of the utility regularly used for the payment of customer bills are not open to the general public, the final payment date shall be extended through the next business day. The date of payment of remittance by mail is 2 days prior to receipt of the remittance.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977

R 460.2225 Discounts and late payment charges prohibited.

Rule 25. After the effective date of these rules, a telephone utility shall bill each customer for telephone service and any other approved charges in accordance with the net rates in the tariffs and schedules approved by, and on file with, the commission. A telephone utility shall not employ a time payment discount provision or assess a late payment charge in determining the amount of a bill due and owing by a residential customer.

History: 1954 ACS 90, p. 62, Eff. May 14, 1977.

R 460.2226 Billing information.

Rule 26. Each bill rendered by a telephone utility for residential telephone service shall clearly state:

(a) The beginning and ending dates of the billing period.

(b) The due date.

(c) Any previous balance.

(d) The telephone number for which the bill is rendered.

(e) The total amount due for local service charges and designated as payment in advance for 1 month of service.

(f) An itemized statement of all other authorized charges.

(g) The total amount due for other authorized charges.

(h) An itemized statement including the date, time, duration, type, location, applicable charge, and telephone number for each message toll call.

(i) The total amount due for all message toll charges.

(j) An itemized statement of all taxes due.

(k) The amount due under any applicable telephone adjustment clause.

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(l) The total amount due.

(m) The statement that rate schedules for local exhange service rendered are available and will be mailed upon request.

(n) The address and telephone number of the telephone utility, designating where the customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided by the utility.

(o) The statement: "This utility is regulated by the Michigan Public Service Commission, Lansing, Michigan."

History: 1954 ACS 90, p. 63, Eff. May 14, 1977.

R 460.2227 Separate bills.

Rule 27. A utility shall render a separate billing, as required by R 460.2226, for service provided at each residence or location if requested to do so by the customer.

History: 1954 ACS 90, p. 63, Eff. May 14, 1977.

R 460.2228 Partial payment.

Rule 28. Unless otherwise specified by the customer, if partial payment of a bill is made, the utility shall first credit all payments to the balance outstanding for telephone service.

History: 1954 ACS 90, p. 63, Eff. May 14, 1977.

R 460.2229 New services and changes in services.

Rule 29. (1) Not later than 10 days after the completion of an order for new service or a change in service which results in a tariff change, the utility shall provide to the customer, in writing, a copy of an itemized statement of the services ordered, including all present charges therefor, as well as a pamphlet approved by the commission showing general residential services available and the charges therefor.

(2) A residential customer shall have the right, within 30 days of receiving a bill for new services or changed services, to cancel or reduce any such service or portion of service without further service charge.

History: 1954 ACS 90, p. 63, Eff. May 14, 1977.

PART 3. GUARANTEE OF PAYMENT; SECURITY DEPOSITS

R 460.2231 Cash deposit as a condition of new service.

Rule 31. A telephone utility shall not require a cash deposit or other guarantee as a condition of new service unless a customer has an unsatisfactory credit or service standing with the utility due to either of the following:

(a) The customer has a prior telephone service account which is past due with a telephone utility, which accrued within the last 6 years and which, at the time of the request for service, remains unpaid and not in dispute.

(b) The customer has, in an unauthorized manner, interfered with the service of the telephone utility situated or delivered on or about the customer's premises within the last 6 years, if the finding of unauthorized interference or use is made and determined after notice and opportunity for hearing is provided to the customer pursuant to these rules and is not in dispute.

History: 1954 ACS 90, p. 63, Eff. May 14, 1977.

R 460.2232 Cash deposit or other guarantee as condition of continued service.

Rule 32. A utility shall not require a cash deposit or other guarantee as a

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condition of continued service unless a customer has an unsatisfactory credit or service standing with the utility due to 1 of the following:

(a) The service of the customer has been discontinued for nonpayment of a delinquent account not in dispute.

(b) In an unauthorized manner, the customer interfered with the service of the utility situated or delivered on or about the customer's premises, if the finding of unauthorized interference or use is made and determined after notice and opportunity for hearing is provided to the customer pursuant to these rules and is not in dispute.

History: 1954 ACS 90, p. 64, Eff. May 14, 1977.

R 460.2233 Prohibited standards for requiring cash deposit or other guarantee.

Rule 33. A telephone utility shall not require a cash deposit or other guarantee as a condition of new or continued utility service based upon commercial credit standards, income, home ownership, residential location, race, color, creed, sex, age, national origin, or any other criteria not authorized by these rules. This rule does not prohibit a telephone utility from ensuring that agreements with customers who may be incompetent, such as minors, are made in such a manner, and with such persons, as to be legally binding.

History: 1954 ACS 90, p. 64, Eff. May 14, 1977.

R 460.2234 Cash deposit; terms and conditions.

Rule 34. A cash deposit required pursuant to these rules is subject to the following terms and conditions:

(a) A deposit required as a condition of new service due to a prior outstanding account not in dispute shall not exceed the lesser of the amount of the prior outstanding account or $100.00. The telephone utility may also require payment of the prior outstanding account, if due and owing to the serving telephone utility, as a condition of new service.

(b) A deposit required as a condition of continued service due to discontinuance for nonpayment shall not exceed the lesser of an amount equal to the actual or estimated maximum monthly bill for service at the customer's premises or $100.00. The utility may also require payment of the prior outstanding account as a condition of continued service.

(c) A deposit required for new or continued service due to unauthorized interference or use shall not exceed $100.00.

(d) Before requiring a deposit as a condition of continued service, the telephone utility shall have offered the customer, prior to discontinuance for nonpayment, the opportunity to enter into a settlement agreement as provided in part 6 of these rules.

(e) Interest at the rate of 6% per annum, or at such other percentage per annum as the commission may from time to time establish, shall be payable on all deposits. Interest shall be compounded or credited semiannually upon the service account of the customer or paid upon the return of the deposit, whichever occurs first.

(f) Upon termination of service, the deposit, with accrued interest, shall be credited to the final bill and the balance returned promptly to the customer.

(g) The credit of a customer shall be established, and a deposit and accrued interest shall be refunded promptly by the telephone utility, upon satisfactory payment by the customer of all proper charges for telephone service for a period of 9 successive months. For purposes of this subrule, payment is satisfactory if made prior to the issuance of a notice of discontinuation of service for nonpay-

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ment not in dispute. The telephone utility may withhold the deposit funds pending the resolution of a discontinuance for nonpayment which is in dispute in accordance with these rules.

(h) A telephone utility shall maintain a detailed record of all deposits received from customers, showing the name of each customer; the location of the premises occupied by the customer at the time of making the deposit; each successive location while the deposit is retained; the date the deposit was made; the amount of the deposit; and the date and amounts of interest paid.

(i) Each customer posting a cash deposit shall receive in writing, at the time of tender of deposit funds, a receipt as evidence thereof, which shall contain the following minimum information:

(i) Name of customer.

(ii) Place of payment.

(iii) Date of payment.

(iv) Amount of payment.

(v) Identifiable name and signature of the telephone utility employee receiving payment.

(vi) Statement of the terms and conditions governing the receipt, retention, and return of deposit funds.

(j) A telephone utility shall provide means whereby a customer entitled to a return of his deposit is not deprived of deposit funds, even though he may be unable to produce the original receipt for the deposit.

(k) A telephone utility shall apply deposit standards uniformly as a condition of telephone service to all residential customers.

History: 1954 ACS 90, p. 64, Eff. May 14, 1977.

R 460.2235 Guarantee in lieu of cash deposit.

Rule 35. In lieu of a cash deposit required by these rules, a telephone utility shall accept the written guarantee of a responsible party as surety for a customer service account.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

R 460.2236 Guarantee; terms and conditions.

Rule 36. A guarantee accepted in accordance with these rules is subject to the following terms and conditions:

(a) It shall be in writing and shall be renewed in a similar manner at least annually.

(b) It shall state the terms of guarantee, the maximum amount guaranteed, not to exceed $100.00, and that the telephone utility shall not hold the guarantor liable for sums in excess thereof.

(c) Credit shall be established for the customer, and the guarantor shall be released, upon satisfactory payment by the customer of all proper charges for telephone service for a period of 9 successive months. For purposes of this subdivision, payment is satisfactory if made prior to the issuance of a notice of discontinuation of service for nonpayment not in dispute. The telephone utility may withhold the release of the guarantor pending the resolution of a discontinuance for nonpayment in dispute in accordance with these rules.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

R 460.2237 Refund of cash deposits; termination of guarantees.

Rule 37. On or before the effective date of these rules, a telephone utility shall refund all cash deposits held as security for residential telephone service currently

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in its possession and terminate all existing guarantees in lieu of deposits not maintained or executed in compliance with this part. A telephone utility shall notify each customer that any deposit so refunded is pursuant to these rules. Interest on refunded deposits shall accrue in accordance with the interest rate paid by the telephone utility on the effective date of these rules. A telephone utility may apply all deposits subject to refund against existing arrearages not in dispute prior to refund.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

PART 4. TELEPHONE UTILITY PROCEDURES

R 460.2241 Applicability.

Rule 41. The procedures of this part shall be applicable to all customer inquiries and complaints made to a telephone utility regarding residential telephone service and charges therefor.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

R 460.2242 Complaint procedures.

Rule 42. (1) A telephone utility shall establish procedures, consistent with these rules, which insure the prompt, efficient, and thorough receipt, investigation, and, where possible, resolution of all customer inquiries, service requests, and complaints regarding residential telephone service and charges therefor.

(2) A telephone utility shall obtain commission approval of any substantive changes in the procedures prior to implementation.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

R 460.2243 Personnel procedures.

Rule 43. A telephone utility shall establish personnel procedures which, as a minimum, insure that:

(a) Personnel shall be available and prepared during normal business hours to receive and respond to all customer inquiries, service requests, and complaints. A telephone utility shall make necessary arrangements to insure that customers unable to communicate in the English language receive prompt and effective assistance.

(b) Personnel responsible for, and authorized to enter into, written settlement agreements on behalf of the telephone utility shall be available during normal business hours to respond to customer inquiries and complaints.

(c) Personnel shall be available at all times to receive and initiate response to customer contacts regarding any discontinued service and emergency conditions occurring within the telephone utility's service area.

(d) Names, business addresses, and telephone numbers of personnel designated and authorized to receive and respond to the requests and directives of the commission regarding customer inquiries, service requests, and complaints shall be on file with the consumer services division.

History: 1954 ACS 90, p. 65, Eff. May 14, 1977.

R 460.2244 Utility hearing officers.

Rule 44. (1) A telephone utility shall employ or contract with competent utility hearing officers, who shall be notaries public or qualified to administer oaths, and other supporting personnel as necessary to comply with part 6.

(2) Utility hearing officers so employed or contracted to comply with part 6 shall not engage in any other activity for, or on behalf of, the utility.

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(3) Utility hearing officers and utility hearing procedures shall be subject at all times to investigation and review by the commission to insure the impartiality and integrity of the hearing process.

History: 1954 ACS 90, p. 66, Eff. May 14, 1977.

R 460.2245 Publication of procedures.

Rule 45. (1) A telephone utility shall provide for its customers a pamphlet which, in layman's terms, summarizes the rights and responsibilities of its customers in accordance with these rules and other applicable provisions.

(2) The pamphlet shall be displayed prominently, shall be available at all telephone utility office locations open to the general public, and shall be mailed to each residential customer of the telephone utility. Thereafter, the pamphlet shall be delivered or mailed to each new customer of the telephone utility upon the commencement of service, and shall be available upon request.

(3) The pamphlet shall contain information concerning, but not limited to:

(a) Billing procedures.

(b) Methods for customers to verify monthly billings.

(c) Explanation of operation of any telephone adjustment clause.

(d) Customer payment standards and procedures.

(e) Security deposit and guarantee standards.

(f) Discontinuation and reconnection of telephone service.

(g) Inquiry, service, and complaint procedures.

(h) Public service commission consumer procedures.

(4) The cover of each pamphlet shall indicate conspicuously that the pamphlet is being provided in accordance with the rules of the commission, and shall indicate in Spanish that the pamphlet, or a translation thereof, is available in Spanish. Upon request, a telephone utility shall provide the pamphlet, or a translation thereof, in the Spanish language.

History: 1954 ACS 90, p. 66, Eff. May 14, 1977.

R 460.2246 Public access to rules and rates.

Rule 46. A telephone utility shall keep on file, and provide public access to, a copy of these rules, all other rules of the telephone utility as filed with the commission regarding customer service, and a schedule of all residential rates and service charges, together with an explanation of the operation of any applicable telephone adjustment clause, at all offices of the telephone utility. Suitable signs shall be posted conspicuously at each such location, and at all collection points and agencies, calling attention to the public that the rules, regulations, and applicable rate schedules are so filed and available for inspection. Upon request, the telephone utility shall provide 1 copy of these rules and the rate schedules applicable to the customer's usage.

History: 1954 ACS 90, p. 66, Eff. May 14, 1977.

R 460.2247 Quarterly report.

Rule 47. (1) Class A telephone utilities, as defined by the commission, shall file a quarterly report within 20 days after the end of each calendar quarter with the consumer services division, which, in detail, contains information concerning:

(a) The amounts billed and collected in relation to established due and payable periods.

(b) The number and general description of all complaints registered with the telephone utility.

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(c) The number of discontinuation notices issued by the telephone utility and the reasons therefor.

(d) The number of hearings held by the telephone utility, the type of the dispute relating thereto, and the number of complaint determinations issued.

(e) The number of written settlement agreements entered into by the telephone utility and a synopsis of the terms, conditions, and standards upon which the settlement agreements were entered into.

(f) The actual number of discontinuations of service and the number of reconnections.

(g) A critique of the performance of the consumer services division of the commission.

(2) Class B, C, and D telephone utilities, as defined by the commission, shall file a report containing the above information upon the request of the commission staff.

History: 1954 ACS 90, p. 66, Eff. May 14, 1977.

R 460.2248 Telephone directory; information.

Rule 48. A telephone utility shall publish on a page preceding the alphabetical listings of each telephone directory, in a prominent manner and without charge, the following information:

(a) The telephone numbers and address of the telephone utility where the customer may make inquiry or file a complaint regarding telephone service.

(b) The telephone numbers and address of each electric, gas, and water utility within the directory geographical distribution area where a customer of such utilities may make inquiry or complaint regarding utility service.

(c) The telephone numbers and address of the Michigan public service commission and its consumer services division where a customer of a utility subject to commission jurisdiction may make inquiry or complaint regarding utility service.

History: 1954 ACS 90, p. 67, Eff. May 14, 1977.

R 460.2249 Inspection.

Rule 49. A telephone utility shall permit members and employees of the commission to inspect all of the telephone utility's operations, including those relating to customer service.

History: 1954 ACS 90, p. 67, Eff. May 14, 1977.

PART 5. DISCONTINUATION OF SERVICE

R 460.2251 Time of discontinuation.

Rule 51. (1) Subject to the requirements of these rules, a telephone utility may discontinue service to a residential customer on the date specified in the notice of discontinuation, or within a reasonable time thereafter, only between the hours of 8 a.m. and 4 p.m.

(2) Service shall not be discontinued on a day, or a day immediately preceding a day, when the services of the utility are not available to the general public for the purpose of reconnecting discontinued service.

History: 1954 ACS 90, p. 67, Eff. May 14, 1977.

R 460.2252 Manner of discontinuation.

Rule 52. (1) At least 1 day preceding physical discontinuation of service, the telephone utility shall make reasonable efforts to contact the customer by

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telephone to advise the customer of the pending action and of what steps must be taken to avoid discontinuation.

(2) If physical discontinuation of telephone service is effectuated within the residence of the customer, the employee of the telephone utility designated to perform such function:

(a) Shall identify himself to the customer, or other responsible person then upon the premises, and shall announce the purpose of his presence.

(b) Shall have in his possession a copy of the past due account of the customer, and shall request any available verification that the outstanding claims have been satisfied or are currently in dispute. Upon the presentation of evidence which reasonably indicates that the claim has been satisfied or is currently in dispute, service shall not be discontinued.

(c) May be authorized to accept payment and, in such case, shall not discontinue service if the customer then and there tenders payment in full, together with a reasonable charge for sending the employee to the premises if provided in the utility's schedule of rates and tariffs. Payment may be made in any reasonable manner, including personal check. Payment by personal check may be refused if the customer has, on a previous occasion within the last 3 years, tendered payment in this manner and the check has been dishonored, excluding bank error.

(d) Shall leave notice, in a manner conspicuous to the customer, that service will be discontinued on the next business day unless outstanding claims have been satisfied, if prior telephone contact has not been made as provided in subrule (1) and the customer or other responsible person is not in or upon the premises. If the customer or other responsible person has been telephonically contacted, service may be discontinued immediately.

(e) May discontinue service if the customer or other responsible person is not at the residence upon the return of the employee, or upon the first visit if the customer or other responsible person does not respond when it reasonably appears that the premises are occupied.

(f) Shall leave notice at the residence, in a manner conspicuous to the customer, that service has been discontinued, and shall leave the address and telephone number of the telephone utility where the customer may arrange to have service restored.

(g) If the employee designated to effectuate discontinuance at a residence is not authorized to, or cannot, accomplish the functions described in subdivisions (b) to (f), another employee may be designated to perform the functions, subject to the constraints of this rule.

History: 1954 ACS 90, p. 67, Eff. May 14, 1977.

R 460.2253 Medical emergency.

Rule 53. Notwithstanding any other provision of these rules, a telephone utility shall postpone the physical discontinuation of utility service to a residential customer for a reasonable time, not in excess of 21 days, if the customer produces a physician's certificate, or notice from a public health or social services official, which states that physical discontinuation will aggravate an existing medical emergency of the customer, a member of the family, or other permanent resident of the premises where service is rendered. The certificate shall identify the medical emergency and specify the circumstances. When the utility is notified telephonically that such a medical emergency exists, the utility shall permit a reasonable time for the customer to produce the certificate or notice. The postponement may be extended by 1 renewal of the certificate or notice.

History: 1954 ACS 90, p. 68, Eff. May 14, 1977.

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R 460.2254 Restoration of service.

Rule 54. (1) After service has been discontinued, a telephone utility shall restore service promptly upon the customer's request when the cause for discontinuation of service has been cured or satisfactory credit arrangements have been made.

(2) Every effort shall be made to restore service at all times upon the day restoration is requested, and, in any event, restoration shall be made no later than the first working day after the day of the request of the customer.

(3) The telephone utility may charge the customer a fee for restoration of service, as provided in the telephone utility's approved schedule of rates and tariffs.

(4) Payment may be made by the customer in any reasonable manner, including personal check. Payment by personal check may be refused if the customer has, on a previous occasion within the last 3 years, tendered payment in this manner and the check has been dishonored, excluding bank error.

History: 1954 ACS 90, p. 68, Eff. May 14, 1977.

R 460.2255 Discontinuance of service; reasons.

Rule 55. Subject to the requirements of these rules, a telephone utility may discontinue service to a residential customer for 1 or more of the following reasons:

(a) Nonpayment of a delinquent account.

(b) Failure to post a cash security deposit or other form of guarantee.

(c) Unauthorized interference with or use of the telephone utility service situated on or about the customer's premises.

(d) Failure to comply with the terms and conditions of a settlement agreement.

(e) Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, maintenance, or replacement.

(f) Misrepresentation of identity for the purpose of obtaining telephone utility service.

(g) Improper use of a party line service, including interference with an equitable proportionate use of the service by other customers on the line.

(h) Violation of any other rules of the telephone utility on file with, and approved by, the commission, which adversely affects the safety of the customer or other persons or the integrity of the utility's telephone system.

History: 1954 ACS 90, p. 68, Eff. May 14, 1977.

R 460.2256 Discontinuance of service; insufficient cause.

Rule 56. None of the following shall constitute sufficient cause for a telephone utility to discontinue service:

(a) The failure of a customer to pay for goods or services not approved by the commission.

(b) The failure of the customer to pay for concurrent service received at a separate residence or location. In the event of discontinuation or termination of service at a separate residential location in accordance with these rules, a telephone utility may transfer any unpaid balance to any other residential service account of the customer.

(c) The failure of the customer to pay for a different class of service received at the same or different location.

(d) Failure of the customer to pay for service provided in the name of another customer.

History: 1954 ACS 90, p. 69, Eff. May 14, 1977.

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R 460.2257 Notice of discontinuation of service.

Rule 57. (1) A telephone utility shall not discontinue residential service pursuant to R 460.2255 unless written notice by first class mail is sent to the customer or personally served at least 10 days prior to the date of the proposed discontinuance. If discontinuance of a service is sought pursuant to R 460.2255(a) such notice shall not be sent prior to the time the account becomes delinquent. Notice shall be addressed to insure delivery. Service of notice by mail is complete upon mailing, unless proven otherwise. A telephone utility shall maintain an accurate record of the date of mailing.

(2) A notice of discontinuance of service shall not be issued if a customer has pending with the telephone utility a complaint concerning the bill upon which the notice is based.

History: 1954 ACS 90, p. 69, Eff. May 14, 1977.

R 460.2258 Form and contents of notice.

Rule 58. Notice shall be clearly legible and contain the following information:

(a) The name and address of the customer and the address of the service, if different, unless the customer has otherwise requested.

(b) A clear and concise statement of the reason for the proposed discontinuance of service.

(c) The date, or within a reasonable time thereafter, on which service will be discontinued unless the customer takes appropriate action.

(d) The right of the customer to enter into a settlement agreement with the telephone utility if the claim is for moneys not in dispute and the customer is presently unable to pay in full the amount due on the telephone utility.

(e) The right of the customer to dispute the claim of the telephone utility prior to date of the proposed discontinuance of service.

(f) The right of the customer to request a hearing before a utility hearing officer if the dispute cannot be otherwise resolved, and a statement that the customer must pay to the telephone utility that portion of the bill not in dispute within 3 days of the date that the hearing is requested.

(g) The right of customers to represent themselves, or to be represented by counsel, or to be assisted by other persons of their choice in the complaint process.

(h) A statement that service will not be discontinued pending the resolution of a complaint or claim filed with the telephone utility in accordance with the rules of the Michigan public service commission.

(i) The telephone number and address of the telephone utility where the customer may make inquiry, enter into a settlement agreement, or file a complaint.

History: 1954 ACS 90, p. 69, Eff. May 14, 1977.

R 460.2259 Disputed billing.

Rule 59. (1) When a customer advises a telephone utility, prior to the date of a proposed discontinuation of service, that all or any part of a billing as rendered is in dispute, the telephone utility shall:

(a) Immediately record the date, time, and place the disputed claim is made, and advise the customer that an investigation will be made.

(b) Investigate the dispute promptly and completely.

(c) Advise the customer of the results of the investigation.

(d) Attempt to resolve the dispute informally in a manner satisfactory to both parties.

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(e) Provide the opportunity for each customer to enter into a reasonable settlement agreement in order to mutually settle the disputed claim or to satisfy any liability not in dispute.

(2) A customer may advise a telephone utility that a claim is in dispute in any reasonable manner, such as by written notice, in person, or by a telephone call directed to the telephone utility.

(3) A telephone utility, in attempting to resolve the dispute in a mutually satisfactory manner, may employ telephone communication, personal meetings, on site visits, or any other technique reasonably conducive to dispute settlement.

History: 1954 ACS 90, p. 70, Eff. May 14, 1977.

PART 6. HEARING; SETTLEMENT AGREEMENTS

R 460.2261 Hearing; condition.

Rule 61. If the parties are unable to resolve the dispute in a mutually satisfactory manner, a telephone utility shall afford a customer the opportunity for a hearing before a utility hearing officer. If the customer fails to request a hearing within 3 days from the date that the opportunity for hearing is offered, or if the customer fails to pay the amount which represents that part of the bill not in dispute within 3 days of the date that the hearing is requested, the telephone utility may proceed to discontinue service pursuant to these rules.

History: 1954 ACS 90, p. 70, Eff. May 14, 1977.

R 460.2262 Payment of amount not in dispute.

Rule 62. (1) If a customer requests a hearing before a utility hearing officer, the telephone utility may require the customer to pay an amount equal to, but no more than, that part of the bill not in dispute.

(2) The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior billing history, the nature of the dispute, and any other pertinent factors in determining the amount not in dispute.

(3) If the parties are unable to mutually determine the amount not in dispute, the telephone company may require the customer to pay to the telephone utility 50% of the amount in dispute, not to exceed $100.00 per billing period.

(4) The amount not in dispute and the amount in dispute shall be subject to review at the hearing before the utility hearing officer in accordance with R 460.2264.

(5) Failure of the customer to pay to the telephone utility the amount not in dispute, or 50% of the amount in dispute, may constitute a waiver of the customer's right to the hearing, and the telephone utility may then proceed to discontinue service as provided in part 5.

(6) If the dispute is ultimately resolved in favor of the customer, in whole or in part, any excess moneys paid by the customer shall be refunded promptly, with interest at 6% per annum.

History: 1954 ACS 90, p. 70, Eff. May 14, 1977.

R 460.2263 Notice of hearing.

Rule 63. (1) The customer and the utility shall be mailed, or personally served, written notice of the time, date, and place of the hearing not less than 10 days prior to the hearing.

(2) The notice shall describe the hearing procedures as contained in these rules.

(3) Failure of the customer or the utility to attend the hearing without due cause or prior request for adjournment constitutes a waiver of the right of that party to the hearing.

History: 1954 ACS 90, p. 70, Eff. May 14, 1977.

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R 460.2264 Hearing procedures.

Rule 64. (1) A telephone utility shall establish a hearing procedure which, at a minimum, provides that the customer and the utility:

(a) Have the right to represent themselves, or to be represented by counsel, or to be assisted by a person of their choice.

(b) Have the right to examine, not less than 2 days prior to a scheduled hearing, a list of all witnesses who will testify at the hearing and all documents, records, files, account data, and similar material which may be relevant to the issues to be raised at the hearing.

(c) Have the right to present evidence and testimony, as well as oral and written arguments.

(d) Have the right to confront, question, and cross-examine witnesses appearing on behalf of the other party.

(2) A hearing requested by the customer or an authorized representative shall be held at a time during normal business hours. A telephone utility shall take reasonable steps to insure that customers unable to attend hearings due to physical incapacity shall not be denied the right to a hearing.

(3) The burden of proof is upon the telephone utility in all cases.

(4) All witnesses appearing for either party shall testify under oath.

(5) All hearings shall be informal, and the proceedings need not be recorded or transcribed. All evidence relevant to the dispute shall be received, and the rules of evidence need not be adhered to.

(6) For each hearing held, the utility hearing officer shall compile a hearing record which contains:

(a) A concise statement, in writing, of the position of the telephone utility relative to the dispute.

(b) A concise statement, in writing, of the position of the customer relative to the dispute. If the customer has not reduced, or is unable to reduce, his position to writing, the hearing process shall provide a method for accomplishing this, with the opportunity for proper acknowledgment by the customer.

(c) Copies of all exhibits submitted by the parties.

(7) Upon the closing of the record, the utility hearing officer shall state his findings and decision orally, and shall issue a complaint determination containing the following:

(a) A concise summary of the evidence and arguments presented by the parties.

(b) The decision of the utility hearing officer, based solely upon the evidence presented, and the reason therefor.

(8) Upon the issuance of a complaint determination, the utility hearing officer shall orally advise the customer and the telephone utility:

(a) That each party has a right to file by mail, telephone, or in person, within 5 days after the date of issuance of the complaint determination, an informal appeal with the consumer services division of the commission.

(b) That if appealed, the decision of the utility hearing officer, including a finding that service may be discontinued, is stayed pending review by the consumer services division.

(c) Of the address and telephone number where the customer may file an informal appeal with the commission.

(9) Prior to issuance of a complaint determination, the utility hearing officer may propose to the parties a settlement of all matters in dispute. Acceptance of the proposed settlement by both parties is binding on them. The agreement shall be reduced to writing and signed by both parties in the presence of the utility hearing officer.

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(10) If, at the conclusion of the hearing, a utility hearing officer finds that the telephone utility may discontinue service unless the customer complies with the complaint determination, he shall so notify the customer and authorize the telephone utility to issue immediately, and serve the customer or his representative personally with, written notice, in a form approved by the commission, that service will be discontinued after 5 days unless compliance or payment occurs, or the determination is appealed, in accordance with these rules.

(11) At the conclusion of the hearing, the utility hearing officer shall serve the parties with a copy of the complaint determination, appeal information as provided in subrule (8), and, where applicable, the settlement agreement or notice of discontinuation of service.

(12) The complaint determination, settlement agreement, or notice of discontinuation of service shall be made part of the hearing record and, together with other documents contained therein, shall be certified by the utility hearing officer.

(13) The complaint determination is binding upon the parties unless appealed as provided in these rules.

History: 1954 ACS 90, p 70, Eff May 14, 1977.

R 460.2265 Settlement agreement; conditions; forms; contents.

Rule 65. (1) If the telephone utility and the customer arrive at a mutually satisfactory settlement of a claim in dispute, or if the customer does not dispute liability to the telephone utility but claims inability to pay the outstanding bill in full, a telephone utility shall offer the customer the opportunity to enter into a settlement agreement. The offer shall be limited to the claim in dispute or the delinquent account, and shall not encompass current or future billings.

(2) A settlement agreement shall be in writing and signed by the customer, or his representative, and a representative of the utility authorized to enter into the agreement. A settlement reached by telephone shall be confirmed by the telephone utility in writing and mailed to the customer, with instructions to sign a confirming copy and return it in a prepaid, self-addressed return envelope as provided. The original settlement agreement shall be maintained on file by the utility for 2 years.

(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

(4) For purposes of determining reasonableness under these rules, the parties shall consider the following:

(a) Size of the delinquent account.

(b) Customer's ability to pay.

(c) Customer's payment history.

(d) Time that the debt has been outstanding.

(e) Reasons why the debt has been outstanding.

(f) Any other relevant factors concerning the circumstances of the customer.

(5) A settlement agreement offered by a telephone utility shall, immediately preceding the space provided for the customer's signature and in boldface print at least 2 sizes larger than any other used thereon, contain the following statement:

"If you are not satisfied with this agreement, do not sign. You may file an informal complaint and have a hearing before a utility hearing officer before your service may be terminated.

If you do sign this agreement, you give up your right to an informal hearing

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before a utility hearing officer on any matter involved in this dispute, except the telephone utility's failure or refusal to follow the terms of this agreement."

History: 1954 ACS 90, p. 72, Eff. May 14, 1977.

R 406.2266 Noncompliance with settlement agreement; notice; waiver; subsequent agreement.

Rule 66. (1) If a customer fails to comply with the terms and conditions of a settlement agreement, a telephone utility may discontinue service after notifying the customer, in writing, by personal service or first class mail:

(a) That the customer is in default of the settlement agreement.

(b) The nature of the default.

(c) That unless full payment of the claim is made within 10 days from the date of mailing, the telephone utility will discontinue service.

(d) The date, or within a reasonable time thereafter, upon which service will be discontinued.

(e) That the customer has a right to a hearing before a utility hearing officer only if the customer alleges that the telephone utility has failed or refused to follow the terms of the settlement agreement, or alleges that the customer has in fact complied with the terms of the settlement agreement.

(f) The address and telephone number where the customer may file the request for hearing with the telephone utility.

(2) If a settlement agreement is reached as the result of a customer claim in dispute following a notice of discontinuance, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days after the agreement is made constitutes a waiver of the notice required by subrule (1) of this rule.

(3) Upon determination by the utility hearing officer, a complaint determination and notice of proposed action shall be issued pursuant to R 460.2264.

(4) A telephone utility is not required to enter into any subsequent settlement agreement with a customer until the terms of any previous settlement agreement have been fully executed.

(5) A telephone utility is not required to enter into a subsequent settlement agreement with a customer who defaults upon the terms and conditions of a previous agreement.

History: 1954 ACS 90, p. 72, Eff. May 14, 1977.

R 460.2267 Res judicata.

Rule 67. A telephone utility may treat as res judicata a customer complaint or dispute involving the same question or issue and based upon the same facts as were decided in a previous customer complaint, and is not required to comply with these rules more than once prior to discontinuance of service.

History: 1954 ACS 90, p. 73, Eff. May 14, 1977.

R 460.2268 Emergency discontinuation.

Rule 68. Notwithstanding any other provisions of these rules, a telephone utility may discontinue residential service temporarily for reasons of health or safety, or in a state or national emergency.

History: 1954 ACS 90, p. 73, Eff. May 14, 1977.

PART 7. COMMISSION APPEAL PROCEDURE

R 460.2271 Informal appeal; filing procedure.

Rule 71. (1) Within 5 days from the date of service of a complaint determi-

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nation of a utility hearing officer, either party may file an informal appeal with the consumer services division of the commission.

(2) An informal appeal may be filed in any reasonable manner. The informal appeal need not be in writing and may be initiated by telephone or in person at the offices of the commission.

(3) A written appeal need not be verified.

(4) The appealing party shall provide the following information to the commission:

(a) Name, address, and telephone number of the customer.

(b) Name of the telephone utility involved.

(c) The nature of the original complaint in a clear and concise manner.

(d) The relief requested and whether the customer has pursued the remedies available with the telephone utility complained of pursuant to these rules.

History: 1954 ACS 90, p. 73, Eff. May 14, 1977.

R 460.2272 Exhaustion of remedies.

Rule 72. The commission may require the customer to pursue remedies directly with the telephone utility as to the subject matter of these rules, and as provided in these rules, prior to the acceptance for filing of a complaint or an informal appeal. After the exhaustion of a customer's remedies with the utility, the commission may require a customer to file an informal appeal prior to the acceptance of a formal complaint. The commission specifically reserves the right to waive this rule when, in equity and good conscience, circumstances so require.

History: 1954 ACS 90, p. 73, Eff. May 14, 1977.

R 460.2273 Informal appeal; assignment; reduction to writing; duties of officer or employee of commission; filing certified hearing record; evidence; burden of proof.

Rule 73. (1) Upon filing, the informal appeal shall be assigned to a complaint and information officer of the consumer services division, or other officer or employee of the commission as the commission may designate, who shall reduce the appeal to writing and shall be responsible for:

(a) Advising the appealing party of the procedures of the commission by telephone or in writing.

(b) Advising the other party that an informal appeal has been filed.

(c) Issuing interim determinations as may be necessary in the proceedings.

(d) Reviewing or investigating the appeal as provided in these rules.

(e) Issuing an informal appeal decision.

(2) Upon notification by the commission that an informal appeal has been filed, the utility hearing officer shall promptly file with the consumer services division the certified hearing record concerning the matter in dispute. The parties shall be bound by the evidence presented at the hearing and contained in the hearing record. The complaint and information officer shall not be required to receive or consider any additional evidence or information submitted by a party in arriving at the informal appeal decision, except evidence that tends to show that the hearing record is incomplete, inaccurate, or does not otherwise fairly summarize the evidence presented at the hearing.

(3) In all appeals filed pursuant to these rules, the telephone utility has the burden of proof.

History: 1954 ACS 90, p. 73, Eff. May 14, 1977.

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R 460.2274 Interim determinations.

Rule 74. (1) After the receipt of the hearing record and pending the final resolution of an informal appeal, the complaint and information officer may issue an interim determination upon such terms and conditions as he deems appropriate. In the case of appeals regarding bills or deposits, the complaint and information officer may require a customer to pay the undisputed portion of a claim in order to continue the prohibition against the discontinuance of service as provided in these rules. The complaint and information officer may consider such amounts as reasonably appear to reflect the cost of telephone utility service in determining the undisputed portion of a claim.

(2) If a customer fails to abide by the terms and conditions of an interim determination within 10 days of the date of personal service or mailing thereof by first class mail, the telephone utility may discontinue service as provided in these rules.

History: 1954 ACS 90, p. 74, Eff. May 14, 1977.

R 460.2275 Informal appeal; review; further investigation; new evidence; informal conference; rights of parties.

Rule 75. The complaint and information officer shall review the informal appeal thoroughly and, when necessary, conduct further investigation. New evidence may be offered by a party if the complaint and information officer determines that it is relevant and could not have been offered at the hearing before the utility hearing officer through the exercise of due diligence by the offering party. When further investigation is necessary, the complaint and information officer may request additional evidence or, upon his own motion, may hold an informal conference with the parties or their representatives at a time and place designated by the officer. If either party fails to appear at the informal conference without good cause shown or prior request for adjournment, the right of the absent party to appear at the conference shall be waived. At any informal conference, each party shall have the right to:

(a) Represent himself, or to be represented by counsel, or to be assisted by a person of his choice.

(b) Present oral and documentary evidence.

(c) Refute in a reasonable manner the evidence of the other party.

(d) Submit an oral or written statement of position.

History: 1954 ACS 90, p. 74, Eff. May 14, 1977.

R 460.2276 Discontinuance pending decision.

Rule 76. A telephone utility shall not discontinue residential service nor issue a notice of discontinuation relative to the matter in dispute pending the decision of the consumer services division, unless pursuant to the terms of an interim determination.

History: 1954 ACS 90, p. 74, Eff. May 14, 1977.

R 460.2277 Informal appeal decision; issuance; contents; serving or mailing copy; effect of noncompliance.

Rule 77. (1) The complaint and information officer, or other employee so designated by the commission, shall, within 30 days after the filing of the certified hearing record, issue a written informal appeal decision affirming, modifying, or reversing the complaint determination or an interim determination pursuant to R 460.2275. In reversing or modifying the complaint determination, the decision shall set forth the terms and conditions for continued service, discontinuation of

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service, or a proposed settlement agreement as required by the facts and circumstances. The decision shall state the relevant findings of fact and the reasons for the decision.

(2) A copy of the informal appeal decision shall be served personally or sent by first class mail to the parties. Failure of either party to comply with the decision within 10 days from the date of service or mailing thereof shall permit the action or remedy as provided therein.

History: 1954 ACS 90, p. 74, Eff. May 14, 1977.

R 460.2278 Res judicata.

Rule 78. The consumer services division may treat as res judicata an informal appeal involving the same question or issue and based upon the same facts as were decided in a previous informal appeal, and may dismiss the subsequent informal appeal without following every procedure set forth in these rules.

History: 1954 ACS 90, p. 75, Eff. May 14, 1977.

R 460.2279 Formal complaint; filing; procedure; other remedies.

Rule 79. (1) Either party may appeal the decision of the complaint and information officer by filing a formal complaint in accordance with the rules of practice and procedure before the commission. A party may proceed in accordance with the terms of the informal appeal decision, unless otherwise ordered by the presiding officer assigned to the formal complaint.

(2) Nothing in these rules shall be construed to prevent a party from pursuing appropriate legal and equitable remedies at any time prior to or after the issuance of an informal appeal decision.

History: 1954 ACS 90, p. 75, Eff. May 14, 1977.

TECHNICAL STANDARDS FOR GAS SERVICE

R 460.2301—R 460.2384

History: 1954 ACS 96, p. 116, Eff. July 21, 1978.

Editor's note: R 460.2301 to R 460.2384, pertaining to technical standards for gas service, were adopted by the public service commission. Upon request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules will not be published in Michigan Administrative Code publications. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, Michigan 48909.

RESIDENTIAL CONSERVATION PROGRAM STANDARDS

(By authority conferred on the public service commission by section 6c of Act No. 3 of the Public Acts of 1939, as amended, being §460.6c of the Michigan Compiled Laws)

R 460.2401 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 3 of the Public Acts of 1939, as amended, being §460.1 et seq. of the Michigan Compiled Laws.

(b) "Commission" means the public service commission.

(c) "Current" means that a customer has complied with appropriate tariff provisions of the public utility governing the payment of bills and these rules, and, in addition, means and includes residential customers who have entered and are up to date on budget payment or equal payment plans, and customers who offer to enter or who have entered and are complying with settlement agreements as provided by the commission's Consumer Standards and Billing Practices, Electrical and Gas Residential Service, being R 460.2101 et seq. of the Michigan Administrative Code.

(d) "Energy conservation program" means a program by which residential

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conservation measures are made available to some or all of a public utility's residential customers.

(e) "Multiple-family dwelling" means and includes such living facilities as cooperatives, condominiums, and apartments, provided that each household within the dwelling has normal household facilities, such as a bathroom, individual cooking, and a kitchen sink. "Multiple-family dwelling" does not include such living facilities as penal or corrective institutions, motels, hotels, dormitories, nursing homes, tourist homes, military barracks, hospitals, special care facilities, or any other facilities primarily associated with the purchase, sale, or supplying, for profit or otherwise, of a commodity, product, or service by a public person, entity, organization, or institution.

(f) "Public utility" means a company furnishing gas or electricity for public use at rates approved or prescribed by the commission.

(g) "Residential conservation measures" means conservation devices, services, and materials, including, but not limited to, caulking weatherstripping; modification or adjustment of furnaces and flues to improve their efficiency; furnace ignition systems; clock thermostats; ceiling, attic, wall, floor, and water heater insulation; storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed windows and door materials; and, where cost effective as a means of reducing demand for energy supplied by the utility, devices to utilize solar, wind, or thermal energy, installed or furnished on the residential premises of a public utility's residential customers.

(h) "Residential customer" means a person who receives gas or electric service from a public utility for residential use by that person or others in a single-family dwelling, individual flat or apartment, or a multiple-family dwelling.

History: 1954 ACS 100, p. 95, Eff. Aug. 16, 1979.

R 460.2402 Application for approval of energy conservation program.

Rule 2. A public utility may apply to the commission for authorization of an energy conservation program. In respect to each such application, there shall be an opportunity for a contested case hearing upon reasonable notice as provided in rate cases before the commission. In respect to each application filed after the effective date of these rules, there shall be a public hearing held in the service territory of the public utility for the purpose of obtaining public comment on the energy conservation program. Interested parties may participate in accordance with the commission's rules entitled "Practice and Procedure Before the Commission," being R 460.11 et seq. of the Michigan Administrative Code, and Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. The commission's staff shall participate in each such proceeding.

History: 1954 ACS 100, p. 96, Eff. Aug. 16, 1979.

R 460.2403 Proposing inclusion of different residential conservation measures in program; order; jurisdiction.

Rule 3. Any interested person may propose or oppose the inclusion in an energy conservation program of residential conservation measures different from, or in addition to, those proposed by the public utility. Following the entry of an order authorizing an energy conservation program, the commission shall retain jurisdiction to consider the inclusion in such a program of residential conservation measures different from, or in addition to, those included in the program as approved. Any interested person may petition for the exercise of such jurisdiction or oppose inclusion of such measures in an energy conservation program.

History: 1954 ACS 100, p. 96, Eff. Aug. 16, 1979.

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R 460.2404 Determination of residential conservation measures to be included in energy conservation program.

Rule 4. The commission shall determine which residential conservation measures shall be included in an energy conservation program. The commission shall consider residential conservation measures proposed to be included in an energy conservation program on the basis of their potential for conserving gas or electricity; safety; cost effectiveness; reliability; and applicability to the residential premises of the public utility's residential customers. The proponent of the inclusion of any residential conservation measure in an energy conservation program shall have the burden of proving the extent to which the safety thereof has been or will be determined by public agencies with jurisdiction or responsibility in respect to safety or by private organizations with recognized competence in respect to safety. Where the cost benefit of residential conservation measures which qualify for interest-free financing pursuant to R 460.2409 of these rules varies significantly by type, brand, or make of residential conservation measure, more than 1 type, brand, or make of conservation measure may be included in an energy conservation program, but the variation in cost benefit among the types, brands, or makes of residential conservation measures shall be disclosed to the customer as part of the information requirements of R 460.2406 of these rules. A public utility or a subsidiary of a public utility shall not manufacture or obtain profit from the manufacture of a residential conservation measure used in an energy conservation program approved pursuant to these rules.

History: 1954 ACS 100, p. 96, Eff. Aug. 16, 1979.

R 460.2405 Including costs in general utility rates.

Rule 5. Upon commission authorization, a public utility may include in its general rates for utility service the costs of money, bad debt expense, administrative costs and all or part of the cost of residential energy audits associated with an energy conservation program. Such costs shall be recovered by a charge included equally in the price of every metered unit of gas or electricity sold subject to commission jurisdiction, without regard to the amount of gas or electricity consumed by a customer. The inclusion of such costs in general utility rates shall not continue after the costs arising from an approved energy conservation program have been recovered. The commission shall authorize the charges to be included equally in the price of gas or electricity and periodic changes thereto in proceedings limited to determining the amount of the costs of the energy conservation program which were or are to be reasonably and prudently incurred by the public utility and which are to be recovered through such charges and the level of the charge necessary to recover such costs.

History: 1954 ACS 100, p. 97, Eff. Aug. 16, 1979.

R 460.2406 Providing cost benefit information to customer.

Rule 6. Each residential customer to whom residential conservation measures are offered or furnished under an energy conservation program shall be provided with cost benefit information regarding such residential conservation measures as they apply to the customer's residence. The standards and methodology used to provide this cost benefit information or to provide cost benefit information under any program authorized by these rules shall be authorized by the commission. Due to the fact that no 2 dwellings have exactly the same potential for energy conservation even where dwellings have been constructed in a similar fashion, because physical location, habits of occupants, and structural integrity differ, it may be necessary to render an estimate of energy savings for a specific residence on the basis of energy conservation efficiency to be expected, on the average,

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from installation of specific energy conservation measures in residences with characteristics similar to the residence under consideration. If an estimate of energy conservation efficiency incorporates any averages, that fact shall be clearly disclosed to the residential customer. If such cost benefit information pertains to residential conservation measures to be installed by contractors, as referred to in R 460.2408, the residential conservation customer shall be informed as to whether costs are based on an actual contractor bid for the customer's premises or an estimate thereof.

History: 1954 ACS 100, p. 97, Eff. Aug. 16, 1979.

R 460.2407 Installation of conservation devices and materials.

Rule 7. Conservation devices and materials installed under an energy conservation program, unless personally installed by the residential customer, shall be installed by a contractor holding both of the following:

(a) A valid residential builder's license or a residential maintenance and alteration contractor's license issued by the Michigan department of licensing and regulation under Act No. 383 of the Public Acts of 1965, as amended, being §383.1501 et seq. of the Michigan Compiled Laws.

(b) Other contractors' licenses required by applicable local or municipal codes or reciprocal licensing provisions.

History: 1954 ACS 100, p. 97, Eff. Aug. 16, 1979.

R 460.2408 List of contractors; availability; grouping of customers' premises.

Rule 8. (1) As part of an energy conservation program, the public utility shall prepare, or cause to be prepared, for its service area a list or lists of contractors who do all of the following:

(a) Hold the required licenses.

(b) Maintain coverage as prescribed by law in respect to insurance.

(c) Enter into a contract in a form authorized by the commission which contains, among other things, a full warranty of work performed and materials furnished.

(2) A list of qualified contractors for the appropriate area shall be made available to each residential customer who decides to have devices or materials installed under the energy conservation program. A residential customer selecting contractors who are not on the list described in subrule (1) may obtain the benefits of residential conservation programs as described in R 460.2409 and R 460.2410, if such contractors demonstrate to the public utility compliance with subdivisions (a), (b), and (c) of subrule (1).

(3) If the residential customer makes no selection of a contractor, that customer's premises, with the consent of the customer, may be grouped with other customers' premises in the same area, and the installation of devices and materials for the group shall be performed by the lowest qualified bidder. Groupings of premises pursuant to this rule shall be in a number to achieve economies of scale without unduly impairing the ability of private contractors to bid for such work. Where possible, bids to determine the average cost of performing such work for a residence typical of residences within a specific geographical area shall be taken prior to offering residential conservation measures to residential customers so as to give such customers a basis for price comparison and cost effectiveness. Applications for bids issued to contractors for work to be performed pursuant to this subrule shall include criteria for wage levels and other conditions which will ensure that the largest possible percentage of local contractors has an opportunity to bid competitively for work performed pursuant to this subrule.

History: 1954 ACS 100, p. 98, Eff. Aug. 16, 1979.

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R 460.2409 Payment for residential conservation measures that repay costs of installation; contracts.

Rule 9. (1) Residential conservation measures, as defined in R 460.2401(g) above, or as included in an authorized energy conservation program pursuant to R 460.2403 above, that will repay the costs of installation (costs of installation are those costs determined to prevail on or around the filing date of an energy conservation program) within 7 years or less from energy savings (calculated using energy costs in effect at the filing date of the energy conservation program), and which are installed as part of an authorized energy conservation program, shall be paid for under contracts that do not charge interest to residential customers contracting for such measures. Audits, inspections, or other verification of the applicability of only those residential conservation measures which repay the costs of installation within 7 years or less from energy savings to a customer's residence may be included in an energy conservation program and, if so included, shall be performed by the utility at no direct charge to the customer. Charges for all other audits, inspections, or verifications shall be as authorized by the commission.

(2) No penalty shall be imposed by the lender for payment of all or any portion of the outstanding balance due on any contract prior to the date such payment would otherwise be due.

History: 1954 ACS 100, p. 98, Eff. Aug. 16, 1979

R 460.2410 Financing of residential conservation measures.

Rule 10. (1) A utility may refer its customer to a financial institution in the business of lending for financing of the installation of residential conservation measures in lieu of providing funds directly to, or on behalf of, the customer.

(2) As part of an authorized energy conservation program, the utility may contract to collect payments for conservation measures at no fee to the financial institution, absorb bad debt expenses, and subsidize the loan in an amount up to the difference between the interest rate, as listed in R 460.2409, and the lower of the interest rate, including use of deferred taxes, that the utility would have to pay for capital at or around the time of the filing of the energy conservation program, or an interest rate which is negotiated between the utility and the financial institution. However, residential customers may not be charged any additional fee or interest charge by the financial institution under the loan contract provided for in this provision.

History: 1954 ACS 100, p. 98, Eff. Aug. 16, 1979.

R 460.2411 Including costs of money and cost of bad debt expense in general utility rates.

Rule 11. Notwithstanding any other provision of these rules, costs of money and costs of bad debt expense related to an authorized energy conservation program may be included in general utility rates as provided in R 460.2405, if the commission finds that the energy conservation program is apt to result, in the foreseeable future, in lower rates for all utility ratepayers than could be achieved without the energy conservation program.

History: 1954 ACS 100, p. 99, Eff. Aug. 16, 1979.

R 460.2412 Eligibility to receive loans; securing contract by security interest.

Rule 12. (1) All residential customers who are owners of the residence in which they live and who are current in their payment of the utility bills of the utility company offering the loan are eligible to receive loans.

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(2) All tenants who are residential customers and who are current in their payment of the utility bills of the utility company offering the loan, and who secure permission to install residential conservation measures from their landlords, as well as an agreement that the landlord will inform subsequent tenants of any such tenant's obligation to make payments on an energy conservation program contract, are eligible to receive loans.

(3) Contracts pursuant to an energy conservation program may be secured by a statement of lien or other security interest.

History: 1954 ACS 100, p. 99, Eff. Aug. 16, 1979.

R 460.2413 Informing solicited customers of availability of conservation measures pursuant to state and federal programs.

Rule 13. All utilities implementing energy conservation programs shall inform those of their customers who are solicited to participate in a utility conservation program of conservation measures that are available pursuant to state or federal programs which are applicable to a significant proportion of the customers of the public utility. This information shall be provided to utility customers before such customers agree to participate in a conservation program authorized by the act.

History: 1954 ACS 100, p. 99, Eff. Aug. 16, 1979.

R 460.2414 Construction of rules.

Rule 14. Nothing contained in these rules shall be construed to prohibit or modify gas or electric utility conservation programs in effect before June 5, 1978, without prior notice and hearing before the commission.

History: 1954 ACS 100, p. 99, Eff. Aug. 16, 1979.

PRESERVATION OF RECORDS

R 460.2501—R 460.2582

History: 1954 ACS 28, pp. 14-44, Eff. Jan. 1, 1982.

Editor's note: R 460.2501 to R 460.2582, pertaining to the preservation of records of utilities, were adopted by the public service commission. Upon request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, as amended, being §24.257 of the Michigan Compiled Laws, these rules will not be published in Michigan Administrative Code publications. Copies of the rules may be obtained upon application to the Public Service Commission, Long Commerce Park, Box 30221, Lansing, Michigan 48909.

GAS TRANSMISSION AND DISTRIBUTION PIPING SYSTEMS (MICHIGAN GAS SAFETY CODE)

R 460.2804—R 460.2879 Rescinded.

History: 1954 ACS 52, pp. 88-183, Eff. Nov. 15, 1967; rescinded 1954 ACS 71, p. 73, Eff. May 31, 1972.

Editor's note: Former R 460.2804—R 460.2873, appearing in 1957 AACS, pp. 754-826, were rescinded by 1954 ACS 52, p. 183, Eff. Nov. 15, 1967.

UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC LIGHT AND POWER UTILITIES

R 460.3000—R 460.5977 Rescinded.

History: 1954 ACS 24, pp. 31-259, Eff. Jan. 1, 1961; 1954 ACS 44, pp. 49-52, Eff. Nov. 14, 1965; rescinded 1954 ACS 89, p. 145, Eff. Nov. 12, 1976.

UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

R 460.6000—R 460.8827 Rescinded.

History: 1954 ACS 24, pp. 260-524, Eff. Jan. 1, 1961; 1954 ACS 44, pp. 52-54, Eff. Nov. 14, 1965; rescinded 1954 ACS 89, p. 145, Eff. Nov. 12, 1976.

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UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B ELECTRIC UTILITIES

R 460.9001, R 460.9019

History: 1954 ACS 89, p. 145, Eff. Nov. 12, 1976.

Editor's note: R 460.9001 and R 460.9019, relating to a uniform system of accounts for class A and B electric utilities, were adopted by the public service commission to implement Act No. 106 of the Public Acts of 1909, being §460.551 et seq. of the Michigan Compiled Laws. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B GAS UTILITIES

R 460.9021, R 460.9039

History: 1954 ACS 89, p. 145, Eff. Nov. 12, 1976.

Editor's note: R 460.9021 and R 460.9039, relating to a uniform system of accounts for class A and B gas utilities, were adopted by the public service commission to implement Act No. 419 of the Public Acts of 1919, as amended, being §460.51 et seq. of the Michigan Compiled Laws. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B TELEPHONE COMPANIES

R 460.9041, R 460.9059

History: 1954 ACS 85, p. 37, Eff. Oct. 1, 1975.

Editor's note: R 460.9041 and R 460.9059, relating to a uniform system of accounts for class A and B telephone companies, were adopted by the public service commission to implement Act No. 206 of the Public Acts of 1913, as amended, being §484.101 et seq. of the Michigan Compiled Laws. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C AND D TELEPHONE COMPANIES

R 460.9060, R 460.9079

History: 1954 ACS 85, p. 38, Eff. Oct. 1, 1975.

Editor's note: R 460.9060 and R 460.9079, relating to a uniform system of accounts for class C and D telephone companies, were adopted by the public service commission to implement Act No. 206 of the Public Acts of 1913, as amended, being §484.101 et seq. of the Michigan Compiled Laws. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B WATER UTILITIES

R 460.9081, R 460.9099

History: 1954 ACS 85, p. 38, Eff. Oct. 1, 1975.

Editor's note: R 460.9081 and R 460.9099, relating to a uniform system of accounts for class A and B water utilities, were adopted by the public service commission to implement Act No. 419 of the Public Acts of 1919, as amended, being §460.51 et seq. of the Michigan Compiled Laws, and Act No. 3 of the Public Acts of 1939, as amended, being §460.1 et seq. of the Michigan Compiled Laws. By request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

UNIFORM SYSTEM OF ACCOUNTS FOR WATER UTILITIES

R 460.10000—R 460.12726 Rescinded.

History: 1954 ACS 27, pp. 32-214, Eff. Aug. 14, 1961; rescinded 1954 ACS 85, p. 38, Eff. Oct. 1, 1975.

SERVICE SUPPLIED BY WATER UTILITIES

R 460.13101—R 460.13707

History: 1954 ACS 36, pp. 15-27, Eff. Nov. 14, 1963.

Editor's note: R 460.13101 to R 460.13707, pertaining to service supplied by water utilities, were adopted by the public service commission. Upon request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

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MICHIGAN GAS SAFETY CODE

R 460.14001—R 460.14999

History: 1954 ACS 71, p. 73, Eff. May 31, 1972; 1954 ACS 75, p. 60, Eff. Apr. 14, 1973; 1954 ACS 82, p. 145, Eff. Dec. 27, 1974; 1954 ACS 88, p. 122, Eff. July 6, 1976; 1954 ACS 92, p. 46, Eff. Aug. 16, 1977; 1954 ACS 97, p. 85, Eff. Oct. 28, 1978; 1954 ACS 100, p. 99, Eff. July 21, 1979.

Editor's note: R 460.14001 to R 460.14999, pertaining to safety standards for pipeline facilities and the transportation of gas, were adopted by the public service commission to implement Act No. 165 of the Public Acts of 1969, being §§483.151 to 483.162 of the Michigan Compiled Laws. Upon request of the commission and pursuant to section 57 of Act No. 306 of the Public Acts of 1969, being §24.257 of the Michigan Compiled Laws, these rules are not published in Michigan Administrative Code publications. They may be obtained upon application to the Public Service Commission, Law Building, Lansing, Michigan 48926.

MOTOR CARRIERS

(By authority conferred on the public service commission by section 6 of article 5 of Act No. 254 of the Public Acts of 1933, as amended, being §479.6 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 460.15001 Definitions.

Rule 1. (1) The words and phrases used herein shall have the meanings given them by the motor carrier act.

(2) "Motor carrier act" means Act No. 254 of the Public Acts of 1933, as amended, being §§475.1 to 479.49 of the Michigan Compiled Laws.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15019 Rescission.

Rule 19. Rules (1) to (66) of the rules applicable to motor carriers, being R 460.101 to R 460.146 of the Michigan Administrative Code and appearing on pages 5611, 5620 to 5626, 5628 and 5631 to 5637 of the 1954 volume of the Code and in the Annual Supplements hereinafter listed, are rescinded.

Annual Supplements	Pages
1955	134, 135 and 137 to 139
1957	742 to 746
1959	1250, 1253 and 1254
1960	1533
1962	2659 to 2662
1964-65	3389 to 3392

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

PART 2. CERTIFICATES AND PERMITS

R 460.15021 Applications.

Rule 21. An application shall be typewritten or legibly printed and shall be executed in accordance with the motor carrier act on forms supplied by the commission.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15022 Interstate applications.

Rule 22. (1) A motor carrier engaged in transportation in interstate or foreign commerce shall register its interstate commerce commission certificate or permit and extensions thereto. The application for registration shall be in the form and contain the information requested and no operations commenced until an order authorizing operations has been issued by the commission.

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(2) A motor carrier engaged in transportation of property in interstate or foreign commerce, within the prescribed interstate commerce commission commercial zone of a city having a population of 500,000 or more, shall have a commercial zone registration (permit) before commencing operations.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15023 Hearings and copies of orders.

Rule 23. (1) An application or petition will not be set for hearing (where a hearing is required) until all of the statutory requirements and rules have been met.

(2) A person may advise the commission in writing of an interest in a particular proceeding and thereafter the commission shall mail the person a copy of all orders entered in the proceeding.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971

R 460.15024 Commencement of operations.

Rule 24. When a new or extended authority in intrastate commerce has been issued, operations thereunder shall not commence until 20 days after service of the commission order.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15025 Fixed route carriers.

Rule 25. A certificate of public convenience and necessity issued to a common carrier operating over fixed (regular) routes and between fixed termini shall be construed to include intermediate points on the routes unless the points are expressly excluded.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15026 Limitations imposed by permits.

Rule 26. A permit granted and issued to a contract carrier shall contain the names of all persons for whom the contract carrier shall be authorized to transport property. A contract carrier shall not engage in any other or different operations or transport for any other or additional persons than those named in its permit without having obtained a new or amended permit covering the new operation or persons. A new or amended permit shall be obtained in the manner prescribed for procurement of an original permit.

History: 1954 ACS 66, p. 41, Eff. June 1, 1971.

R 460.15027 Reclassification of carriers.

Rule 27. (1) The commission may reclassify carriers of persons or property when it determines from its records that it is necessary. Upon application of a carrier or other interested person, the commission shall consider whether a carrier should be reclassified. A proposed reclassification shall be noticed in the bi-weekly information bulletin at least 10 days before any action thereon.

(2) A reclassification shall be effected and an application for reclassification considered without a hearing unless otherwise ordered by the commission upon its own motion or upon written request for hearing by a carrier involved or by other interested persons. If a hearing is ordered by the commission, due notice shall be given in the same manner as a hearing on an application for a certificate of public convenience and necessity and a contract carrier permit under the motor carrier act.

(3) In the absence of objection, the commission may issue proper authority to all carriers which it reclassifies.

History: 1954 ACS 66, p. 42, Eff. June 1, 1971.

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R 460.15028 Primary business.

Rule 28. A person engaged in any other business or enterprise who transports property by motor vehicle for business purposes, unless the transportation is within the scope and in the furtherance of a primary business enterprise (other than transportation) of the person, is deemed to be conducting a motor-carrier-for-hire operation in evasion of the motor carrier act.

History: 1954 ACS 66, p. 42, Eff. June 1, 1971.

R 460.15029 Double and multiple certification of equipment.

Rule 29. (1) An application for authority for double or multiple certification of equipment shall be submitted by all the carriers involved on forms to be furnished by the commission and shall contain a verified statement of the facts relied upon by the applicants. The application shall be noticed in the bi-weekly information bulletin. Unless a protest is filed within 10 days after the date of publication, the commission may grant the authority requested without a hearing.

(2) A protested application shall be scheduled for hearing in the usual manner. A protest shall be in writing and set forth justifiable reasons.

(3) A vehicle operating under double or multiple certification shall be under the direction and control of the carrier under whose authority the operation is being performed. Double or multiple certification may not be used to effect a tacking or interlining of 2 or more authorities.

History: 1954 ACS 66, p. 42, Eff. June 1, 1971.

R 460.15030 Interruption of service.

Rule 30. (1) An order authorizing discontinuance of service shall not extend beyond 1 year. A common motor carrier seeking authority for discontinuance beyond the initial 1-year period shall advise the commission. The commission shall consider facts submitted in support of the request and may further extend the discontinuance upon proof that it is in the public interest. The commission may schedule the matter for hearing. After a discontinuance of service has been in effect for a total of 3 years, a further extension of the discontinuance will not be granted. If service under the authority is not reinstated at that time, the commission shall revoke the authority.

(2) A contract carrier shall notify the commission in writing within 30 days of its discontinuance or abandonment of any part of its permitted contract operations giving the reasons therefor.

History: 1954 ACS 66, p. 42, Eff. June 1, 1971.

PART 3. INSURANCE

R 460.15031 Liability to passengers.

Rule 31. Before authority is issued by the commission, proper evidence from an insurance company approved by the commissioner of insurance shall be submitted to the commission showing that the carrier has in effect insurance indemnifying the carrier against damages for injuries to passengers and their property in at least the minimum amounts hereinafter prescribed. The insurance shall be written to expire not earlier than December 31 of the calendar year during which the authority is issued or written to continue in force and effect until cancelled.

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Minimum Insurance for Passenger Vehicles

Seating Capacity	Personal Injury One Passenger	Personal Injury All Passengers	Property Damage All Passengers
7 pass. or less	$100,000.00	$300,000.00	$50,000.00
8-12 pass., inc.	100,000.00	350,000.00	
13-20 pass., inc.	100,000.00	400,000.00	
21-30 pass., inc.	100,000.00	450,000.00	
31 pass. or more	100,000.00	500,000.00	

History: 1954 ACS 66, p. 42, Eff. June 1, 1971

R 460.15032 Cargo insurance.

Rule 32. A carrier, except a contract carrier, shall secure and keep in force cargo insurance in an amount to fully cover and protect all property received by it for transportation insofar as the carrier is liable under any law applicable to it. This rule does not apply to transportation of the following commodities:

Ashes, wood or coal
Bituminous concrete (also known as blacktop or amosite), including mixtures of asphalt paving
Brick
Cement, dry, in containers or in bulk
Cement building blocks
Cinders, coal
Coal
Coke
Commercial fertilizer and ingredients
Corn cobs
Cottonseed hulls
Cut flowers
Feeds, animal, poultry and fish
Fish scrap
Forest products; viz: logs, billets or bolts, native wood, Canadian wood or Mexican pine; pulpwood, fuelwood, wood kindling; and wood sawdust or shavings (shingle tow) other than jewelers' or parafined
Garbage
Gravel, other than bird gravel
Ice
Iron ore
Lime and limestone
Lumber
Manure
Meat scraps
Ores in bulk, including ore concentrates
Peat moss
Pallets and pallet stock
Poles and piling, other than totem poles
Rubbish
Salt, in bulk or in bags
Sand, other than asbestos, bird, iron, monazite, processed or tobacco sand
Scrap iron
Scrap steel
Shells, clam, mussel or oyster

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Slag, other than slag with commercial value for the further extraction of metals
Slate, crushed or scrap
Soil, earth or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth
Stone, unglased and unmanufactured, including ground agricultural limestone
Sugar beet pulp
Sugar beets
Waste, liquid and solid
Water, other than mineral or prepared water
Other materials or commodities, of low value, upon specific application to and approval by the commission.

History: 1954 ACS 66, p. 43, Eff. June 1, 1971.

R 460.15033 Liability to third persons.

Rule 33. All carriers shall secure and keep in force a public liability and property damage insurance policy for the protection of persons other than its passengers in amounts ordered by the commission. The minimum amounts of the policy shall be as follows:

$100,000.00	1 person liability
300,000.00	all persons liability
50,000.00	property damage

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

R 460.15035 Uniform indorsements.

Rule 35. An insurer of motor carriers shall attach to and make a part of each policy, issued by it to cover obligations imposed upon motor carriers by the motor carrier act, the uniform indorsements on forms approved or provided by the commission for cargo insurance policies and for public liability and property damage policies.

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

R 460.15036 Authentication of policies and notices of cancellation.

Rule 36. A policy required to be filed with the commission, and indorsements attached thereto, shall be signed by an authorized agent of the issuing insurance company. The insurance policy shall be a certified copy of the policy delivered to the insured. The insurance company shall notify the commission and the policyholder by registered mail 10 days before any policy executed in behalf of a carrier subject to the jurisdiction of the commission is to expire by way of cancellation or limitation.

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

R 460.15038 Self-insurance.

Rule 38. (1) Application, upon forms prescribed by the commission, may be filed by a motor carrier of passengers or property for authority to qualify as a self-insurer. The application may be approved after hearing, in amounts no lower than those prescribed in R 460.15031 and R 460.15033 if the applicant has furnished a true and accurate statement of its financial condition, and any other evidence deemed necessary to adequately protect the public, which establishes to the satisfaction of the commission the ability of the motor carrier to satisfy contingent obligations for personal injury, public liability, property damage or cargo liability without affecting the stability or permanency of the business of the

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motor carrier. Appropriate approval to self-insure shall be in lieu of an insurance policy and satisfy the rules of the commission otherwise applicable.

(2) A carrier holding authority to self-insure shall furnish the commission additional statements of financial condition and other information when required by the commission.

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

PART 4. IDENTIFICATION OF VEHICLES

R 460.15041 Issuance and attachment to vehicles.

Rule 41. The commission shall issue proper and sufficient identification for each self-propelled motor vehicle operated under authority of the commission. The identification shall be attached in a conspicuous location upon the front of a tractor and truck and upon the rear of a bus and shall remain upon the vehicle for which issued until the vehicle is removed from service and the commission advised accordingly.

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

R 460.15042 Plates.

Rule 42. (1) Upon issuance of a certificate, permit or registration, the commission shall issue a metal plate for each self-propelled motor vehicle covered by the certificate, permit or registration. The plate shall be attached in a conspicuous location upon the front of a tractor and truck and upon the rear of a bus. The plate shall remain upon the vehicle for which issued at all times unless application has been made to the commission for permanent retirement of the vehicle from operation or in case the vehicle is undergoing repairs necessitating the removal.

(2) The commission may exempt a vehicle engaged in interstate commerce from the requirements of this rule and R 460.15043.

(3) A plate shall expire automatically on December 31 of the year for which the plate was issued.

(4) The loss or destruction of a plate shall be reported to the commission. A substitute plate may be obtained upon making proper application upon forms furnished by the commission and payment of a fee of $2.00.

History: 1954 ACS 66, p. 44, Eff. June 1, 1971.

R 460.15043 Cards.

Rule 43. (1) A separate card will be issued for each self-propelled motor vehicle covered by a certificate, permit or registration. The card shall be carried with the vehicle for which it is issued to permit it to be easily inspected.

(2) In case of loss or destruction of a card, a substitute card may be obtained upon making proper application upon forms furnished by the commission and payment of a fee of $1.00.

History: 1954 ACS 66, p. 45, Eff. June 1, 1971.

R 460.15045 Names and accounting numbers.

Rule 45. (1) The name and address of the motor carrier shall be placed in a conspicuous place on both sides of its power vehicle in plain letters and numbers not less than 3 inches in height and affixed to a permanent part of the vehicle.

(2) A vehicle shall be given a separate accounting number. The number shall be placed on both sides of the power vehicle in a conspicuous place in plain numbers not less than 3 inches in height.

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(3) The letters M.P.S.C. and the file number of the motor carrier shall be placed in a conspicuous place on both sides of the power vehicle in plain letters and numbers not less than 1 and ½ inches in height.

(4) The numbers and letters shall thereafter remain upon the vehicle so long as it is operated under jurisdiction of the commission.

History: 1954 ACS 66, p. 45, Eff. June 1, 1971.

R 460.15046 Summary of authority.

Rule 46. Effective with the date of this rule no self-propelled motor vehicle shall be operated under any certificate, permit or registration issued by the commission unless the motor vehicle shall at all times have in the cab thereof an approved summary of the operating authority of the motor carrier as issued and supplied by the commission. The summary shall be kept in a clean and legible condition at all times.

History: 1954 ACS 66, p. 45, Eff. June 1, 1971.

R 460.15048 Added equipment.

Rule 48. The operation of added equipment shall not begin, and added equipment shall not be placed in service, until identification has been issued and attached to the vehicle.

History: 1954 ACS 66, p. 45, Eff. June 1, 1971.

PART 5. TRANSFER OF CERTIFICATES, PERMITS, AND EQUIPMENT

R 460.15051 Applications; fees; statements as to claims.

Rule 51. When there is to be a transfer of ownership of a certificate or permit, application shall be filed with the commission. A filing fee, together with either of the following statements shall accompany the application:

(a) A statement containing the written undertaking of the transferee, duly signed, witnessed and acknowledged and sworn to before a notary public or other officer empowered to administer oaths, assuming the liability of the transferor and agreeing to pay all claims against the transferor as of the date of the commission's order approving the transfer.

(b) A statement of all claims against the transferor of which he has either knowledge or notice at the time of the filing of the application for approval of the transfer. The statement shall set forth the name of each claimant, his last known address, the amount of the claim and whether the transferor disputes all or part of the claim. It shall be subscribed and sworn to by the transferor before a notary public or other officer empowered to administer oaths. The transferor shall give reasonable notice to all claimants of filing of the application for approval of the transfer and the statement shall clearly describe the method used in notifying claimants. The statement shall contain a full description of the consideration for the agreement to transfer, and when the consideration for the agreement is the payment of money in whole or in part, a consent to a deposit with an escrow agent of the moneys or securities received. If the consideration exceeds the total amount of the claims, the statement shall contain a consent to deposit the part thereof necessary to assure payment of the claims. At any hearing which may be necessary on the application for approval of the transfer, the commission shall determine whether an escrow agent should be appointed and what terms and conditions should be imposed by the agreement. The purpose of the escrow shall be to afford an opportunity for claimants to have claims adjudicated and paid.

History: 1954 ACS 66, p. 45, Eff. June 1, 1971.

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R 460.15052 Claims defined.

Rule 52. "Claims" means unpaid claims of shippers arising out of the transferor's failure and neglect to collect and pay over C.O.D. moneys and claims for damages where goods have been damaged after delivery to the transferor and before delivery to the consignee, by a person or persons including other carriers, for whose action the transferor may be liable.

History: 1954 ACS 66, p. 46, Eff. June 1, 1971.

R 460.15053 Notices and hearings on transfers.

Rule 53. Upon filing an application for transfer, notice of filing will be published in the commission's biweekly information bulletin. If no protest is filed within 10 days after the publication date, the application may be acted upon without hearing. If a protest setting forth valid reasons therefor is timely filed, the commission may schedule the application for hearing.

History: 1954 ACS 66, p. 46, Eff. June 1, 1971.

R 460.15054 Approval and consummation of transfers.

Rule 54. (1) An application shall be approved if it appears that the proposed transferee is fit, willing and able to perform the service authorized by the operating rights sought to be transferred, that the rights of claimants against the transferor have been considered, and that the provisions of the motor carrier act and the rules of the commission have been complied with. Otherwise, the application shall be denied.

(2) When a transfer is approved, the parties shall consummate the transfer at any time within 30 days after service of the commission order, unless extended by commission order. The parties shall advise the commission in writing of the date of consummation.

History: 1954 ACS 66, p. 46, Eff. June 1, 1971

R 460.15056 Change of names.

Rule 56. A motor carrier shall not change its name without filing the proper application and receiving commission approval.

History: 1954 ACS 66, p. 46, Eff. June 1, 1971.

R 460.15058 Emergency substitution of equipment.

Rule 58. (1) An emergency is considered to exist for the purpose of this rule, when by reason of breakdown or an unusual temporary demand for transportation, a motor carrier finds it necessary to provide additional motor vehicles for a limited period.

(2) Upon request by a motor carrier, accompanied by payment of $3.00 per card, the commission may issue prenumbered special identification cards to the carrier with no refund for unused cards.

(3) When a motor carrier is required by an emergency to use equipment not bearing commission identification plates, the motor carrier, in ink or by typewriter, shall enter upon a special identification card duly issued to the motor carrier, the date on which the equipment is to be used, the description and identification of the equipment in the manner indicated on the form of the card prescribed by the commission. The motor carrier, officer, agent or employee of the motor carrier who authorizes use of the card shall sign the card. The cards so filled out shall be placed and kept in the equipment during the use thereof.

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(4) A card shall not be used for more than 24 hours. If the emergency requires the use of the equipment for a longer period, a new card shall be issued for each day the vehicle is in use. Immediately after use of an emergency card, it shall be returned to the commission with a written report of the reason for the use.

(5) The commission shall be the sole judge of the extent to which a motor carrier may use emergency equipment and special identification cards and reserves the power to deny or curtail their use and to require the motor carrier to register additional vehicles.

(6) A vehicle operating under a special identification card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier. A card may not be used to effect a tacking or interlining of 2 authorities.

History: 1954 ACS 66, p. 46, Eff. June 1, 1971.

PART 6. LEASING, CHARTERS, AND INTERLINE ARRANGEMENTS

R 460.15061 Leasing.

Rule 61. The leasing of a motor vehicle for transportation of property or persons to a person other than to a regulated carrier is prohibited as a "device or arrangement" as defined in subsection (o) of section 1 of article 1 of the motor carrier act, constituting an evasion of that act unless the parties to the lease conduct their operation according to the terms of the lease agreement, which shall be in writing and provide that the vehicle shall be operated by the lessee or an employee thereof and the operation and use of the vehicle shall be subject to lessee's supervision, direction and control for the full period of the lease. The lessor or any employee of the lessor shall not qualify as an employee of the lessee.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

R 460.15063 Charter or special coach operations.

Rule 63. (1) "Charter" or "special coach business" means transportation of a group of persons with a common purpose and under a single contract, requiring the exclusive use of a passenger carrying vehicle to travel to a particular destination or destinations.

(2) A common carrier of passengers shall not do a charter or special coach business of transporting chartered parties between the same points or over the same routes so frequently as to constitute a regular service.

(3) A common carrier of passengers shall not transport a group of passengers to whom individual tickets have been sold or with whom separate or individual transportation arrangements have been made from or to any point or points except those upon its regular route or routes.

(4) A common carrier of passengers authorized to perform seasonal operations over regular routes may not do a charter or special coach business except during the period in which such regular route operation may be performed.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

R 460.15065 Interline tickets.

Rule 65. Where 2 or more common carriers of passengers cannot agree to the establishment of interline ticket arrangements, the commission, upon proper petition being filed, shall conduct an investigation. If justified, the commission shall prescribe interline ticket arrangements for use between the carriers. The commission shall consider whether the carriers involved have in effect a system of accounting which will permit easy checking and accounting for revenues and expenditures in connection with the interline ticket arrangement.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

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R 460.15067 Through rates.

Rule 67. Where 2 or more common carriers cannot agree to the establishment of through joint rates, the commission, upon proper petition being filed, shall conduct an investigation. If justified, the commission shall prescribe through joint rates for application by the carriers. The commission shall consider whether the carriers involved have in effect a system of accounting which will permit easy checking and accounting for revenues and expenditures in connection with through joint rates.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

PART 7. TIME TABLES, ROUTES, AND TARIFFS

R 460.15071 Time table contents and posting.

Rule 71. (1) A common carrier of passengers shall file with the commission a time table showing the time of arrival and departure of its buses at each regular station or stop, and the number of trips to be made daily over each route. A time table shall bear a number printed in bold type on the upper left-hand corner of the title page. Editions of time tables shall be numbered consecutively. A time table shall bear an issuing date and an effective date.

(2) A copy of the time table shall be posted in a conspicuous place in each waiting room of the carrier.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

R 460.15072 Time table changes.

Rule 72. (1) A notice of a change in a time table shall be filed with the commission and be posted, as required at least 10 days before a change is to be effective. The commission may order changes to be made upon shorter notice. A change in or addition to a time table shall be made by reissuing or supplementing the time table. A new time table superseding a previous time table shall cancel the previous time table.

(2) Where more than 1 common carrier of passengers operate over a route or part of a route, no change shall be made in the time table of any competing carrier except upon filing with each competitor and connecting carrier, at least 10 days in advance of the effective date of the change, a copy of the schedule, and filing with the commission proof that a copy has been served upon each competitor and connecting carrier. The commission may order changes to be made upon shorter notice. Upon complaint or by its own action, the commission may change or adjust the schedules as necessary in the public interest.

History: 1954 ACS 66, p. 47, Eff. June 1, 1971.

R 460.15074 Detours.

Rule 74. (1) A carrier shall not allow its motor vehicles to be operated over any route other than that prescribed in its certificate or permit without express consent of the commission, unless the prescribed route is blocked or otherwise rendered temporarily impassable.

(2) Where the route or part of the route of the motor carrier is closed by a public authority, the detour prescribed by the public authority shall become the authorized route of the carrier until the regular route is reopened for public travel, unless otherwise ordered by the commission.

History: 1954 ACS 66, p. 48, Eff. June 1, 1971.

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R 460.15075 Governmental changes in highways.

Rule 75. (1) When a route of a motor carrier is slightly changed or relocated, but does not serve new territory, the motor carrier may travel on the new route without application to or order by the commission. When the highway a motor carrier is entitled to travel is changed to include territory not served by the motor carrier, the motor carrier shall not travel the new route until authority is granted to it on application to and order by the commission.

(2) The changing of the number of a highway by a governmental authority shall not affect the rights of a carrier. If the number of a highway is given to another highway, the motor carrier has no right to travel the newly numbered highway, but has the right to travel the route originally granted.

(3) When the location or designation of a route in a certificate or permit is changed by a governmental authority, the certificate or permit holder in its next application for renewal shall indicate the changes by a precise statement showing the official designations of the route before and after the change, and precisely describe any change in location of the designated route which has occurred.

History: 1954 ACS 66, p. 48, Eff. June 1, 1971.

R 460.15077 Tariffs.

Rule 77. A motor carrier shall file with the commission tariffs showing all rates and fares, charges, rules, regulations, classification and practice governing the transportation of persons or property transported under its authority. Separate tariffs shall be filed covering passenger fares and freight rates. The tariffs shall be published, filed and posted in the form and manner prescribed by the commission in its motor carrier tariff circulars.

History: 1954 ACS 66, p. 48, Eff. June 1, 1971.

R 460.15078 Suspension of tariffs.

Rule 78. A petition for suspension of tariffs shall indicate the tariffs affected by commission number, specifically refer to the items against which protest is made, and state the grounds for protest. A suspension of tariffs will not ordinarily be considered unless a petition for suspension is made in writing at least 10 days before the effective date of the tariffs. Five copies of the petition shall be filed.

History: 1954 ACS 66, p. 48, Eff. June 1, 1971.

PART 8. SHIPPING DOCUMENTS AND PAYMENT OF FREIGHT CHARGES

R 460.15081 Shipping documents.

Rule 81. (1) A motor carrier receiving property for transportation between points on its routes and a shipper tendering property for transportation shall execute a contract consistent with the motor carrier act and the rules of the commission.

(2) A vehicle operated by a motor carrier shall be accompanied by the carrier's bill of lading (or copy thereof), manifest, travel order or freight bill, which, individually or collectively, shall contain the following information: consignor, consignee, commodity, origin, destination and quantity or other unit described in the carrier's currently effective tariff.

History: 1954 ACS 66, p. 48, Eff. June 1, 1971.

R 460.15082 Freight bills; contents.

Rule 82. Upon payment of freight charges, a motor carrier, on request, shall surrender to the person paying the charges the original freight bill and shall indicate thereon the receipt of all charges paid and the date of payment. No

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specific form is prescribed, but the bill when presented shall show the following information respecting the shipments covered thereby:

(a) Point of origin.
(b) Shipper.
(c) Destination.
(d) Consignee.
(e) Name of transfer point or points, and name or initial of each motor carrier participating in the haul, in a joint line.
(f) Date of shipment.
(g) Weight or quantity of shipment or other unit corresponding to carrier's tariff.
(h) Proper description of the property transported.
(i) Rates applied for the service.
(j) Any other charge incidental to the transportation.

History: 1954 ACS 66, p. 49, Eff. June 1, 1971.

R 460.15084 Collect on delivery charges (C.O.D.).

Rule 84. (1) A common motor carrier of property shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee promptly and within 10 days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moves in interline service, the delivering carrier, at the time of remittance of the C.O.D. collection to the consignor or payee, shall notify the originating carrier of the remittance.

(2) A common carrier of property handling C.O.D. shipments as a delivering carrier shall maintain a record of C.O.D. shipments received for delivery in such manner and form as will plainly and readily show the following information with respect to each shipment:

(a) Number and date of freight bill.
(b) Name and address of shipper or other person designated as payee.
(c) Name and address of consignee.
(d) Date shipment delivered.
(e) Amount of C.O.D.
(f) Date collected by delivering carrier.
(g) Date remitted to payee.
(h) Check number or other identification of remittance to payee.

History: 1954 ACS 66, p. 49, Eff. June 1, 1971.

R 460.15085 Credit for freight charges.

Rule 85. Upon taking precautions deemed by a common motor carrier to be sufficient to assure payment of the tariff charges within the credit period, it may relinquish possession of freight in advance of payment of charges and may extend credit in the amount of the charges to shippers for 7 days, excluding Saturdays, Sundays and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the day of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following presentation of the freight bill.

History: 1954 ACS 66, p. 49, Eff. June 1, 1971.

R 460.15086 Credit for additional charges after freight relinquished.

Rule 86. When a common motor carrier has relinquished possession of freight and collected the tariff charges presented by it as the total amount of such

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charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the motor carrier may extend credit in the amount of the additional charges for 30 calendar days, to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

History: 1954 ACS 66, p. 49, Eff. June 1, 1971.

R 460.15088 Presentation and payment of freight bills.

Rule 88. (1) A freight bill for transportation charges shall be presented to a shipper within 7 calendar days after the first 12 o'clock midnight following delivery of the freight. When a freight bill is presented by United States mail, the postmark shall be considered to be the time of presentation of the bill.

(2) Mailing by a shipper of a valid check, draft or money order, which is satisfactory to the motor carrier, in payment of freight charges within the credit period constitutes collection of the charges within the credit period. The postmark shall be considered as the time of mailing.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

PART 9. EQUIPMENT AND FACILITIES

R 460.15091 Condition and inspection of equipment.

Rule 91. Equipment used in the transportation of passengers or property for hire shall be kept in a sanitary and safe condition at all times, and shall be subject to inspection at all reasonable times by inspectors of the commission.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15092 Heaters.

Rule 92. A motor vehicle shall not be heated by means of a device employing fire or flame, except a carrier of property may use a heating device employing fire or flame in a motor vehicle where it is shown that such heating device is of safe construction and so placed or affixed as not to constitute a fire hazard under ordinary road service conditions. A motor vehicle may use combustion type heaters approved by underwriters' laboratories, inc.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15093 Windshields.

Rule 93. A motor vehicle windshield shall be free of discoloration or other damage in that portion extending upward from the height of the topmost portion of the steering wheel, but not including a 2-inch border at the top and 1-inch border at each side of the windshield or each panel thereof, except that discoloration and damage are allowable as follows:

(a) Coloring or tinting applied in manufacture, for reduction of glare.

(b) A crack not over ¼ inch wide, if not intersected by another crack.

(c) A damaged area which can be covered by a disc ¾ inch in diameter, if not closer than 3 inches to another damaged area.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15094 Exit doors.

Rule 94. A passenger vehicle shall have an emergency door at the rear or rear left side, or, in lieu thereof, shall be provided with emergency escape push-out or kick-out windows. The windows shall be in the form of a parallelogram having dimensions of not less than 18 inches by 24 inches, and shall contain an area of not less than 400 square inches. There shall be a sufficient number of push-out or kick-out windows in each vehicle to provide at least 67 square inches of escape area per seat, including the driver's seat, and not less than 40% of the total area shall

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be on 1 side of the vehicle. The emergency escape push-out or kick-out windows shall be conspicuously marked by sign or light, and shall always be kept in good working order so passengers may readily escape through the windows in an emergency.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15095 Tires.

Rule 95. A motor vehicle shall not be operated on tires which have been worn so smooth as to expose any tread fabric or which have a defect likely to cause failure. A bus shall not be operated on a tire which does not have tread configurations on that part of the tire which is in contact with the road surface. A bus shall not be operated with regrooved, recapped or retreaded tires on the front wheels.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15096 Lights.

Rule 96. Lights required to be displayed by law or these rules shall not be obscured at any time.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15097 Speedometers.

Rule 97. A motor vehicle shall be equipped with a speedometer indicating vehicle speed in miles per hour and which shall be operative with reasonable accuracy.

History: 1954 ACS 66, p. 50, Eff. June 1, 1971.

R 460.15098 Floors.

Rule 98. The flooring in a motor vehicle shall be substantially constructed, free of unnecessary holes and openings, and shall be maintained so as to minimize the entrance of fumes, exhaust gases or fire. A floor shall not be permeated with oil or gasoline, and shall have the interior surface in good condition.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

R 460.15101 Shifting cargo protection.

Rule 101. A motor vehicle carrying cargo such as beams, pipes, sheet steel and heavy rolls which are subject to shifting and could penetrate or crush the driver's compartment, in addition to having the load securely fastened or braced, shall be provided with header boards or similar devices of sufficient strength to prevent shifting and penetration. A motor vehicle shall be so constructed or be equipped with adequate cargo fastening devices so the load will not penetrate the cargo compartment wall when subjected to maximum braking deceleration of which the vehicle is capable.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

R 460.15103 Bus driveshaft protection.

Rule 103. A driveshaft extending lengthways under the floor of the passenger compartment of a bus, except a bus having a seating capacity of 8 or fewer persons, shall be protected by means of at least 1 guard or bracket at that end of the shaft which is provided with a sliding connection (spline or other such device) to prevent the whipping of the shaft in case of failure thereof or of any of its component parts. A shaft contained within a torque tube shall not require any device.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

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R 460.15104 Standee line or bar in buses.

Rule 104. A bus designed and constructed to allow standees shall be plainly marked with a line of contrasting color at least 2 inches wide or equipped with some other means to indicate to a person that he is prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. A bus shall have clearly posted at or near the front, a sign with letters at least ½ inch high stating that it is a violation of rules for a bus to be operated with a person occupying the prohibited area. The requirement of this rule does not apply to a bus being transported in driveaway-towaway operation or to a level of the bus other than the level in which the driver is located nor shall it be construed to prohibit any seated person from occupying permanent seats located in the prohibited area if the seats are so located that persons sitting therein will not interfere with the driver's safe operation of the bus.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

R 460.15105 Aisle seats in buses.

Rule 105. A bus, except a bus having a seating capacity of 8 or fewer persons, shall not be equipped with aisle seats unless the seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. A bus shall not be operated if any seat therein is not securely fastened to the vehicle. This section does not apply to a bus while engaged exclusively in transportation of agricultural workers in charter transportation if the bus carries not to exceed 8 passengers on temporary folding seats located in the center aisle.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

R 460.15106 Fifth wheel mounting and locking.

Rule 106. (1) The lower half of every fifth wheel mounted on a truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. The U-bolts shall not be of welded construction. The installation shall not cause cracking, warping or deformation of the frame. Adequate means shall be provided to positively prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached.

(2) The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly.

(3) Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without operation of a positive manual release. A release mechanism operated by the driver from the cab will meet this requirement. On a fifth wheel designed and constructed as to be readily separable, the fifth wheel locking device shall apply automatically on coupling.

History: 1954 ACS 66, p. 51, Eff. June 1, 1971.

R 460.15107 Fifth wheel locations.

Rule 107. (1) The lower half of a fifth wheel shall be so located that, for any condition of loading, the relationship of the position of the kingpin to the rear axle or axles of the towing motor vehicle results in proper distribution of the total gross weight on the motor vehicles to the axles and does not unduly interfere with the steering, braking or maneuvering of the towing motor vehicle, or otherwise contribute to unsafe operation of the motor vehicles comprising the combination.

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(2) The upper half of a fifth wheel shall be so located as to accomplish proper distribution of weight to the axles and safe movement of the combination of motor vehicles in all turning maneuvers.

History: 1954 ACS 66, p. 52, Eff. June 1, 1971.

R 460.15108 Explosives and dangerous articles.

Rule 108. A carrier transporting explosives and dangerous articles shall comply with the provisions of dangerous articles, tariff no. 13 and supplements and reissues thereof as published by American trucking associations, inc., agent.

History: 1954 ACS 66, p. 52, Eff. June 1, 1971.

R 460.15109 Fire extinguishers.

Rule 109. At least 1 fire extinguisher shall be carried on a motor vehicle and have physical characteristics and fire extinguishing ability equivalent to or better than fire extinguishers which qualify under classification B of the standards of underwriters' laboratories, inc. The extinguisher shall use an extinguishing agent which does not need protection from freezing and shall be properly filled and securely mounted in a bracket. The minimum size shall be a 4-pound, dry-chemical type, or an extinguisher of another type having equivalent capacity. A motor vehicle used for transportation of passengers shall not use a type of fire extinguisher or fire extinguishing device prohibited by section 21a of Act No. 207 of the Public Acts of 1941, as amended, being §29.21a of the Michigan Compiled Laws. A passenger carrying vehicle having a seating capacity of 8 or fewer persons shall carry a dry chemical fire extinguisher of not less than 2¼-pound capacity.

History: 1954 ACS 66, p. 52, Eff. June 1, 1971.

R 460.15111 Warning devices; kinds.

Rule 111. (1) A motor vehicle shall not be operated over the highways of this state at any time without carrying in an accessible place 1 of the following combinations of warning devices:

(a) Three liquid burning emergency flares which satisfy the requirements of SAE Standard J597, "Liquid Burning Emergency Flares," and 3 fusees and 2 red flags.

(b) Three electric emergency lanterns which satisfy the requirements of SAE Standard J596, "Electric Emergency Lanterns," and 2 red flags.

(c) Three red emergency reflectors and 2 red flags.

(d) Three red emergency reflective triangles.

(2) In the alternative it shall be deemed a compliance with this rule if the person operating a motor vehicle carries in the vehicle 3 portable reflector units or 3 red emergency reflective triangles on standards of an approved type.

(3) A portable reflector unit shall not be approved unless it is so designed and constructed that it will reflect red light clearly visible for a distance of at least 300 feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

History: 1954 ACS 66, p. 52, Eff. June 1, 1971.

R 460.15112 Warning devices; display at time of disablement.

Rule 112. Warning devices shall be displayed as follows:

(a) A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.

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(b) Within the burning period of the fusee and as promptly as possible 3 lighted flares (pot torches) or 3 electric lanterns shall be placed on the roadway as follows:

(i) One at a distance of approximately 100 feet in advance of the vehicle.

(ii) One at a distance of approximately 100 feet to the rear of the vehicle each in the center of the lane of traffic occupied by the disabled vehicle.

(iii) One at the traffic side of the vehicle approximately 10 feet rearward or forward thereof.

History: 1954 ACS 66, p. 52, Eff. June 1, 1971.

R 460.15113 Warning devices for vehicles transporting inflammables.

Rule 113. (1) When a vehicle used in the transportation of inflammable liquids in bulk, or transporting compressed inflammable gases is disabled upon a highway, the driver of the vehicle shall display upon the roadway the following lighted warning devices:

(a) One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle.

(b) Two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed for flares.

(2) When a vehicle of a type specified in subrule (1) is disabled, the use of flares, fusees or any signal produced by flame as a warning signal is prohibited.

History: 1954 ACS 66, p. 53, Eff. June 1, 1971.

R 460.15114 Flags.

Rule 114. When a motor vehicle of a type referred to in R 460.15112 and R 460.15113 is disabled upon the traveled portion of a highway or the shoulder thereof, outside of a municipality at any time when the display of fusees, flares or electric lanterns is not required, the driver of the vehicle shall display 2 red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, 1 at a distance of approximately 100 feet in advance of the vehicle, and 1 at a distance of approximately 100 feet to the rear of the vehicle.

History: 1954 ACS 66, p. 53, Eff. June 1, 1971.

R 460.15115 Reflector units.

Rule 115. In the alternative it shall be deemed compliance with R 460.15112 to R 460.15114 if 3 portable reflector units on standards of an approved type are displayed at the times and under the conditions specified either during the daytime or at nighttime. The portable reflector units shall be placed on the roadway in the locations prescribed for the placing of electric lanterns and lighted flares.

History: 1954 ACS 66, p. 53, Eff. June 1, 1971.

R 460.15116 First aid kits.

Rule 116. On a passenger-carrying vehicle subject to commission regulations there shall be 1 first aid kit complying with the following:

(a) The kit shall be of heavy duty 10-unit type or larger.

(b) The case and the cover shall be substantially constructed of sheet steel, wood, fiber or other durable material. If made of sheet steel, the case and cover shall be of metal at least number 24 U.S. gage (nominal).

(c) The case and cover shall be so constructed, including corners, covers and closure means, that it shall be reasonably dust and weather proof when the cover is in the closed position, or the kit shall be mounted in a protected location within the passenger compartment and be reasonably dust and weather proof.

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(d) If made of sheet steel or other metal, the case shall be designed and constructed so the cover may be easily opened to an angle of 90 degrees to 100 degrees with the case and a substantial stop shall be provided at the angle of full opening. The stop shall not interfere with smooth operation of the cover.

(e) If made of metal, the cover shall be attached to the case by at least 2 substantial hinges or by a continuous piano-type hinge. If nonmetallic, the cover shall be attached by either a sliding or hinged joint. If hinged, it shall be as prescribed for metallic construction.

(f) The dimensions of the case shall permit the contents to be easily extracted and yet maintain the contents in a relatively fixed position.

History: 1954 ACS 66, p. 53, Eff. June 1, 1971.

R 460.15117 First aid kit contents.

Rule 117. (1) The first aid kit shall contain at least the contents prescribed in not less than the quantities prescribed, in either of the 2 following types of kits:

(a) Unit type kit

4-inch bandage compress	1 package
2-inch bandage compress	1 package
1-inch adhesive compress	2 packages
40-inch triangular bandage with 2 safety pins	1 package
Burn ointment	1 package
Iodine applicator or applicator of other antiseptic solutions of, at least, equivalent bacteriological properties	1 package
Wire or wood splint	1 package
Tourniquet	1 package

(b) Commercial type unit

3-inch by 3-inch sterile gauze pads	package of 12
Gauze bandages as follows (each package opened to be replaced by unopened package):	
1-inch by 10 yards	3 packages
2-inch by 10 yards	2 packages
3-inch by 10 yards	1 package
¾-inch adhesive compress	package of 24
1-inch by 2½ yards adhesive tape	1 roll
40-inch triangular bandage with 2 safety pins	1 package
Burn ointment	1-ounce tube
Iodine applicator or applicator of other antiseptic solution of, at least, equivalent bacteriological properties	1 package
Wire or wood splint	1 package
Tourniquet	1 package
Scissors	1

(2) A kit shall be provided with instructions for the use of the contents. The contents of the kit shall conform either to the requirements contained in federal specification GG-K-391(a) (October 19, 1954), as amended March 3, 1959, or the standards as found in the fifteenth revision of the pharmacopoeia of the United States and supplement no. 2 thereof dated September 1, 1958, except the 40-inch triangular bandage in the commercial type kit may be nonsterile and not compressed in the required manner if the package containing it clearly indicates the contents are not sterile, and except no specification type scissor is required. Federal specification GG-K-391(a) and amendments may be obtained from the Superintendent of Documents, Washington 25, D.C.

History: 1954 ACS 66, p. 53, Eff. June 1, 1971.

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R 460.15119 Passenger terminals.

Rule 119. Motor carriers of passengers providing terminals shall keep them in a clean and sanitary condition with adequate washroom facilities, heat, and light and free of vermin and litter.

History: 1954 ACS 66, p. 54, Eff. June 1, 1971.

PART 10. OPERATION OF VEHICLES

R 460.15121 Driver's physical condition.

Rule 121. (1) A driver shall not drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness or any other cause as to make it unsafe for him to begin or continue to drive.

(2) A driver shall not drive or be required or permitted to drive a motor vehicle, be in active control of a vehicle, or go on duty or remain on duty, when under the influence of an alcoholic beverage or liquor, regardless of its alcoholic content, nor shall a driver drink such a beverage or liquor while on duty.

(3) A driver of a passenger vehicle shall not smoke a cigar, cigarette, tobacco or other substance in the vehicle while he is driving.

History: 1954 ACS 66, p. 54, Eff. June 1, 1971.

R 460.15122 Driver distractions and interference.

Rule 122. (1) A driver while driving a passenger vehicle shall not engage in unnecessary conversation or other activity tending to distract his attention from operation of the vehicle.

(2) A motor vehicle shall not be driven when the load or other object obscures the view ahead, or to the right or left sides, interferes with the free movement of the driver's arms or legs, prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the cab or driver's compartment.

History: 1954 ACS 66, p. 54, Eff. June 1, 1971.

R 460.15124 Passengers and freight on passenger vehicles.

Rule 124. (1) A passenger vehicle shall not be loaded excessively so as to interfere with the driver's handling of the vehicle.

(2) A passenger vehicle shall not carry more than 1 passenger in the front seat, unless the driver's seat is separated from the front seat of the vehicle, except that where the front seat of the vehicle is 54 inches wide 2 passengers may be carried in the seat, and where the front seat is wider than 54 inches an additional passenger may be carried for each additional 18 inches of width.

(3) A passenger vehicle transporting baggage, express or freight shall not be driven unless the articles are stowed in a manner which will assure:

(a) Unrestricted freedom of motion to the driver for proper operation of the vehicle.

(b) Unobstructed passage to all exits by any person.

(c) Adequate protection to passengers and other persons from injury as a result of the displacement or falling of the articles.

History: 1954 ACS 66, p. 54, Eff. June 1, 1971.

R 460.15126 Miscellaneous provisions.

Rule 126. (1) A motor vehicle shall not be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of the vehicle, and all means of fastening the load, are securely in place.

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(2) A motor vehicle shall not be driven with the source of motive power disengaged from the driving wheels except when the disengagement is necessary to stop or shift gears.

(3) A driver shall not attach or permit any person to attach a lighted fusee or other flame-producing emergency signal to any part of a motor vehicle.

(4) A passenger vehicle shall not be fueled in a closed building with passengers aboard.

History: 1954 ACS 66, p. 55, Eff. June 1, 1971.

PART 11. REPORTS

R 460.15131 Annual and quarterly reports.

Rule 131. (1) On or before March 31 of each year, a motor carrier holding authority from the commission shall file an annual financial report with the commission on duplicate forms to be furnished by the commission. The report shall be prepared from the carrier's books, which shall be kept strictly in accordance with the uniform system of accounts for motor carriers of passengers and property. The report shall cover the last preceding calendar year of the carrier. A fiscal year may be used with prior commission approval. One copy complete in every detail shall be filed with the commission and 1 shall be retained by the carrier as a part of its permanent records. An annual report for a class I or a class II motor carrier shall be filed and verified by a responsible officer having control of the accounts of the carrier. A copy of the carrier's annual report filed with the interstate commerce commission will be accepted as the annual report.

(2) The commission may require class I and class II carriers of passengers and property to file quarterly reports of operating revenues and operating expenses and other data on forms to be furnished by the commission.

History: 1954 ACS 66, p. 55, Eff. June 1, 1971.

R 460.15133 Accident reports.

Rule 133. A motor carrier shall immediately notify the commission of all accidents in which any of its motor vehicles are involved where the accidents result in loss of life or injury to passengers, employees or other persons. Accident reports shall be filed upon forms supplied by the commission, except that a carrier required to file accident reports with a federal agency may file a completed copy of the federal report form.

History: 1954 ACS 66, p. 55, Eff. June 1, 1971.

MOTOR CARRIER SAFETY

(By authority conferred on the public service commission by section 4 of Act No. 181 of the Public Acts of 1963, being §480.14 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 460.16101 Definitions.

Rule 101. As used in these rules:

(a) "Business district" means the territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(b) "Driveaway-towaway operation" means an operation in which 1 or more motor vehicles, new or used, constitute the commodity being transported when 1 or more sets of wheels of any such motor vehicle or motor vehicles are on the roadway during the course of transportation, regardless of whether the motor vehicle being transported furnishes the motive power.

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(c) "Driver" means a person who drives a motor vehicle.

(d) "Gross weight" means the combined weight of a motor vehicle and any load thereon.

(e) "Hazardous materials" means all solids, liquids, and gases listed in 49 C.F.R. 172.101.

(f) "Lightweight vehicle" means a motor vehicle that: (i) has a gross vehicle weight of 10,000 pounds or less in the case of a single vehicle, or a gross combination weight of 10,000 pounds or less in the case of an articulated vehicle, or (ii) has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of 10,000 pounds or less. The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823.

(g) "Logged hours" means the time spent by a driver actually driving a motor vehicle, which time is recorded in the driver's records or his service file.

(h) "Motor carrier" means a carrier of property by motor vehicle, except as otherwise specifically provided.

(i) "Motor vehicle" means a vehicle which is self-propelled or a vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(j) "Pole trailer" means a vehicle without motive power, possibly of variable wheel base, designed to be drawn by another vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

(k) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(l) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(m) "Trailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. A semitrailer equipped with an auxiliary front axle, known as a dolly, shall be deemed to be a trailer.

(n) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(o) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(p) "Vehicle" means any conveyance of any type whatsoever operated upon the highways.

History: 1954 ACS 94, p. 121, Eff. Jan. 5, 1978.

R 460.16105 Applicability of rules to vehicles used for purposes other than designed.

Rule 105. If a motor vehicle, other than a bus, is used to perform the functions normally performed by a bus, these rules do not apply except with respect to

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vehicles operated by a motor carrier to transport its employees to and from their place of work in the regular course of the carrier's business. Likewise, if a motor vehicle of one type is used to perform functions normally performed by a motor vehicle of another type, the requirements of these rules shall apply to that motor vehicle and to its operation in the same manner as though the motor vehicle were actually a motor vehicle of the latter type.

History: 1954 ACS 94, p. 122, Eff. Jan. 5, 1978.

R 460.16110 Observance of duties or prohibitions.

Rule 110. Whenever in these rules a duty is prescribed for a driver or a prohibition is imposed upon a driver the motor carrier shall require observance of that prescription or prohibition. If the motor carrier is a driver, the motor carrier shall likewise be bound thereby.

History: 1954 ACS 94, p. 123, Eff. Jan. 5, 1978.

R 460.16115 Applicability of rules generally.

Rule 115. These rules apply to all carriers of property by motor vehicle.

History: 1954 ACS 94, p. 123, Eff. Jan. 5, 1978.

R 460.16120 Adoption by reference generally.

Rule 120. The standards and federal regulations listed in this rule are incorporated by reference and adopted as a part of these rules. Copies of the adopted standards and regulations are available for inspection and distribution at cost at the offices of the Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Copies of adopted standards and regulations may also be obtained as follows:

(a) The following standards may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096 at the stated cost:

(i) SAE Standard J583c, "Fog Lamp," $0.40.

(ii) SAE Standard J579c, "Head Lamps," $0.40.

(iii) SAE Standard J578b, "Color Specifications for Electric Signal Lighting Devices," $0.40.

(iv) SAE Standard J594f, "Reflex Reflectors," 1977. $3.50.

(v) SAE Standard J163, "Cable Terminals," $0.40.

(vi) SAE Standard J1401 formerly SAE 40 R1, "Automotive Brake Hoses," 1952. $0.40.

(vii) SAE Standard J844c, "Air Brake Tubing and Pipe," 1970. $1.20.

(viii) SAE Standard J1401, "Hydraulic Brake Hose," 1967. $0.40.

(ix) SAE Standard J1402b, "Air Brake Hose," 1971. $1.20.

(x) SAE Standard J1403, "Vacuum Brake Hose," 1968. $1.20.

(xi) SAE Standard J476, "Dryseal Pipe Threads," 1971. $8.00.

(xii) SAE Standard J684c, "Trailer Couplings and Hitches—Automotive Type," July, 1970. $0.80.

(xiii) SAE Standard J597, "Liquid Burning Emergency Flares," 1977. $0.40.

(xiv) SAE Standard J596, "Electric Emergency Lanterns," 1977. $0.40.

(b) The following standards may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210 at the stated cost:

(i) "Standards for the Storage and Handling of Liquefied Petroleum Gases," 1976 edition. $4.25.

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(ii) "Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids" no. 385—1974. $2.50.

(iii) "Standard for the Installation of Portable Fire Extinguishers" no. 10—1975. $3.25.

(c) The following standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at the stated cost:

(i) "Standard Method of Test for Flash Point by Tag Closed Tester," D-56-70. $1.75.

(ii) "Standard Method of Test for Flash and Fire Points by Means of Cleveland Open Cup," D-92-72E. $1.75.

(iii) "Standard Method of Test for Flash Point by Pensky-Martens Closed Tester," D-93-73. $1.75.

(d) The following standards may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018 at the stated cost:

(i) "Specifications for Audiometers," S3.6-1969 (R1973). $5.50.

(ii) "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1966 (R1973). $6.25.

(iii) "Dryseal Pipe Threads," B2.2-1968. $5.50.

(iv) "Specifications for Sound Level Meters," S1.4-1971. $5.50.

(e) The following standard may be obtained from the Bureau of Explosives, Association of American Railroads, 1920 L Street, N.W., Washington, D.C. 20036, at the cost stated:

(i) "Specifications for Railroad Fusees," no charge.

(f) The following federal regulations may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at the stated cost:

(i) Marking and placarding motor vehicles, being 49 C.F.R. 177.823. $6.50.

(ii) Commercial zones, being 49 C.F.R. 170.1 et seq. $6.50.

(iii) Standard no. 105; Hydraulic brake systems, being 49 C.F.R. 571.105. $7.55.

(iv) Standard no. 121; Air brake systems, being 49 C.F.R. 571.121. $7.55.

(v) Standard no. 209; Seat belt assemblies, being 49 C.F.R. 571.209. $7.55.

(vi) Standard no. 210; Seat belt assembly anchorages, being 49 C.F.R. 571.210. $7.55.

(vii) Standard no. 208; Occupant crash protection, being 49 C.F.R. 571.208. $7.55.

(viii) Standard no. 207; Seating systems, being 49 C.F.R. 471.207. $7.55.

(ix) Standard no. 125; Warning devices, being 49 C.F.R. 571.125. $7.55.

(x) Shipping papers, being 49 C.F.R. 177.817. $6.50.

History: 1954 ACS 94, p. 123, Eff. Jan. 5, 1978.

PART 2. QUALIFICATIONS OF DRIVERS

R 460.16201 Purpose and scope of rules; compliance.

Rule 201. (1) The rules in this part establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of motor carriers with respect to the qualifications of their drivers.

(2) The rules in this part, and in other parts of these rules, do not prevent a motor carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than are imposed by these rules.

(3) A motor carrier who employs himself as a driver shall comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.

History: 1954 ACS 94, p. 124, Eff. Jan. 5, 1978.

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R 460.16202 Definitions.

Rule 202. As used in this part:

(a) "Employs a person as a driver" means that a motor carrier requires or permits a person to drive a motor vehicle, whether or not the vehicle is owned by the motor carrier, in furtherance of the business of the motor carrier.

(b) "Farm vehicle driver" means a person who drives only a motor vehicle that is controlled and operated by a farmer; not being used in the operations of a common or contract carrier; not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823, but is being used to transport to or from a farm either agricultural products, farm machinery, farm supplies, or both farm machinery and farm supplies.

(c) "Motor carrier" means a motor carrier, as defined in R 460.16101, and the agents, officers, representatives, and employees of a motor carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

History: 1954 ACS 94, p. 124, Eff. Jan. 5, 1978

R 460.16203 Knowledge of rules required.

Rule 203. Each motor carrier and each driver shall know, and be familiar with, the rules in this part.

History: 1954 ACS 94, p. 124, Eff. Jan. 5, 1978

R 460.16204 Aiding or abetting violations.

Rule 204. A person shall not aid, abet, encourage, or require a motor carrier or a driver to violate the rules in this part.

History: 1954 ACS 94, p. 124, Eff. Jan. 5, 1978

QUALIFICATION AND DISQUALIFICATION OF DRIVERS

R 460.16205 Qualifications of drivers.

Rule 205. (1) A person shall not drive a motor vehicle unless that person is qualified to drive a motor vehicle. Except as provided in R 460.16222, a motor carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(2) Except as provided in R 460.16220 to R 460.16223, a person is qualified to drive a motor vehicle if that person:

(a) Is at least 18 years old except as otherwise provided in R 460.16205a below.

(b) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.

(c) Can, by reason of experience or training, or both, safely operate the type of motor vehicle which the person drives.

(d) Can, by reason of experience or training, or both, determine whether the cargo the person transports, including baggage in a passenger-carrying vehicle, is properly located, distributed, and secured in or on the motor vehicle which the person drives.

(e) Is familiar with methods and procedures for securing cargo in or on the motor vehicle which the person drives.

(f) Is physically qualified to drive a motor vehicle pursuant to R 460.16215.

(g) Has been issued a currently valid Michigan chauffeur's license or permit.

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(h) Has prepared and furnished the motor carrier that employs him with the list of violations or the certificate required by R 460.16210.

(i) Is not disqualified to drive a motor vehicle under R 460.16206.

(j) Has successfully completed a driver's road test and has been issued a chauffeur's license or a certificate of road test which the motor carrier that employs him has accepted as equivalent to a road test pursuant to R 460.16212.

(k) Has taken a written examination and has been issued a certificate of written examination pursuant to R 460.16213, or has been issued a certificate of written examination which the motor carrier that employs him has accepted as equivalent to a written examination pursuant to R 460.16214.

(l) Has completed and furnished the motor carrier that employs him with an application for employment pursuant to R 460.16207.

History: 1954 ACS 94, p. 124, Eff. Jan. 5, 1978.

R 460.16205a Additional qualifications of drivers of hazardous materials in tank vehicles in bulk.

Rule 205a. A driver of a motor vehicle or combination of vehicles with a gross vehicle weight in excess of 40,000 pounds transporting hazardous materials in a tank vehicle or vehicles in bulk shall meet the following additional experience and training qualifications:

(a) Have attained the age of 21.

(b) Have not less than 3,000 logged hours experience driving vehicles with a gross vehicle weight in excess of 40,000 pounds.

(c) If a driver has not less than 3,000 logged hours experience driving motor vehicles with a gross vehicle weight in excess of 40,000 pounds, other than those transporting hazardous materials in a tank vehicle in bulk, and is to be employed driving a truck tractor-semitrailer combination with a gross vehicle weight in excess of 40,000 pounds transporting hazardous materials in a tank vehicle in bulk, the employer shall provide or cause to be provided to such driver not less than 80 hours of training in the operation of a truck tractor-semitrailer combination transporting hazardous material in a tank vehicle in bulk. Not less than 60 hours of such training shall be on the road in a truck tractor-semitrailer tank vehicle and shall be recorded in the driver's service file. The person providing such training shall provide a certificate of training to the driver upon completion of the training period and the employer shall place a photocopy of the certificate in the driver's service file.

(d) If a driver has not less than 3,000 logged hours experience driving truck tractor-semitrailer-trailer combinations other than those transporting hazardous materials in tank vehicles in bulk, and is to be employed driving truck tractor-semitrailer-trailer combinations transporting hazardous materials in tank vehicles in bulk, the employer shall provide or cause to be provided to such driver not less than 80 hours of training in the operation of truck tractor-semitrailer-trailer combinations transporting hazardous materials in tank vehicles in bulk. Not less than 60 hours of such training shall be on the road in a truck tractor-semitrailer-trailer combination of tank vehicles and shall be recorded in the driver's service file. The person providing such training shall provide a certificate of training to the driver upon completion of the training period and the employer shall place a photocopy of the certificate in the driver's service file.

(e) If a driver has not less than 3,000 logged hours experience driving truck tractor-semitrailer combinations or trucks with a gross vehicle weight in excess of 40,000 pounds, whether or not such experience included transporting hazardous materials in a tank vehicle in bulk, and is to be employed driving truck tractor-semitrailer combinations transporting hazardous materials in tank vehicles in bulk,

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the employer shall provide or cause to be provided to such driver not less than 120 hours of training in the operation of truck tractor-semitrailer-trailer combinations transporting hazardous materials in tank vehicles in bulk. Not less than 90 hours of such training shall be on the road in a truck tractor-semitrailer-trailer combination of tank vehicles and shall be recorded in the driver's service file. The person providing such training shall provide a certificate of training to the driver upon completion of the training period and the employer shall place a photocopy of the certificate in the driver's service file.

(f) If a driver is a motor carrier he shall be given training by another person who shall provide a certificate of training to the driver upon completion of the training period required under subdivision (c) or subdivision (d) above.

(g) The training set forth in subdivisions (c), (d), and (f) of this rule shall be given by a person who has not less than 3,000 logged hours experience driving truck tractor-semitrailer-trailer combinations and who has at least, as a part of those 3,000 hours or in addition thereto, 400 logged hours experience driving truck tractor-semitrailer-trailer combinations transporting hazardous materials in tank vehicles in bulk.

(h) A driver operating a truck tractor-semitrailer or a truck tractor-semitrailer-trailer transporting hazardous materials in a tank vehicle or vehicles in bulk shall have a certificate of training in his possession while driving the vehicle.

History: 1954 ACS 94, p. 125, Eff. Jan. 5, 1978.

R 460.16206 Disqualification of drivers.

Rule 206. (1) A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

(2) A driver is disqualified, for the duration of the loss of his privilege, to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's or chauffeur's license, permit, or privilege, until that license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(3) A driver who is convicted of, or forfeits bond or collateral upon a charge of, a disqualifying offense specified in subrule (4) is disqualified for the period of time specified in subrule (5) if the offense was committed after the effective date of these rules, and the offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in the furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(4) The following offenses are disqualifying offenses:

(a) Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug.

(b) A crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs.

(c) Leaving the scene of an accident which results in personal injury or death.

(d) A felony involving the use of a motor vehicle.

(e) Operating a motor vehicle in the transportation of hazardous materials in a tank vehicle or vehicles in bulk without having met the requirements of R 460.16205.

(5) From the first offense, a driver is disqualified for 1 year after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that

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date, he was not convicted of, and did not forfeit bond or collateral upon a charge of an offense that would disqualify him under this rule. From a subsequent offense, a driver is disqualified for 3 years after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was convicted of, or forfeited bond or collateral upon a charge of an offense that would disqualify him under this rule.

History: 1954 ACS 94, p. 126, Eff. Jan. 5, 1978.

BACKGROUND AND CHARACTER

R 460.16207 Application for employment.

Rule 207. (1) Except as provided in R 460.16220 to R 460.16223, a person shall not drive a motor vehicle unless that person has completed and furnished the motor carrier that employs him with an application for employment that meets the requirements of subrule (2).

(2) The application for employment shall be made on a form furnished by the motor carrier. Each application form shall be completed by the applicant, shall be signed by him, and shall contain the following information:

(a) The name and address of the employing motor carrier.

(b) The applicant's name, address, date of birth, and social security number.

(c) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted.

(d) The date on which the application is submitted.

(e) The issuing state, number, and expiration date of each unexpired motor vehicle operator's or chauffeur's license or permit that has been issued to the applicant.

(f) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment, such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers, which the applicant has operated.

(g) A list of all motor vehicle accidents in which the applicant was involved during the 3 years immediately preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries caused thereby.

(h) A list of all violations of motor vehicle laws or ordinances, other than violations involving parking only, of which the applicant was convicted or forfeited bond or collateral during the 3 years immediately preceding the date the application is submitted.

(i) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of a license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred.

(j) A list of the names and addresses of the applicant's employers during the 3 years immediately preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer.

(k) The following certification and signature line, which shall appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

Date _____ (Applicant's signature) _____

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(3) A motor carrier may require an applicant to provide information in addition to the information required by subrule (2) on the application form.

(4) Before an application is submitted, the motor carrier shall inform the applicant that the information he provides pursuant to subrule (2)(j) may be used, and the applicant's prior employers may be contacted for the purpose of investigating the applicant's background as required by R 460.16208.

History: 1954 ACS 94, p. 126, Eff. Jan. 5, 1978.

R 460.16208 Investigation and inquiries.

Rule 208. (1) Except as provided in R 460.16220 to R 460.16223, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began not less than 30 days prior to the effective date of these rules. An inquiry shall be made into the driver's driving record during the preceding 3 years to the appropriate agency of every state in which the driver held a motor vehicle operator's license or permit during those 3 years. Also, an investigation shall be made of the driver's employment record during the preceding 3 years.

(2) The inquiry to state agencies required by subrule (1) shall be made in the form and manner which those agencies prescribe. A copy of the response by each state agency shall be included in the driver's qualification file.

(3) The investigation of the driver employment record required by subrule (1) shall be made within 30 days of the date his employment begins. The investigation may consist of personal interviews, telephone interviews, letters or any other method of obtaining information that the carrier deems appropriate. Each motor carrier shall make a written record with respect to each past employer who was contacted. The record shall include the past employer's name and address, the date he was contacted, and his comments with respect to the driver. The record shall be retained in the motor carrier's files as part of the driver's qualification file.

History: 1954 ACS 94, p. 127, Eff. Jan. 5, 1978.

R 460.16209 Annual review of driving record.

Rule 209. Except as provided in R 406.16220 to R 406.16223, each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets the minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to R 460.16206. In reviewing a driving record, the motor carrier shall consider any evidence that the driver has violated applicable provisions of the motor carrier safety rules and the hazardous materials rules. The motor carrier shall also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and shall give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs that indicate that the driver has exhibited a disregard for the safety of the public. A note, setting forth the date upon which the review was performed and the name of the person who reviewed the driving record, shall be included in the driver's qualification file.

History: 1954 ACS 94, p. 127, Eff. Jan. 5, 1978.

R 460.16210 List of violations.

Rule 210. (1) Except as provided in R 406.16220 to R 406.16223, each motor carrier shall, at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and

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ordinances, other than violations involving parking only, of which the driver has been convicted, or on account of which he has forfeited bond or collateral during the preceding 12 months.

(2) Each driver shall furnish the list required by subrule (1). If the driver has not been convicted of, or forfeited bond or collateral on account of, a violation which must be listed, he shall so certify.

(3) The form of the driver's list or certification shall be prescribed by the motor carrier. The following form may be used to comply with this rule:

MOTOR VEHICLE DRIVER'S CERTIFICATION

I certify that the following is a true and complete list of traffic violations, other than parking violations, for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date of Conviction	Offense	Location	Type of Vehicle Operated

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

(Date of Certification)	(Driver's Signature)
(Motor Carrier's Name)	(Motor Carrier's Address)
(Reviewed by: Signature)	(Title)

(4) The motor carrier shall retain the list or certificate required by this rule, or a copy of it, in its files as part of the driver's qualification file, for not less than 3 years after the driver's employment by the motor carrier ceases.

History: 1954 ACS 94, p. 128, Eff. Jan. 5, 1978.

EXAMINATIONS AND TESTS

R 460.16211 Road test.

Rule 211. (1) Except as provided in R 460.16212 and R 460.16220, a person shall not drive a motor vehicle unless that person has first successfully completed a road test and has been issued a certificate of driver's road test pursuant to this rule.

(2) The road test shall be given by the motor carrier or a person designated by it. However, a driver who is a motor carrier shall be given the road test by another person who has not less than 1,750 logged hours experience in driving motor vehicles of the same type and gross vehicle weight or of the same type and greater gross vehicle weight than the motor vehicle type for which the driver-examinee is to be certified. The requirements of this rule are in addition to the requirements of R 460.16205 above.

(3) The road test required by this rule shall be given by a person who has not less than 1,750 logged hours experience in driving motor vehicles of the same type or of a greater gross vehicle weight rating than the motor vehicle type for which

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the driver-examinee is to be certified. The requirements of R 460.16205 are not in substitution of, but are in addition to, the requirements of this rule.

(4) The road test shall be conducted in such a manner as to enable the person who gives it to evaluate the skill of the person who takes it at handling the motor vehicle and associated equipment which the motor carrier intends to assign to him. As a minimum, the person who takes the test shall be tested while operating the type of motor vehicle which the motor carrier intends to assign to him, on his skill at performing each of the following operations:

(a) The pretrip inspection required by R 460.16307.

(b) Coupling and uncoupling of combination units, if the equipment he may drive includes combination units.

(c) Placing the vehicle in operation.

(d) Use of the vehicle's controls and emergency equipment.

(e) Operating the motor vehicle in city traffic.

(f) Operating the motor vehicle while passing other vehicles.

(g) Turning the vehicle.

(h) Braking, and slowing the vehicle by means other than braking.

(i) Backing and parking the vehicle.

(j) Operating the motor vehicle on a 4-lane highway for a distance of not less than 10 miles.

(5) The motor carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is part of the test. After he completes the form, the person who gave the test shall sign it.

(6) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in subrule (7).

(7) The form for the certificate of driver's road test is substantially as follows:

CERTIFICATION OF ROAD TEST

Driver's Name _____

Social Security No. _____

Operator's or Chauffeur's License No. _____

State _____

Type of Power Unit _____ Type of Trailer(s) _____

This is to certify that the above-named driver was given a road test under my supervision on _____ 19__ consisting of approximately _____ miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

_____ _____

(Signature of Examiner) (Title)

_____

(Organization and Address of Examiner)

(8) A copy of the certificate required by subrule (5) shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined:

(a) The original of the signed road test form required by subrule (4).

(b) The original, or a copy, of the certificate required by subrule (5).

History: 1954 ACS 94, p. 128, Eff. Jan. 5, 1978.

R 460.16212 Equivalent of road test.

Rule 212. (1) In place of, and as equivalent to, the road test required by

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R 460.16211, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept, 1 of the following:

(a) A valid operator's license which has been issued to him by a state that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that state, licenses him after successful completion of a road test in a motor vehicle of the type the motor carrier intends to assign to him.

(b) A copy of a valid certificate of driver's road test issued to him pursuant to rule 211 within the preceding 3 years.

(2) If a driver presents, and a motor carrier accepts, a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.

(3) A motor carrier may require a person who presents a license or certificate as equivalent to the road test to take a road test, or any other test of his driving skill, as a condition to his employment as a driver.

History: 1954 ACS 94, p. 129, Eff. Jan. 5, 1978.

R 460.16213 Written examination.

Rule 213. (1) Except as provided in R 460.16214 and R 460.16220, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination pursuant to this rule.

(2) The objective of the written examination is to instruct prospective drivers in these rules as they relate to commercial vehicle safety. It is an instructional tool only, and a person's qualifications to drive a motor vehicle under the rules in this part are not affected by his performance on the examination.

(3) The written examination shall be given by the motor carrier, or a person designated by it, on a form prescribed by the motor carrier.

(4) Prior to, and during, the examination, the person who takes it shall be permitted to examine and consult a copy of these rules in addition to any other material explaining the provisions of these rules that the motor carrier may provide. There is no time limit for completing the examination, and persons taking it shall be so advised in advance.

(5) The examination shall consist of 65 questions, covering the examinee's knowledge of the Michigan public service commission's motor carrier safety rules and the federal department of transportation regulations relating to the transportation of hazardous materials, being 49 C.F.R. 171 et seq. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823, need not answer questions 58 to 65 on the examination.

(6) After the examinee completes the examination, the person administering it shall mark those questions which were answered incorrectly and indicate which rule covers each incorrectly answered question. The examinee shall then read the appropriate rule or rules and correct all previous errors that the examinee made.

(7) A driver who is a motor carrier shall be administered the written examination by a district supervisor of the field operations division of the public service commission's office of motor transportation affairs.

(8) When all incorrect responses have been corrected and the examiner is satisfied that the examinee understands the applicable rules, a certificate of written examination shall be issued to the examinee.

(9) A copy of the certificate required by subrule (8) shall be given to the person who was examined. The motor carrier shall retain, in the driver qualification file of the person who was examined, the following:

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(a) The original, or a copy, of the certificate required by subrule (8).
(b) The questions asked on the examination.
(c) The person's answer to those questions.

History: 1954 ACS 94, p. 130, Eff. Jan. 5, 1978.

R 460.16214 Equivalent of written examination.

Rule 214. In place of, and as equivalent to, the written examination required by R 460.16213, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept, a valid certificate of written examination issued pursuant to that rule within the preceding 3 years. If a motor carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's qualification file. A motor carrier may require a person who presents a certificate as equivalent to the written examination to take the written examination prescribed in R 460.16213 or participate in any other instructional process designed to acquaint him with the provisions of these rules.

History: 1954 ACS 94, p. 130, Eff. Jan. 5, 1978.

PHYSICAL QUALIFICATIONS AND EXAMINATIONS

R 460.16215 Physical qualifications for drivers.

Rule 215. A person shall not drive a motor vehicle unless the person is physically qualified to do so and has on his person the original, or a copy, of a certificate, issued from a physician licensed to practice medicine or osteopathy in the state of Michigan, stating that the person is physically qualified to drive a motor vehicle. A person is physically qualified to drive a motor vehicle if he:

(a) Has not lost a foot, leg, hand, or arm.

(b) Does not have an impairment of the use of a foot, leg, hand, fingers, or arm or some other defect or limitation which interferes with his ability to control and safely drive a motor vehicle.

(c) Does not have a current clinical diagnosis of diabetes mellitus requiring insulin for control.

(d) Does not have a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(e) Does not have a current clinical diagnosis of a respiratory dysfunction which is likely to interfere with his ability to control and drive a motor vehicle.

(f) Does not have a current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a motor vehicle safely.

(g) Does not have a current clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which is likely to interfere with his ability to control and drive a motor vehicle safely.

(h) Does not have any medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

(i) Does not have a medical history or clinical diagnosis of a mental, nervous, psychiatric, organic, or functional condition which is likely to interfere with his ability to drive a motor vehicle safely.

(j) Has distant visual acuity of at least 20/40 in each eye without corrective lenses; distant binocular acuity of at least 20/40 in both eyes, with or without corrective lenses; field of vision of at least 70 degrees in the horizontal meridian in

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each eye; and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. Visual acuity shall be measured by the Snellen test.

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet, with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid when the audiometric device is calibrated to American national standard, formerly ASA standard, Z24.5—1951.

(l) Does not use an amphetamine, narcotic, or any habit-forming drug.

(m) Has no current clinical diagnosis of alcoholism.

History: 1954 ACS 94, p. 130. Eff. Jan. 5, 1978.

R 460.16216 Medical examination; instructions for forms; medical examiner's certificate.

Rule 216. (1) Except as provided in subrule (2), the medical examination shall be performed by a physician licensed to practice medicine or osteopathy in the state of Michigan.

(2) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as is specified in R 460.16215(j).

(3) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions, on form MCSR-216.

INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a commercial motor vehicle. In the interest of public safety, the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a commercial motor vehicle.

General information. The purpose of this history and physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached form. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that the certification of physical fitness should be denied. However, these defects should be discussed with the applicant, and he should be advised to take the necessary steps to insure correction, particularly of those defects which, if neglected, might lead to a condition likely to affect his ability to drive safely.

General appearance and development. Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses. The rules provide that a driver shall not use a narcotic or other habit-forming drug.

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Head and eyes. When other than the Snellen chart is used, the results of such test shall be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the medical examiner's certificate by checking the box, "qualified only when wearing corrective lenses." In recording distance vision, use 20 feet as normal. Report all vision as a fraction, with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. Monocular drivers are not qualified to operate commercial motor vehicles under existing federal motor carrier safety regulations. If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo, or Meniere's syndrome. When recording hearing, record distance from patient at which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a motor vehicle.

Thorax and heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures. Electrocardiogram is required when findings so indicate.

Blood pressure. Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a motor vehicle.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, state your opinion as to how long it has been quiescent.

Gastrointestinal system. Note any disease of the gastrointestinal system.

Abdomen. Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

Abnormal masses. If present, note location, whether tender, and whether or not applicant knows how long masses have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Genito-urinary tract. Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and state public health laws; indications from urinalysis of uncontrolled diabetes; symptomatic albuminuria in the urine; or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle disqualify an applicant from operating a motor vehicle.

Neurological. If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and

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as increased when foot is actually lifted from the floor following a light blow on the patella. Sensory vibratory and positional abnormalities should be noted.

Extremities. Carefully examine upper and lower extremities. Record the loss or impairment of leg, foot, toe, arm, hand, or fingers. Note any and all deformities, the presence of atrophy, semi-paralysis, paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to, and a record should be made of, any impairment or structural defect which may interfere with the driver's ability to operate a motor vehicle safely.

Spine. Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced, in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects, spondylolisthesis, and scoliosis.

Recto-genital studies. Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting or pulling, or during periods of prolonged driving that might be necessary as part of the driver's duties.

Laboratory and other special findings. Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A serological test is required if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

Diabetes. If insulin is necesary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemic drug and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination. Findings are to be reported on form MCSR-216 available from the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan, 48909.

History: 1954 ACS 94, p. 131, Eff. Jan. 5, 1978.

R 460.16217 Persons required to be medically examined and certified.

Rule 217. The following persons shall be medically examined and certified, pursuant to R 460.16216, as physically qualified to drive a motor vehicle:

(a) A person who has not been medically examined and certified as physically qualified to drive a motor vehicle.

(b) A driver who has not been medically examined and certified as qualified to drive a motor vehicle during the preceding 24 months.

(c) A driver whose ability to perform his normal duties has been impaired by a physical or mental injury or disease.

History: 1954 ACS 94, p. 133, Eff. Jan. 5, 1978.

R 460.16218 Disagreement between medical examiners.

Rule 218. If, having performed medical examinations of a person pursuant to R 460.16216, 2 or more medical examiners disagree as to whether that person is physically qualified to drive a motor vehicle, the person and the carrier may

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mutually select a physician to conduct an examination to determine whether that person is physically qualified to drive a motor vehicle. The physician designated to examine the person shall be fully aware of the person's complete medical history and of the nature of the work the person would perform if he were found physically and otherwise qualified to drive a motor vehicle. As a minimum, the examining physician shall be informed of the type, size, and weight of the vehicles the person would drive, the distances he would traverse, the number of hours he would spend in an on-duty status, and the related duties which the person would be required to perform, such as loading, unloading, climbing onto and descending from vehicles, and making repairs en route. If the designated physician determines that the person is physically qualified to drive a motor vehicle, a motor carrier may accept that medical examiner's certificate issued to the person pursuant to R 460.16216.

History: 1954 ACS 94, p. 133, Eff. Jan. 5, 1978.

FILES AND RECORDS

R 460.16219 Driver qualification files.

Rule 219. (1) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his personnel file.

(2) The qualification file for a driver who has been a regularly employed driver of the motor carrier for a continuous period which began more than 30 days prior to the effective date of these rules shall include:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible copy of the certificate.

(b) The note relating to the annual review of his driving record required by R 460.16209.

(c) The list or certificate relating to violations of motor vehicle laws and ordinances required by R 460.16210.

(d) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(3) The qualification file for a regularly employed driver who has not been regularly employed by the motor carrier for a continuous period which began not less than 30 days prior to the effective date of these rules shall include:

(a) The documents specified in subrule (2).

(b) The driver's application for employment completed pursuant to R 460.16207.

(c) The responses of state agencies and past employers to the motor carrier's inquiries concerning the driver's driving record and employment pursuant to R 460.16208.

(d) The certificate of driver's road test issued to the driver pursuant to R 460.16211(5), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to R 460.16212.

(e) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to R 460.16213, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to R 460.16214.

(4) The qualification file for an intermittent, casual, or occasional driver employed under R 460.16222 shall include:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible copy of the certificate.

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(b) The certificate of driver's road test issued to the driver pursuant to R 460.16211(5) or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to R 460.16211.

(c) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to R 460.16213, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to R 460.16214.

(d) The driver's name, his social security number, and the identification number, type, and issuing state of his motor vehicle operator's license.

(5) The qualification file for a driver furnished by another motor carrier and employed under R 460.16223 shall include:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible copy of the certificate.

(b) A copy of a certificate from the motor carrier that regularly employs the driver, stating that the driver is fully qualified to drive a motor vehicle under the rules in this part.

(6) Each driver's qualification file shall be kept at the motor carrier's principal place of business for as long as a driver is employed by that motor carrier and for 3 years thereafter.

History: 1954 ACS 94, p. 134, Eff. Jan. 5, 1978.

LIMITED EXEMPTIONS

R 460.16220 Drivers employed 30 days prior to effective date of rules.

Rule 220. The provisions of R 460.16207, relating to applications for employment; R 460.16208, relating to investigations and inquiries; R 460.16211, relating to road tests; and R 460.16213, relating to written examinations, do not apply to a driver who has been a regularly employed driver of a motor carrier for a continuous period which began not less than 30 days prior to the effective date of these rules, as long as he continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of subdivisions (a) to (i) of R 460.16205(2), relating to qualifications of drivers. For purposes of this rule, "regularly employed driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier.

History: 1954 ACS 94, p. 134, Eff. Jan. 5, 1978.

R 460.16221 Drivers of lightweight vehicles.

Rule 221. (1) The following rules in this part do not apply to a person who drives only a lightweight vehicle:

(a) R 460.16207 to R 460.16210, relating to disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers.

(b) R 460.16211 to R 460.16214, relating to road tests and written examinations.

(c) R 460.16215 to R 460.16217 to the extent that they require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person.

(d) R 460.16219, relating to maintenance of files and records.

(2) A person who is 18 years of age or older and who is otherwise qualified to drive a motor vehicle under the rules in this part, including the modifications of those rules specified in subrule (1), may drive a lightweight vehicle.

History: 1954 ACS 94, p. 135, Eff. Jan. 5, 1978.

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R 460.16222 Drivers furnished by other motor carriers.

Rule 222. (1) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the rules in this part with respect to the driver if:

(a) The driver is a regularly employed driver of another motor carrier.

(b) The motor carrier that regularly employs the driver furnishes a certificate that the driver is fully qualified to drive a motor vehicle under the rules in this part.

(c) The motor carrier that uses the driver has in its files a copy of the medical examiner's certificate for that driver.

(2) A motor carrier that obtains a certificate pursuant to subrule (1)(b) shall retain a copy of that certificate and a copy of the driver's medical examination certificate in its files for 3 years.

History: 1954 ACS 94, p. 135, Eff. Jan. 5, 1978.

R 460.16223 Drivers of articulated (combination) farm vehicles.

Rule 223. The following rules do not apply to a farm vehicle driver, as defined in R 460.16202, who is 18 years of age or older and who drives an articulated motor vehicle:

(a) Subdivisions (a), (h), (j), (k), and (l) of R 460.16205(2) relating to driver qualifications in general.

(b) R 460.16207 to R 460.16210, relating to disclosure of, investigation into, and inquiries about the background, character, and driving record of drivers.

(c) R 460.16211 to R 460.16214, relating to road tests and written examinations.

(d) R 460.16215 and R 460.16217, to the extent that they require a driver to be medically examined and to have a medical examiner's certificate on his person.

(e) R 460.16219, relating to maintenance of files and records.

History: 1954 ACS 94, p. 135, Eff. Jan. 5, 1978.

PART 3. DRIVING OF MOTOR VEHICLES

R 460.16301 Compliance generally.

Rule 301. (1) Every motor carrier and its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in, and comply with, the rules in this part.

(2) These rules do not prohibit a motor carrier from requiring and enforcing more stringent rules relating to safety of operation.

History: 1954 ACS 94, p. 135, Eff. Jan. 5, 1978.

R 460.16302 Compliance with laws, ordinances, and rules.

Rule 302. Every motor vehicle shall be operated pursuant to the laws, ordinances, and rules of the jurisdiction in which it is being operated. However, if a requirement of these rules imposes a higher standard of care than that law, ordinance, or rule, these rules shall be complied with.

History: 1954 ACS 94, p. 135, Eff. Jan. 5, 1978.

R 460.16303 Operation by impaired driver.

Rule 303. A driver shall not operate a motor vehicle, and a motor carrier shall not require or permit a driver to operate a motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to

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operate the motor vehicle. However, in a case of grave emergency, where the hazard to occupants of the vehicle or other users of the highway would be increased by compliance with this rule, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

History: 1954 ACS 94, p. 136, Eff. Jan. 5, 1978.

R 460.16304 Narcotics, amphetamines, and other dangerous substances.

Rule 304. (1) A person shall not operate, or be in physical control of, a motor vehicle if he possesses, is under the influence of, or is using any of the following substances:

(a) A narcotic drug or any derivative thereof.

(b) An amphetamine or any formulation thereof, including, but not limited to, "pep pills" and "bennies."

(c) Any other substance, to a degree which renders him incapable of safely operating a motor vehicle.

(2) A motor carrier shall not knowingly require or permit a driver to violate subrule (1).

(3) Subrule (1) does not apply to the possession or use of a substance administered to a driver by, or under the instructions of, a physician who has advised the driver that the substance will not affect his ability to operate a motor vehicle.

(4) As used in this rule, the word "possession" does not include possession of a substance which is manifested and transported as part of a shipment.

History: 1954 ACS 94, p. 136, Eff. Jan. 5, 1978.

R 460.16305 Intoxicating liquor.

Rule 305. (1) A person shall not:

(a) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle.

(b) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor, while on duty, or while operating, or being in physical control of, a motor vehicle.

(c) Be on duty or operate a motor vehicle while he possesses an intoxicating liquor, regardless of its alcoholic content. However, this subdivision does not apply to possession of an intoxicating liquor which is manifested and transported as part of a shipment.

(2) A motor carrier shall not require or permit a driver to:

(a) Violate any provision of subrule (1).

(b) Be on duty or operate a motor vehicle if, by his general appearance, conduct, or other substantiating evidence, he appears to have consumed an intoxicating liquor within the preceding 4 hours.

History: 1954 ACS 94, p. 136, Eff. Jan. 5, 1978.

R 460.16306 Schedules to conform with speed limits.

Rule 306. A motor carrier shall not schedule a run, or shall not permit, or shall not require the operation, of a motor vehicle between different locations in such a period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated.

History: 1954 ACS 94, p. 136, Eff. Jan. 5, 1978.

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R 460.16307 Parts and accessories; requirements.

Rule 307. A motor vehicle shall not be driven unless the driver thereof has satisfied himself that the following parts and accessories are in good working order, nor shall any driver fail to use, or make use of, such parts and accessories when and as needed:

(a) Service brakes, including trailer brake connections.
(b) Parking or hand brake.
(c) Steering mechanism.
(d) Lighting devices and reflectors.
(e) Tires.
(f) Horn.
(g) Windshield wiper or wipers.
(h) Rear-vision mirror or mirrors.
(i) Coupling devices.
(j) Windshield washers.
(k) Windshield defrosters.

History: 1954 ACS 94, p. 136. Eff. Jan. 5, 1978.

R 460.16308 Emergency equipment; inspection and use.

Rule 308. A motor vehicle shall not be driven unless the driver thereof has satisfied himself that the emergency equipment required by R 460.16459 is in place and ready for use, and a driver shall not fail to use or make use of such equipment when and as needed.

History: 1954 ACS 94, p. 137. Eff. Jan. 5, 1978.

R 460.16309 Safe loading.

Rule 309. (1) A person shall not drive a motor vehicle, and a motor carrier shall not require or permit a person to drive a motor vehicle, unless:

(a) The vehicle's cargo is properly distributed and adequately secured as specified in R 460.16460 to R 460.16463.

(b) The vehicle's tailgate, tailboard, doors, tarpaulins, spare tire, and other equipment used in its operation, and the means of fastening the vehicle's cargo, are secured.

(c) The vehicle's cargo, or any other object, does not obscure the driver's view ahead or to the right or left sides, interfere with the free movement of his arms or legs, prevent his free and ready access to accessories required for emergencies, or prevent the free and ready exit of any person from the vehicle's cab or driver's compartment.

(2) Except as provided in subrule (3), the driver of a truck or truck tractor shall:

(a) Assure himself that the provisions of subrule (1) have been complied with before he drives the vehicle.

(b) Examine the vehicle's cargo and its load-securing devices within the first 25 miles after beginning a trip, and cause any adjustments to be made to the cargo or load-securing devices, other than steel strapping, as may be necessary to maintain the security of the vehicle's load.

(c) Reexamine the vehicle's cargo and its load-securing devices periodically during the course of transportation, and cause any adjustments to be made to the cargo or load-securing devices, other than steel strapping, as may be necessary to maintain the security of the vehicle's load. A periodic reexamination and any necessary adjustments shall be made when the driver makes a change of his duty status, or after the vehicle has been driven for 3 hours, or after the vehicle has been driven for 150 miles, whichever occurs first.

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(3) The provisions in this rule do not apply to the driver of a sealed vehicle who is ordered not to open it to inspect its cargo or to the driver of a vehicle that is loaded in a manner that makes inspection of its cargo impracticable.

History: 1954 ACS 94, p. 137, Eff. Jan. 5, 1978.

R 460.16310 Corrective lenses to be worn.

Rule 310. A driver whose visual acuity meets any of the minimum requirements of R 460.16215 only when he wears corrective lenses shall wear properly prescribed corrective lenses at all times while driving. If a driver wears contact lenses while driving, he shall have a spare lens or set of lenses on his person when he drives.

History: 1954 ACS 94, p. 137, Eff. Jan. 5, 1978.

R 460.16311 Hearing aid to be worn.

Rule 311. A driver whose hearing meets the minimum requirements of R 460.16215(k) only when he wears a hearing aid shall wear a hearing aid and have it in operation at all times while he is driving. The driver shall also have in his possession a spare power source for use in the hearing aid.

History: 1954 ACS 94, p. 137, Eff. Jan. 5, 1978.

R 460.16312 Railroad grade crossings; stopping required.

Rule 312. (1) Except as provided in subrule (3), the driver of a motor vehicle specified in subrule (2) shall not cross a railroad track or tracks at grade unless he first stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver shall not shift gears while crossing the tracks.

(2) The following motor vehicles shall stop at railroad grade crossings as provided in subrule (1):

(a) A motor vehicle transporting any quantity of chlorine.

(b) A motor vehicle which, pursuant to the regulations of the department of transportation, is required to be marked or placarded with 1 of the following markings:

(i) Explosives A.
(ii) Explosives B.
(iii) Poison.
(iv) Flammable.
(v) Oxidizers.
(vi) Compressed Gas.
(vii) Corrosives.
(viii) Flammable Gas.
(ix) Radioactive.
(x) Dangerous.

(c) A cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material, as defined in the regulations of the department of transportation, or for the transportation of any liquid having a flash point below 200 degrees Fahrenheit, as determined by the standard method of test for flash point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, as set forth in ASTM D-56-61, ASTM D-92-57, or ASTM D-93-62, and referenced by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, in pamphlet no. 385, 1964 edition.

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(d) A cargo tank motor vehicle transporting a commodity which, at the time of loading, has a temperature above its flash point as determined by the same standard method of testing as prescribed in subdivision (c).

(e) A cargo tank motor vehicle, whether loaded or empty, transporting a commodity under special permit pursuant to 49 C.F.R. 170.13.

(3) A stop need not be made at:

(a) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in R 460.16101.

(b) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(c) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

(d) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(e) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the state highway department or local road commission.

History: 1954 ACS 94, p. 137, Eff. Jan. 5, 1978.

R 460.16313 Railroad grade crossings; rate of speed; due caution.

Rule 313. Motor vehicles, other than those listed in R 460.16312, shall, upon approaching a railroad grade crossing, be driven at a rate of speed which permits the motor vehicle to be stopped before reaching the nearest rail of the crossing and shall not be driven upon or over the crossing until due caution is taken to ascertain that the course is clear.

History: 1954 ACS 94, p. 138, Eff. Jan. 5, 1978.

R 460.16314 Drawbridges; rate of speed.

Rule 314. A motor vehicle shall, upon approaching a drawbridge, be driven at a rate of speed which permits the motor vehicle to be stopped before reaching the lip of the draw, and shall proceed only when the draw is completely closed.

History: 1954 ACS 94, p. 138, Eff. Jan. 5, 1978.

R 460.16315 Hazardous conditions; extreme caution.

Rule 315. Extreme caution in the operation of a motor vehicle shall be exercised when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the operation of the vehicle shall be discontinued and shall not be resumed until the vehicle can be safely operated.

History: 1954 ACS 94, p. 138, Eff. Jan. 5, 1978.

R 460.16316 Turn signals; required and prohibited use.

Rule 316. (1) A motor vehicle turn shall be signaled for a distance of not less than 100 feet in advance of, and during, the turning movement by flashing the turn signals at the front and the rear of the vehicle on the side toward which the turning movement is made.

(2) Turn signals shall be flashed to indicate the direction of vehicle movement prior to and during entry of the vehicle into the traffic stream from a parked position.

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(3) Turn signals shall be flashed to indicate the direction of vehicle movement continuously for a distance of not less than 100 feet in advance of, and during, the turning movement of the vehicle from 1 traffic lane to another.

(4) Turn signals shall not be flashed on one side only on parked or disabled vehicles.

(5) Turn signals shall not be used as courtesy or "do pass" signals to operators of vehicles approaching from the rear.

History: 1954 ACS 94, p. 139, Eff. Jan. 5, 1978.

R 460.16317 Use of seat belts.

Rule 317. A motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver properly restrains himself with the seat belt assembly.

History: 1954 ACS 94, p. 139, Eff. Jan. 5, 1978.

STOPPED VEHICLES

R 460.16318 Unattended vehicles; precautions.

Rule 318. A motor vehicle shall not be left unattended until the parking brake is securely set and all reasonable precautions are taken to prevent the movement of the vehicle.

History: 1954 ACS 94, p. 139, Eff. Jan. 5, 1978.

R 460.16319 Stopping, parking, or leaving vehicle.

Rule 319. A motor vehicle shall not be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of a highway outside of a business or residential district when it is practicable to stop, park, or leave the vehicle off the traveled portion of the highway. If conditions make it impracticable to move the motor vehicle from the traveled portion of the highway, the driver shall make every effort to leave all possible width of the highway opposite the standing vehicle for the free passage of other vehicles, and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.

History: 1954 ACS 94, p. 139, Eff. Jan. 5, 1978.

R 460.16320 Stopped vehicles; emergency signals.

Rule 320. (1) Whenever a motor vehicle is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause, other than necessary traffic stops, the driver of the stopped vehicle shall immediately flash the 2 front and 2 rear turn signals simultaneously as a vehicular traffic hazard warning and shall continue the flashing until he places the warning devices required by subrules (2) and (3) in use on the highways. The flashing signals shall be used during the time the warning devices are picked up for storage before movement of the vehicle. The flashing lights may be used at other times while a vehicle is stopped in addition to, but not in lieu of, the warning devices required by subrule (2).

(2) Except as provided in subrule (3), whenever a vehicle is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within 10 minutes, place the warning devices with which his vehicle is equipped pursuant to R 460.16459, which shall be either 3 emergency reflective triangles, 3 electric emergency lanterns, 3 liquid-burning emergency flares, or 3 red emergency reflectors. The warning devices shall be placed in the following manner:

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(a) One at the traffic side of the stopped vehicle, within 10 feet of the front or rear of the vehicle.

(b) One at a distance of approximately 100 feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane.

(c) One at a distance of approximately 100 feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction in which traffic in that lane is moving.

(3) The following special rules apply to the placement of warning devices:

(a) The driver of a vehicle equipped with liquid-burning flares or pot torches shall first place a fusee at the locations specified in subrule (2).

(b) Except as provided in subdivision (c) relative to business and residential districts, during the period lighted lamps are not required, 3 emergency triangles shall be placed as specified in subrule (2) or 2 red flags as specified in subrule (2)(b) and subdivision (c) below. The placement shall be made within 10 minutes after the vehicle is stopped.

(c) The placement of warning devices is not required within the business or residential district of a municipality, except during the time lighted lamps are required and when street or highway lighting is insufficient to make a vehicle clearly discernable at a distance of 500 feet to persons on the highway.

(d) If a motor vehicle is stopped within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the warning signals required by subrule (2) in the direction of the obstruction to view at a distance of 100 feet to 500 feet from the stopped vehicle so as to afford ample warning to other users of the highway.

(e) If a motor vehicle is stopped upon the traveled portion or the shoulder of a divided or 1-way highway, the driver shall place the warning devices required by subrule (2) so that 1 warning device is at a distance of 100 feet in the direction of approaching traffic. The devices shall be placed in the center of the lane or shoulder occupied by the vehicle. The driver shall place 1 warning device at the traffic side of the vehicle within 10 feet of the rear of the vehicle.

(f) If gasoline or any other flammable liquid, combustible liquid, or gas seeps or leaks from a fuel container or a motor vehicle stopped upon a highway, an emergency warning signal producing a flame shall not be lighted or placed except at such a distance from the liquid or gas as assures the prevention of a fire or explosion.

(4) Subrules (2) and (3) do not apply to the operations of a lightweight vehicle.

History: 1954 ACS 94, p. 139, Eff. Jan. 5, 1978.

R 460.16321 Emergency signals; flame-producing.

Rule 321. A driver shall not attach, or permit a person to attach, a lighted fusee or other flame-producing emergency signal to any part of a motor vehicle.

History: 1954 ACS 94, p. 140, Eff. Jan. 5, 1978.

R 460.16322 Emergency signals; explosive or flammable cargoes.

Rule 322. A driver shall not use, or permit the use of, any flame-producing emergency signal for protecting a motor vehicle transporting class A or B explosives, for protecting a cargo tank motor vehicle used for the transportation of a flammable liquid or flammable compressed gas, whether loaded or empty, for protecting a motor vehicle using compressed gas as a motor fuel. In lieu thereof, emergency reflective triangles, red electric lanterns, or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in R 460.16320(1) and (2).

History: 1954 ACS 94, p. 140, Eff. Jan. 5, 1978.

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USE OF LIGHTED LAMPS AND REFLECTORS

R 460.16323 Lighted lamps generally.

Rule 323. A motor vehicle shall not be driven upon the highway unless the lamps required by part 4 are lighted during the period from ½ hour after sunset to ½ hour before sunrise, and at any other time when there is not sufficient light to render clearly discernable persons and vehicles on the highway at a distance of 500 feet.

History: 1954 ACS 94, p. 140, Eff. Jan. 5, 1978.

R 460.16324 Lighted lamps; stopped or parked vehicles.

Rule 324. If a motor vehicle is parked or stopped upon a highway within a business or residential district of a municipality, whether attended or unattended, during the period from ½ hour after sunset to ½ hour before sunrise, at least 1 white or amber light shall be displayed on the traffic side of the motor vehicle, visible from a distance of 500 feet to the front of the motor vehicle, and at least 1 red light, visible from a distance of 500 feet to the rear shall be displayed. The headlamp beam, if in use, shall be dimmed or depressed. Lamps need not be lighted, however, if there is sufficient highway lighting to make clearly discernable persons and vehicles at a distance of 500 feet, unless lighted lamps are required by local ordinance.

History: 1954 ACS 94, p. 140, Eff. Jan. 5, 1978.

R 460.16325 Upper and lower headlamp beams.

Rule 325. During the times when lighted lamps are required, every driver shall obey the following:

(a) He shall use the upper distribution of light when there is no oncoming vehicle within 500 feet. However, a lower distribution of light may be used when fog, dust, or other atmospheric conditions make it desirable for reasons of safety, and when within the confines of municipalities where there is sufficient light to render clearly discernable persons and vehicles on the highway at a distance of 500 feet ahead.

(b) When within 500 feet of an oncoming vehicle, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and such distribution of light shall also be used when following another vehicle within 300 feet.

History: 1954 ACS 94, p. 140, Eff. Jan. 5, 1978.

R 460.16326 Obscured lamps or reflectors.

Rule 326. A motor vehicle shall not be driven when any of the required lamps or reflectors are obscured by the tailboard, by any part of the load, by dirt, or by other conditions.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

ACCIDENTS AND LICENSE REVOCATIONS

R 460.16327 Accidents generally; duties of driver.

Rule 327. A driver of a motor vehicle involved in an accident from which there results injury to, or death of, any person or persons, or property damage of any kind, regardless of the amount, shall:

(a) Stop immediately.

(b) Take all necessary precautions to prevent a further accident at the scene.

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(c) Render all reasonable assistance to injured persons, although movement of injured persons by a driver should not be undertaken if likely to cause further injury.

(d) Give to any person, demanding the same, his name and address; the name and address of the motor carrier for whom he is then driving; and the state tag registration number of the vehicle involved. If requested, he shall exhibit his chauffeur's or operator's license.

(e) Report all details of the accident, as soon as practicable after its occurrence, to the motor carrier then using his services.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

R 460.16328 Striking unattended vehicle.

Rule 328. If a moving motor vehicle strikes a vehicle standing unattended upon a highway, the driver of the former shall immediately stop and endeavor to locate the custodian of the unattended vehicle, and, if his reasonable effort to do so is unsuccessful, the driver of the vehicle doing the striking shall place, securely and conspicuously in or on that unattended vehicle, his name and address and that of the motor carrier for whom he is then driving.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

R 460.16329 Notification of license revocation, suspension, or withdrawal.

Rule 329. A driver who receives a notice that his license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the motor carrier that employs him of the contents of the notice before the end of the business day following the day he received it.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

FUELING PRECAUTIONS

R 460.16330 Fueling motor vehicle; prohibitions.

Rule 330. A driver or employee of a motor carrier shall not:

(a) Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle.

(b) Smoke or expose any open flame in the vicinity of a motor vehicle being fueled.

(c) Fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank.

(d) Permit, insofar as practicable, any other person to engage in such activities as are likely to result in fire or explosion.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

R 460.16331 Reserve fuel.

Rule 331. A supply of fuel for the propulsion of a motor vehicle or for the operation of accessories shall not be carried on a motor vehicle except in a properly mounted fuel tank or tanks.

History: 1954 ACS 94, p. 141, Eff. Jan. 5, 1978.

PROHIBITED PRACTICES

R 460.16332 Unauthorized persons not to be transported.

Rule 332. (1) Unless specifically authorized in writing to do so by the motor carrier under whose authority the motor vehicle is being operated, a driver shall

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not transport a person, or permit a person to be transported, on a motor vehicle. When such authorization is issued, it shall state the name of the person to be transported, the points where the transportation is to begin and end, and the date upon which the authorization expires. A written authorization shall not, however, be necessary for the transportation of:

(a) Employees or other persons assigned to a vehicle by a motor carrier.

(b) A person transported when aid is being rendered in case of an accident or other emergency.

(c) An attendant delegated to care for livestock.

(2) This rule does not apply to the operation of motor vehicles controlled and operated by a farmer and used in the transportation of agricultural commodities or products thereof from his farm or in the transportation of supplies to his farm.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16333 Driving by unauthorized person.

Rule 333. Except in case of emergency, a driver shall not permit a motor vehicle to which he is assigned to be driven by a person not authorized to drive the vehicle by the motor carrier in control thereof.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16334 Riding within closed vehicles without proper exits.

Rule 334. A person shall not ride within the closed body of a motor vehicle unless there are means, on the inside thereof, of obtaining exit. The means of exit shall be in such condition as to permit ready operation by the occupant.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16335 Sleeper berth; transfer to or from.

Rule 335. A person shall not transfer to or from a sleeper berth while a motor vehicle is in motion unless by means of a direct access between the cab and the berth.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16336 Carbon monoxide; use of vehicle when detected.

Rule 336. A person shall not dispatch or drive a motor vehicle, or permit any passengers thereon, when the following conditions are known to exist, until such conditions are remedied or repaired:

(a) Where an occupant has been affected by carbon monoxide.

(b) Where carbon monoxide has been detected in the interior of the vehicle.

(c) When a mechanical condition of the vehicle is discovered which is likely to produce a hazard to the occupants by reason of carbon monoxide.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16337 Open flame heaters; operation.

Rule 337. An open flame heater used in the loading or unloading of the commodity transported shall not be in operation while the vehicle is in motion.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16338 Motive power; disengagement.

Rule 338. A motor vehicle shall not be driven with the source of motive power disengaged from the driving wheels, except when such disengagement is necessary to stop or to shift gears.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

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PART 4. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

R 460.16401 Compliance.

Rule 401. A motor carrier, and its officers, agents, drivers, representatives, and employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements and specifications of this part. A motor carrier shall not operate a vehicle, or cause or permit it to be operated, unless it is equipped pursuant to such requirements and specifications.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

R 460.16402 Additional equipment and accessories.

Rule 402. These rules shall not be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by these rules, if such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used.

History: 1954 ACS 94, p. 142, Eff. Jan. 5, 1978.

LIGHTING DEVICES, REFLECTORS, AND ELECTRICAL EQUIPMENT

R 460.16403 Lamps and reflectors; small trucks.

Rule 403. A truck less than 80 inches in overall width shall be equipped as follows:

(a) On the front, there shall be not less than 2 headlamps and an equal number on each side, 2 turn signals, 1 on each side.

(b) On the rear, there shall be 2 tail lamps, 1 on each side; 2 stop lamps, 1 on each side; 2 turn signals, 1 on each side; and 2 reflectors, 1 at each side.

History: 1954 ACS 94, p. 143, Eff. Jan. 5, 1978.

R 460.16404 Lamps and reflectors; large trucks.

Rule 404. A truck 80 inches or more in overall width shall be equipped as follows:

(a) On the front, there shall be not less than 2 headlamps and an equal number on each side; 2 turn signals, 1 on each side; 2 clearance lamps, 1 on each side; 3 identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, where the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirements for identification lamps. No part of the identification lamps or their mounts shall extend below the top of the vehicle windshield.

(b) On the rear, there shall be 2 tail lamps, 1 on each side; 2 stop lamps, 1 on each side; 2 turn signals, 1 on each side; 2 clearance lamps, 1 on each side; 2 reflectors, 1 on each side; 3 identification lamps mounted on the vertical centerline of the vehicle. However, the identification lamps need not be lighted if obscured by a vehicle towed by the truck.

(c) On each side, there shall be 1 side-marker lamp at or near the front; 1 side-marker lamp at or near the rear; 1 reflector at or near the front; and 1 reflector at or near the rear.

History: 1954 ACS 94, p. 143, Eff. Jan. 5, 1978.

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R 460.16405 Lamps and reflectors; truck tractors.

Rule 405. A truck tractor shall be equipped as follows:

(a) On the front, there shall be not less than 2 headlamps, an equal number on each side; 2 turn signals, 1 on each side; 2 clearance lamps, 1 on each side; 3 identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, where the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirement for identification lamps. No part of the identification lamps or their mountings shall extend below the top of the vehicle windshield.

(b) On the rear there shall be 1 tail lamp; 1 stop lamp, 2 reflectors, 1 on each side; and, unless the turn signals on the front are so constructed (e.g., double faced) and located as to be visible to passing drivers, 2 turn signals on the rear of the cab, 1 on each side.

History: 1954 ACS 94, p. 143, Eff. Jan. 5, 1978.

R 460.16406 Lamps and reflectors; large semitrailers and full trailers.

Rule 406. (1) A semitrailer or full trailer 80 inches or more in overall width, except converter dollies, shall be equipped as follows:

(a) On the front, there shall be 2 clearance lamps, 1 on each side.

(b) On the rear, there shall be 2 tail lamps, 1 on each side; 2 stop lamps, 1 on each side; 2 turn signals, 1 on each side; 2 clearance lamps, 1 on each side; 2 reflectors, 1 on each side; and 3 identification lamps mounted on the vertical centerline of the vehicle. However, the identification lamps need not be lighted if obscured by another vehicle in the same combination.

(c) On each side, there shall be 1 side-marker lamp on or near the front; 1 side-marker lamp on or near the rear; 1 reflector on or near the rear; and, in the case of semitrailers and full trailers 30 feet or more in length, at least 1 additional side-marker lamp at optional height and at least 1 additional reflector, the additional side-marker lamp or lamps, and reflector or reflectors, to be at or near the center, or at approximately uniform spacing in the length, of the vehicle.

(2) A converter dolly is a motor vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which vehicle converts a semitrailer to a full trailer. Each dolly, when towed singly by another vehicle, and not as part of a full trailer, shall be equipped with 1 stop lamp, 1 tail lamp, and 2 reflectors on the rear. Lighting devices or reflectors are not required on the front or sides of a dolly.

History: 1954 ACS 94, p. 143, Eff. Jan. 5, 1978.

R 460.16407 Lamps and reflectors; small semitrailers and full trailers.

Rule 407. A semitrailer or full trailer less than 80 inches in overall width shall be equipped so as to have, on the rear, 2 tail lamps, 1 on each side; 2 turn signals, 1 on each side; 2 reflectors, 1 on each side; and 2 stop lamps, 1 on each side.

History: 1954 ACS 94, p. 144, Eff. Jan. 5, 1978.

R 460.16408 Lamps and reflectors; pole trailers.

Rule 408. Every pole trailer shall be equipped as follows:

(a) On the rear, there shall be 2 tail lamps, 1 on each side; 2 stop lamps, 1 on each side; 2 turn signals, 1 on each side; 2 reflectors, 1 on each side, placed to indicate the extreme width of the pole trailer; 3 identification lamps mounted on the vertical centerline of the pole trailer or, in lieu thereof, mounted on the vertical centerline of the rear of the cab of the truck tractor drawing the pole trailer and higher than the load being transported.

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(b) On the rear of vehicles with projecting loads, lamps shall be placed pursuant to R 460.16410.

(c) On each side, there shall be 1 amber side-marker lamp at or near the front of load; 1 amber reflector at or near the front of the load; on the rearmost support for the load, 1 combination marker lamp, showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer; and on the rearmost support for the load, 1 red reflector.

History: 1954 ACS 94, p. 144, Eff. Jan. 5, 1978.

R 460.16409 Lamps and reflectors; combinations in driveaway-towaway operations.

Rule 409. Combinations of motor vehicles engaged in driveaway-towaway operations shall be equipped as follows:

(a) On the towing vehicle:

(i) There shall be, on the front, not less than 2 headlamps, an equal number on each side; 2 turn signals and 2 clearance lamps, 1 on each side.

(ii) There shall be, on the rear, 1 tail lamp and 1 stop lamp.

(b) On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double or triple saddle-mount combination, or on a vehicle full-mounted on a saddle-mount:

(i) There shall be, on each side and near the rear, 1 side-marker lamp.

(ii) There shall be, on the rear, 1 tail lamp; 1 stop lamp; 2 turn signals; 2 clearance lamps; 2 reflectors, 1 on each side; and, if any vehicle in the combination is 80 inches or more in overall width, 3 identification lamps.

(c) On the first saddle-mounted vehicle of a double saddle-mount combination, and on the first and second saddle-mounted vehicles of a triple saddle-mount combination, there shall be, on each side and near the rear, 1 side-marker lamp.

History: 1954 ACS 94, p. 144, Eff. Jan. 5, 1978.

R 460.16410 Lamps on motor vehicles with projecting loads.

Rule 410. (1) A motor vehicle transporting a load which extends beyond the width, or having projections beyond the rear, of the vehicle shall be equipped with the following lamps in addition to other required lamps:

(a) For loads projecting beyond the sides of the motor vehicles:

(i) The foremost edge of the projecting load at its outermost extremity shall be marked with an amber lamp visible from the front and side.

(ii) The rearmost edge of the projecting load at its outermost extremity shall be marked with a red lamp visible from the rear and side.

(iii) If any portion of the projecting load extends beyond both the foremost and rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear.

(iv) If the projecting load does not measure over 3 feet from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear, but if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(b) Motor vehicles transporting loads which extend over 4 feet beyond the rear of the motor vehicle, or which have tailboards or tailgates extending over 4 feet beyond the body, shall have these projections marked as follows:

(i) On each side of the projecting load, 1 red lamp visible from the side, located so as to indicate maximum overhang.

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(ii) On the rear of the projecting load, 2 red lamps, visible from the rear, 1 on each side and 2 red reflectors visible from the rear, 1 on each side, located so as to indicate maximum width.

(2) Requirements for the placement of flags on vehicles with projecting loads are provided by R 460.16455.

History: 1954 ACS 94, p. 144, Eff. Jan. 5, 1978.

R 460.16411 Requirements for turn signaling systems.

Rule 411. Every motor vehicle shall be equipped with a signaling system that, in addition to signaling turning movements as required by R 460.16316, shall have a switch or combination of switches that cause the 2 front turn signals and the 2 rear turn signals to flash simultaneously as a vehicular traffic hazard warning required by R 460.16320(1). The system shall be capable of flashing simultaneously with the ignition of the vehicle turned on or off.

History: 1954 ACS 94, p. 145, Eff. Jan. 5, 1978.

R 460.16412 Clearance lamps to indicate extreme width and height.

Rule 412. Clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle, not including mirrors, and as near the top thereof as practicable. However, when rear identification lamps are mounted at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height. Also, when the mounting of front clearance lamps at the highest point of a trailer results in such lamps failing to mark the extreme width of the trailer, the lamps may be mounted at optional height, but must indicate the extreme width of the trailer. Clearance lamps on truck tractors shall be so located as to indicate the extreme width of the truck tractor cab.

History: 1954 ACS 94, p. 145, Eff. Jan. 5, 1978.

R 460.16413 Combination of lighting devices and reflectors.

Rule 413. (1) Except as provided in subrules (2) to (4), 2 or more lighting devices and reflectors, whether or not required by the rules in this part, may be combined optically if each required lighting device and reflector conforms to the applicable rules in this part and neither the mounting nor the use of a non-required lighting device or reflector impairs the effectiveness of a required lighting device or reflector, or causes that device or reflector to be inconsistent with the applicable rules in this part.

(2) A turn signal lamp shall not be combined optically with either a head lamp or other lighting device, or combination of lighting devices, that produces a greater intensity of light than the turn signal lamp.

(3) A turn signal lamp shall not be combined optically with a stop lamp, unless the stop lamp function is always deactivated when the turn signal function is activated.

(4) A clearance lamp shall not be combined optically with a tail lamp or identification lamp.

History: 1954 ACS 94, p. 145, Eff. Jan. 5, 1978.

R 460.16414 Lighting devices to be electric.

Rule 414. Lighting devices shall be electric, except that red, liquid-burning lanterns may be used on the end of loads such as poles, pipes, and ladders projecting to the rear of the motor vehicle.

History: 1954 ACS 94, p. 145, Eff. Jan. 5, 1978.

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R 460.16415 Requirements of head lamps and auxiliary road lighting lamps.

Rule 415. (1) Head lamps and auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

(2) A truck and truck tractor shall be equipped with a headlighting system composed of not less than 2 head lamps, not including fog or other auxiliary lamps, with an equal number on each side of the vehicle. The headlighting system shall provide an upper and lower distribution of light, selectable at the driver's will.

(3) For the purposes of this rule, fog, adverse-weather, and auxiliary road-lighting lamps, when installed, are considered to be a part of the headlighting system. Such lamps may be used in lieu of head lamps, under conditions making their use advisable, if there is at least 1 such lamp conforming to the appropriate SAE standard for such lamps on each side of the vehicle.

(4) Head lamps shall be constructed and installed so as to provide adequate and reliable illumination, and shall conform to the appropriate specification set forth in the SAE standards for electric head lamps for motor vehicles or sealed-beam head lamp units for motor vehicles.

History: 1954 ACS 94, p. 145, Eff. Jan. 5, 1978.

R 460.16416 Requirements for lamps other than head lamps.

Rule 416. (1) All lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle, except that temporary lamps on motor vehicles being transported in driveaway-towaway operations and temporary electric lamps on projecting loads need not be permanently mounted nor mounted on a permanent part of the vehicle. The requirement for 3 identification lamps on the centerline of a vehicle is met as to location by 1 lamp on the centerline, with the other 2 at right and left. All temporary lamps shall be firmly attached.

(2) All required exterior lamps shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps and front identification lamps shall be visible to the front; the light from side-marker lamps shall be visible to the side; the light from rear clearance, rear identification, and tail lamps shall be visible to the rear; and the light from projecting load-marker lamps shall be visible from those directions required by R 460.16410. This subrule shall not be construed to apply to lamps on 1 unit which are obscured by another unit of a combination of vehicles.

(3) All required lamps, except lamps already installed on vehicles tendered for transportation in driveaway and towaway operations, shall be marked with the manufacturer's or supplier's name or trade name and shall be marked with the particular SAE designation that is proper for the use to which the lamp is being put on the motor vehicle.

(4) The color of exterior lighting devices, not otherwise specified in these rules, shall be as follows:

(a) Front clearance and identification lamps, and side-marker lamps, except those at or near the rear, shall, when lighted, display an amber color.

(b) A lighted red lamp of any character shall not be displayed at any place other than on the rear or on the sides near the rear, except that this prohibition does not apply to lamps on projecting loads as specified in R 460.16410, or to rear-facing lenses of turn signals.

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(c) Rear clearance and identification lamps, the side-marker lamps at or near the rear, and any other lamps mounted on the rear, or on the sides near the rear, shall, when lighted, display a red color, except as specified by R 460.16408 and R 460.16410 and as permitted by subdivisions (d) to (f).

(d) The stop lamp or lamps, and the turn signals on or facing the rear of a motor vehicle, shall be red, yellow, amber, or any shade of color between red and yellow. The turn signals facing the front of a motor vehicle shall be white, amber, or any shade of color between white and amber.

(e) The back-up lamp or lamps, showing white to amber to the rear, may be mounted on the rear of any vehicle if such lamp or lamps can be lighted only when the vehicle is in reverse gear or when a pilot lamp readily visible to the driver is burning to indicate that such back-up lamp or lamps are lighted.

(f) White lamps may be used for the purpose of illuminating license plates on a vehicle.

(g) This rule shall not be so construed as to prohibit the use of motor vehicles in combination if such motor vehicles are separately lighted as required by R 460.16403 to R 460.16409.

(h) Whenever reference is made in these rules to the colors red, amber, or white, such colors shall be as prescribed in the SAE standard color specification for electric lamps.

(5) Exterior lighting devices shall be of the steady-burning type, except turn signals on a vehicle; stop lamps when used as turn signals; warning lamps on school buses when operating as such; and warning lamps on emergency and service vehicles authorized by state or local authorities. However, lamps combined into the same shell or housing with a turn signal may be turned off by the same switch that turns the signal on for flashing, and may be turned on again when the turn signal, as such, is turned off. This requirement shall not be construed to prohibit the use of turn signals to give vehicular traffic hazard warning signals as required by R 460.16320.

(6) Stop lamps on a motor vehicle, or combination of motor vehicles, shall be actuated upon application of any of the service brakes. However, such actuation is not required upon activation of the emergency feature of trailer brakes by means of either manual or automatic control on the towing vehicle. Also, stop lamps on a towing vehicle need not be actuated when service brakes are applied to the towed vehicle or vehicles only, and a stop lamp need not be actuated as such when it is used as a turn signal or when it is turned off by the turn signal switch as provided in subrule (6).

History: 1954 ACS 94, p. 146. Eff. Jan. 5, 1978.

R 460.16417 Requirements for reflectors.

Rule 417. (1) Required reflectors shall be mounted upon the motor vehicle at a height not less than 15 inches nor more than 60 inches above the ground on which the motor vehicle stands, except the reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 15-inch requirement impractical. The reflectors shall be so installed as to perform their function adequately and reliably, and, except for temporary reflectors required for vehicles in driveaway-towaway operations or required on projecting loads, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability and the minimum likelihood of damage. Required reflectors, otherwise properly mounted, may be securely installed on flexible strapping or belting if, under conditions of normal operation, they reflect light in the required directions. Required temporary

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reflectors mounted on motor vehicles during the time they are in transit in any driveaway-towaway operation shall be firmly attached.

(2) Required reflectors, except those already installed on vehicles tendered for transportation in driveaway and towaway operations, shall conform to the requirements for class A reflectors in the SAE recommended practice or SAE standard reflex reflectors and be marked with the particular SAE designation that is proper for class A reflectors.

(3) Reflectors on the rear and those reflectors nearest to the rear on the sides, except those referred to in subrule (4), shall reflect a red color. All other reflectors, except those referred to in subrule (4), shall reflect an amber color. However, this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are separately equipped with reflectors as required by R 460.16403 to R 460.16409. Wherever reference is made to the colors red or amber for reflectors, such colors shall correspond to the requirements in the SAE standard, color specification for electric lamps.

(4) Retroreflective surfaces other than required reflectors may be used if:

(a) Designs do not resemble traffic control signs, lights, or devices, except that straight edge striping resembling a barricade pattern may be used.

(b) Designs do not tend to distort the length or width, or both, of the motor vehicle.

(c) Such surfaces shall be not less than 3 inches from any required lamp or reflector, unless of the same color as the lamp or reflector.

(d) A red color shall not be used on the front of any motor vehicle, except for display of marking or placards required by 49 C.F.R. 177.823.

(e) Retroreflective license plates required by state or local authorities may be used.

History: 1954 ACS 94, p. 147, Eff. Jan. 5, 1978.

R 460.16418 Wiring specifications.

Rule 418. Wiring for both low tension and high tension circuits shall be constructed and installed so as to function reliably and adequately, and shall conform to the appropriate requirements in the SAE standard for insulated cable or by wiring which is mechanically and electrically at least equal to such cable. Required lamps shall be connected to the source of power with stranded wire. The source of power and the electrical wiring shall be of such size and characteristics that required lamps shall, when lighted, be capable of being seen not less than 500 feet under clear atmospheric conditions during the time lamps are required to be lighted. This rule shall not be so construed as to prohibit the use of the frame or other metal parts of a motor vehicle as a return ground system, provided that, for truck tractor-semitrailer combinations, the truck tractor is electrically bonded to the semitrailer.

History: 1954 ACS 94, p. 147, Eff. Jan. 5, 1978.

R 460.16419 Wiring to be protected.

Rule 419. Wiring shall, when possible, be grouped together and protected by nonmetallic tape, braid, or other covering capable of withstanding severe abrasion, or shall be protected by being enclosed in a metallic sheath or tube. Wiring shall be properly supported. Wiring shall not be so located as to be likely to be charred, overheated, or enmeshed in moving parts. Insofar as is practicable, wiring shall not be adjacent to any part of the fuel system. The edges of all holes in metal through which the wiring passes, unless the wiring is metal-covered, shall be rolled or bushed with a grommet of rubber or other suitable material.

History: 1954 ACS 94, p. 147, Eff. Jan. 5, 1978.

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R 460.16420 Grounds.

Rule 420. The battery ground and trailer return ground connections on a grounded system shall be readily accessible. The contact surfaces of electrical connections shall be clean and free of oxide, paint, or other nonconductive coating.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

R 460.16421 Battery installation.

Rule 421. Every storage battery on every vehicle, unless located in the engine compartment, shall be covered by a fixed part of the motor vehicle or protected by a removable cover or enclosure. Removable covers or enclosures shall be substantial and shall be securely latched or fastened. The storage battery compartment and adjacent metal parts, which might corrode by reason of battery leakage, shall be painted or coated with an acid-resisting paint or coating, and shall have openings to provide ample battery ventilation and drainage. Wherever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulating bushing. Wherever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

R 460.16422 Overload protective devices.

Rule 422. The current to all low tension circuits shall pass through overload protective devices, except that this requirement is not applicable to battery-to-starting motor or battery-to-generator circuits, ignition and engine control circuits, horn circuits, electrically operated fuel pump circuits, or electric brake circuits. Protective devices for electric circuits on every motor vehicle, the date of manufacture of which is subsequent to June 30, 1953, except motor vehicles being transported in driveaway-towaway operations, shall be arranged so that either the head lamp circuit or circuits shall not be affected by a short circuit in any of the other lighting circuits on the motor vehicle, or, if the head lamp circuit is protected in common with other electrical circuits, the protection device shall be an automatic reset overload circuit breaker.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

R 460.16423 Detachable electrical connections.

Rule 423. Electrical wiring between towing and towed vehicles shall be contained in a cable or cables or entirely within another substantially constructed protective device. All such electrical wiring shall be mechanically and electrically adequate and shall be free of short or open circuits. Suitable provision shall be made in every such detachable connection to afford reasonable assurance against connection in an incorrect manner or accidental disconnection. Detachable connections made by twisting together wires from the towed and towing units are prohibited. Precaution shall be taken to provide sufficient slack in the connecting wire or cable to accommodate, without damage, all normal motions of the parts to which they are attached.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

R 460.16424 Wiring; installation.

Rule 424. Electrical wiring shall be systematically arranged and installed in a workmanlike manner. All detachable wiring, except temporary wiring connec-

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tions for driveaway-towaway operations, shall be attached to posts or terminals by means of suitable cable terminals which conform to the SAE standard for cable terminals or by cable terminals which are mechanically and electrically at least equal to such terminals. The number of wires attached to any post shall be limited to the number which such post was designed to accommodate. The presence of bare, loose, dangling, chafing, or poorly connected wires is prohibited.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

BRAKES

R 460.16425 Required brake systems.

Rule 425. (1) A truck, truck tractor, or a combination of motor vehicles shall have brakes adequate to control the movement of, and to stop and hold, the vehicle or combination of vehicles.

(2) A truck, truck tractor, or combination of motor vehicles shall have both of the following:

(a) A service brake system that conforms to the requirements of R 460.16436.

(b) A parking brake system that conforms to the requirements of R 460.16426.

(3) A truck, truck tractor, or combination of motor vehicles manufactured on or after July 1, 1973, shall have an emergency brake system that conforms to the requirements of R 460.16436(2) and consists of either emergency features of the service brake system or system separate from the service brake system. A control by which the driver applies the emergency brake system shall be located so that the driver can readily operate it when he is properly restrained by a seat belt assembly provided for his use. The control for applying the emergency brake system may be combined with either the control for applying the service brake system or the control for applying the parking brake system. However, all 3 controls may not be combined.

(4) If the brake systems specified in subrules (2) and (3) are interconnected in any way, they must be designed, constructed, and maintained so that, upon the failure of any part of the operating mechanism of 1 or more of the systems, except the service brake actuation pedal or valve, the vehicle has operative brakes and, in the case of a vehicle manufactured on or after July 1, 1973, the vehicle has operative brakes capable of performing as specified in R 460.16436(2).

(5) A motor vehicle to which the emergency brake system requirements of motor vehicle safety standard no. 105, being 49 C.F.R. 571.105, applied to the time of its manufacture, conforms to the requirements of subrule (4) if it is maintained in conformity with the emergency brake requirements of standard no. 105 in effect on the date of its manufacture, and if it is capable of performing as specified in R 460.16436(2), except upon structural failure of its brake master cylinder body or effectiveness indicator body.

History: 1954 ACS 94, p. 148, Eff. Jan. 5, 1978.

R 460.16426 Parking brake system.

Rule 426. (1) A singly driven motor vehicle, as well as a combination of motor vehicles, shall at all times be equipped with a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under any conditions of loading on a surface free from ice or snow.

(2) The parking brake system shall at all times be capable of being applied in conformance with the requirements of subrule (1) by either the driver's muscular effort, or by spring action, or by other energy. However, if such other energy is depended on for application of the parking brake, then an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake.

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(3) The parking brake system shall be held in the applied position by energy other than fluid pressure, air pressure, or electric energy. The parking brake system shall be such that it cannot be released unless adequate energy is available upon release of the parking brake to make immediate further application with the required effectiveness.

History: 1954 ACS 94, p. 149, Eff. Jan. 5, 1978.

R 460.16427 Brakes required on all wheels.

Rule 427. A motor vehicle shall be equipped with brakes acting on all wheels. This requirement does not apply to:

(a) A full trailer, semitrailer, or pole trailer of a gross weight not exceeding 3,000 pounds if the gross weight of any such full trailer or pole trailer, no part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle, and if the gross weight of the towing vehicle, and if the gross weight of any such semitrailer or pole trailer, part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle when connected to such semitrailer or pole trailer.

(b) A vehicle being towed in a driveaway-towaway operation, if the combination of vehicles is capable of complying with the performance requirements of R 460.16436. Only such brakes on the vehicle or vehicles being towed in driveaway-towaway operations need be operative as may be necessary to insure compliance with the performance requirements of R 460.16436. This subdivision is not applicable to a motor vehicle towed by means of a tow-bar when any vehicle is full-mounted on such motor vehicle or any combination of motor vehicles utilizing 3 saddle-mounts.

(c) Trucks and truck tractors having 3 or more axles. Such trucks need not have brakes on the front wheels. When such vehicles are equipped with not less than 2 steerable axles, the wheels of 1 such axle need not be equipped with brakes.

History: 1954 ACS 94, p. 149, Eff. Jan. 5, 1978.

R 460.16428 Breakaway and emergency braking.

Rule 428. (1) A motor vehicle, if used to tow a trailer equipped with brakes, shall be equipped with means for providing that, in case of breakaway of such trailer, the service brakes on the towing vehicle are sufficiently operative to stop the towing vehicle.

(2) A truck or tractor equipped with air brakes, when used for towing other vehicles equipped with air brakes, shall be equipped with 2 means of activating the emergency features of the trailer brakes. One of these means shall operate automatically in the event of reduction of the towing vehicle air supply to a fixed pressure, which shall not be less than 20 pounds per square inch nor more than 45 pounds per square inch. The other means shall be a manually controlled device readily operable by a person seated in the driving seat. Its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and manual means required by this rule may be, but are not required to be, separate.

(3) A truck tractor and truck, when used for towing other vehicles equipped with vacuum brakes, shall have, in addition to the single control required by R 460.16433 to operate all brakes of the combination, a second manual control device which can be used to operate the brakes on the towed vehicles in emergencies. Such second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system

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is so arranged that failure of the pressure on which the second control depends causes the towed vehicle brakes to be applied automatically. The second control is not required by this rule to provide modulated or graduated braking.

(4) A trailer required to be equipped with brakes shall be equipped with brakes of such character as to be applied automatically and promptly upon breakaway from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such case for not less than 15 minutes.

(5) Air brake systems installed on towed vehicles shall be so designed, by the use of "no-bleed-back" relay emergency valves or equivalent devices, that the supply reservoir used to provide air for brakes shall be safeguarded against backflow of air to the towing vehicle upon reduction of the towing vehicle air pressure.

(6) The requirements of subrules (2) to (4) are not applicable to motor vehicles in driveaway-towaway operations.

History: 1954 ACS 94, p. 150, Eff. Jan. 5, 1978.

R 460.16429 Brake tubing and hose.

Rule 429. (1) Brake tubing and brake hose shall:

(a) Be designed and constructed in a manner that insures proper, adequate, and continued functioning of the tubing or hose.

(b) Be installed in a manner that insures proper continued functioning of the tubing or hose.

(c) Be long and flexible enough to accommodate, without damage, all normal motions of the parts to which it is attached.

(d) Be suitably secured against chafing, kinking, or other mechanical damage.

(e) Be installed in a manner that prevents it from contacting the vehicle's exhaust system or any other source of high temperatures.

(f) Conform to the applicable requirements of subrules (2) to (4).

(2) Except as provided in subrule (4), brake hose installed on a motor vehicle on or after October 1, 1973, shall conform to 1 of the following specifications:

(a) As to hydraulic brake hose, the society of automotive engineers standard J1401, January, 1967.

(b) As to air brake hose, the society of automotive engineers standard J1402b, June, 1971.

(c) As to vacuum brake hose, the society of automotive engineers standard J1403, June, 1968.

(3) Except as provided in subrule (4), brake hose installed on a motor vehicle before October 1, 1973, shall conform to either of the following:

(a) The applicable specification set forth in subrule (2).

(b) The applicable specification in the SAE standard for automotive brake hoses published in the 1952 edition of the SAE handbook.

(4) Coiled nylon brake tubing may be used for connections between towed and towing vehicles if such tubing complies with each of the following:

(a) The tubing conforms to the requirements for type 3B nylon tubing set forth in society of automotive engineers standard J844c, air brake tubing and pipe, December, 1970.

(b) The coiled tubing has a straight segment (pigtail) at each end that is not less than 2 inches in length and is encased in a spring guard or similar device which prevents the tubing from kinking at the fitting at which it is attached to the vehicle.

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(c) The spring guard or similar device has not less than 2 inches of closed coils or similar surface at its interface with the fitting and extends not less than 1 to 1½ inches into the coiled segment of the tubing from its straight segment.

History: 1954 ACS 94, p. 150, Eff. Jan. 5, 1978.

R 460.16430 Brake tubing and hose connections.

Rule 430. All connections for air, vacuum, or hydraulic braking systems shall:

(a) Be adequate in material and construction to insure proper continued functioning.

(b) Be designed, constructed, and installed so as to insure, when properly connected, an attachment free of leaks, constrictions, or other defects.

(c) Have suitable provision in every detachable connection to afford reasonable assurance against accidental disconnection.

(d) Have the vacuum brake engine manifold connection at least ⅜ inch in diameter.

History: 1954 ACS 94, p. 151, Eff. Jan. 5, 1978.

R 460.16431 Brake lining.

Rule 431. The brake lining on every motor vehicle shall be so constructed and installed as not to be subject to excessive fading and grabbing, and shall be adequate in thickness, means of attachment, and physical characteristics to provide for safe and reliable stopping of the motor vehicle.

History: 1954 ACS 94, p. 151, Eff. Jan. 5, 1978.

R 460.16432 Brakes to be operational.

Rule 432. (1) Except as provided in subrules (2) to (5), all brakes with which a motor vehicle is equipped shall at all times be capable of operating.

(2) A motor vehicle may be equipped with a device to reduce the braking effort upon its front wheels or, in the case of a 3-axle truck or truck tractor manufactured before March 1, 1975, may be equipped with a device to remove the braking effort upon its front wheels, if that device conforms to, and is used in compliance with, subrules (3) or (4).

(3) A manually operated device to reduce or remove the front-wheel braking effort shall not be:

(a) Installed in a motor vehicle other than a truck or truck tractor.

(b) Installed and operable in a truck or truck tractor manufactured on or after March 1, 1975.

(c) Used, except when the vehicle is operating under adverse road conditions, such as wet, snowy, or icy roads.

(4) An automatic device to reduce the front-wheel braking effort shall not:

(a) Be installed in a motor vehicle unless that vehicle is equipped with an air mechanical brake system or a hydraulic brake system utilizing compressed air.

(b) Be operable by the driver except upon application of the control that activates the braking system.

(c) Reduce the braking force when the air pressure that transmits brake control application forces exceeds the vehicle's air compressor cut-in pressure.

(5) Subrule (1) does not apply to:

(a) A disabled vehicle being towed.

(b) A vehicle being towed in a driveaway-towaway operation which is exempt from the general provision of R 460.16427(b).

History: 1954 ACS 94, p. 151, Eff. Jan. 5, 1978.

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R 460.16433 Single valve to operate all brakes.

Rule 433. A motor vehicle, the date of manufacture of which is subsequent to June 30, 1953, which is equipped with power brakes, shall have the braking system so arranged that 1 application valve shall, when applied, operate all the service brakes on the motor vehicle or combination of motor vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional valve to be used to operate the brakes on a trailer or trailers. This rule shall not be applicable to driveaway-towaway operations unless the brakes on such operations are designed to be operated by a single valve.

History: 1954 ACS 94, p. 151, Eff. Jan. 5, 1978.

R 460.16434 Reservoirs required.

Rule 434. (1) As provided in subrule (4), every truck and truck tractor made after June 30, 1953, and using air or vacuum for braking, shall be equipped with reserve capacity or a reservoir sufficient to insure a full service brake application with the engine stopped without depleting the air pressure or vacuum below 70% of that pressure or degree of vacuum indicated by the gauge immediately before the brake application is made. For purposes of this rule, a full service brake application is considered to be made when the service brake pedal is pushed to the limit of its travel.

(2) A truck and truck tractor, when equipped with air or vacuum reservoirs and regardless of date of manufacture, shall have such reservoirs so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, the air or vacuum supply in the reservoir shall not be depleted by the leak or failure.

(3) Means shall be provided to verify that the check valve is in working order. Means other than loosening or disconnection of a connection between the source of compressed air or vacuum and the check valve, and necessary tools for the operation of such means, shall be provided to prove that the check valve is in working order. The means shall be readily accessible either from the front, side, or rear of the vehicle, or from the driver's compartment. The means for verifying the operation of the check valve shall be as follows:

(a) In air brake systems with 1 reservoir, the means shall be a cock, valve, plug, or equivalent device arranged to vent a cavity having free communication with the connection between the check valve and the source of compressed air or vacuum.

(b) Where air is delivered by a compressor into 1 tank or compartment (dry tank) only, with the required check valve between the tanks or compartments, a manually operated drain cock on the first (wet) tank or compartment shall serve as a means herein required if it conforms to the requirements herein.

(c) In vacuum systems, stopping the engine shall serve as the required means, the system remaining evacuated as indicated by the vacuum gauge.

(4) This rule applies to all property-carrying vehicles and combinations of property-carrying vehicles having 3 or more axles.

History: 1954 ACS 94, p. 152, Eff. Jan. 5, 1978.

R 460.16435 Warning devices and gauges.

Rule 435. (1) In the manner and to the extent specified in subrules (2) to (5), a truck or truck tractor shall be equipped with a signal that provides a warning to the driver when a failure occurs in the vehicle's service brake system.

(2) Relative to hydraulic brakes, a vehicle manufactured on or after July 1, 1973, and having service brakes activated by hydraulic fluid shall be equipped with a warning signal that performs as follows:

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(a) If federal motor vehicle safety standard no. 105, being 49 C.F.R. 571.105, was applicable to the vehicle at the time it was manufactured, the warning signal shall conform to the requirements of that standard.

(b) If federal motor vehicle safety standard no. 105 was not applicable to the vehicle at the time it was manufactured, the warning signal shall become operative, before or upon application of the brakes, in the event of a hydraulic-type complete failure of a partial system. The signal shall be readily audible or visible to the driver.

(3) Relative to air brakes, except as provided in subrule (7), a vehicle, regardless of the date it was manufactured, having service brakes activated by compressed air (air-mechanical brakes) or a vehicle towing a vehicle having service brakes activated by compressed air (air-mechnical brakes) shall be equipped and shall perform as follows:

(a) The vehicle shall have a low air pressure warning device that conforms to the requirements of either of the following:

(i) If federal motor vehicle safety standard no. 121, being 49 C.F.R. 571.121, was applicable to the vehicle at the time it was manufactured, the warning device shall conform to the requirements of that standard.

(ii) If federal motor vehicle safety standard no. 121 was not applicable to the vehicle at the time it was manufactured, the vehicle shall have a device that provides a readily audible or visible continuous warning to the driver whenever the pressure of the compressed air in the braking system is below a specified pressure, which shall be at least ½ of the compressor governor cutout pressure.

(b) The vehicle shall have a pressure gauge which indicates to the driver the pressure in pounds per square inch available for braking.

(4) Relative to vacuum brakes, except as provided in subrule (7), a vehicle, regardless of the date it was manufactured, having service brakes activated by vacuum or a vehicle towing a vehicle having service brakes activated by vacuum, shall be equipped with both of the following:

(a) A device that provides a readily audible or visible continuous warning to the driver whenever the vacuum in the vehicle's supply reservoir is less than 8 inches of mercury.

(b) A vacuum gauge which indicates to the driver the vacuum in inches of mercury available for braking.

(5) Relative to hydraulic brakes applied or assisted by air or vacuum, except as provided in subrule (7), a vehicle having a braking system in which hydraulically activated service brakes are applied or assisted by compressed air or vacuum shall be equipped with both a warning signal that conforms to the requirements of subrule (2) and a warning device that conforms to the requirements of either subrule (3) or (4).

(6) The warning signals, devices, and gauges required by this rule shall be maintained in operative condition.

(7) Subrules (3) to (5) do not apply to property-carrying vehicles and combinations of property-carrying vehicles which have less than 3 axles and either were manufactured before July 1, 1973, or have a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

History: 1954 ACS 94, p. 152, Eff. Jan. 5, 1978.

R 460.16436 Brake performance.

Rule 436. (1) Upon application of its service brakes, a motor vehicle or combination of motor vehicles shall, under any condition of loading in which it is found on a public highway, be capable of:

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(a) Developing a braking force at least equal to the percentage of its gross weight specified in the table in subrule (4).

(b) Decelerating to a stop from 20 miles per hour at not less than the rate specified in the table in subrule (4).

(c) Stopping from 20 miles per hour in a distance, measured from the point at which movement of the service brake pedal or control begins, that is not greater than the distance specified in the table in subrule (4).

(2) Upon application of its emergency brake system and with no other brake system applied, a motor vehicle or combination of motor vehicles shall, under any condition of loading in which it is found on a public highway, be capable of stopping from 20 miles per hour in a distance, measured from the point at which movement of the emergency brake control begins, that is not greater than the distance specified in the table in subrule (4).

(3) Conformity to the stopping-distance requirements of subrules (1) and (2) shall be determined under the following conditions:

(a) Any test shall be made with the vehicle on a hard surface that is substantially level, dry, smooth, and free of loose material.

(b) The vehicle shall be in the center of a 12-foot-wide lane when the test begins, and shall not deviate from that lane during the test.

(4) The vehicle brake performance table is as follows:

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Type of motor vehicle	Service brake systems			Emergency brake systems
	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Application and braking distance in feet from initial speed of 20 m.p.h.	Application and braking distance in feet from initial speed of 20 m.p.h.
A. Property-carrying vehicles.				
(1) Single unit vehicles having a manufacturer's GVWR of 10,000 pounds or less.	52.8	17	25	66
(2) Single unit vehicles having a manufacturer's GVWR of more than 10,000 pounds, except truck tractors. Combinations of a 2-axle towing vehicle and trailer having a GVWR of 3,000 pounds or less. All combinations of 2 or less vehicles in driveaway or towaway operation.	43.4	14	35	85
(3) All other property-carrying vehicles and combinations of property-carrying vehicles.	43.5	14	40	90

Note: (a) There is a definite mathematical relationship between the figures in columns 2 and 3. If the decelerations set forth in column 3 are divided by 32.2 feet per second per second, the figures in column 2 will be obtained. For example, 21 divided by 32.2 equals 65.2%. Column 2 is included in the tabulation because certain brake testing devices utilize this factor.

(b) The decelerations specified in column 3 are an indication of the effectiveness of the basic brakes, and as measured in practical brake testing are the maximum decelerations attained at some time during the stop. These decelerations as measured in brake tests cannot be used to compute the values in column 4 because the deceleration is not sustained at the same rate over the entire period of the stop.

The deceleration increases from zero to a maximum during a period of brake-system application and brake-force buildup. Also, other factors may cause the deceleration to decrease after reaching a maximum. The added distance which results because maximum deceleration is not sustained is included in the figures in column 4, but is not indicated by the usual brake-testing devices for checking deceleration.

(c) The distances in column 4 and the deceleration in column 3 are not directly related. "Brake-system application and braking distance in feet" (column 4) is a definite measure of the overall effectiveness of the braking system, being the distance traveled between the point at which the driver starts to move the braking system controls and the point at which the vehicle comes to rest. It includes the distance traveled while brakes are being applied and the distance traveled while the brakes are retarding the vehicle.

(d) The distance traveled during the period of brake-system application and brake-force buildup varies with vehicle type, being negligible for many passenger cars and greatest for combinations of commercial vehicles. This fact accounts for the variation from 20 to 40 feet in the values in column 4 for the various classes of vehicles.

(e) The terms "GVWR" and "GVW" refer to the manufacturer's gross vehicle weight rating and the actual gross vehicle weight, respectively.

History: 1954 ACS 94, p. 153, Eff. Jan. 5, 1979.

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GLAZING AND WINDOW CONSTRUCTION

R 460.16437 Glazing in specified openings.

Rule 437. (1) Whenever glazing is used in the windshield, window, door, or any other opening into a truck or truck tractor, except vehicles engaged in armored car service, such glazing shall conform to the requirements contained in the American standard safety code for safety glazing materials for glazing motor vehicles operating on land highways, Z26.1A-1964, of the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018. However, glazing conforming to ANSI Code, Z26.1-1950, is acceptable for vehicles manufactured prior to January 1, 1966.

(2) A motor vehicle windshield shall be free of discoloration or other damage in the portion thereof extending upward from the height of the topmost portion of the steering wheel, but not including a 2-inch border at the top and a 1-inch border at each side of the windshield or each panel thereof, except that discoloration and damage as follows are allowable:

(a) Coloring or tinting, applied in manufacture, for reduction of glare.

(b) A crack not over ¼ inch wide, if not intersected by any other crack.

(c) A damaged area which can be covered by a disc ¾ inch in diameter if not closer than 3 inches to any other such damaged area.

(3) A motor vehicle shall not be operated with a label, sticker, decalcomania, or other vision-reducing matter covering any portion of its windshield or windows at either side of the driver's compartment. However, stickers required by law may be affixed at the bottom of the windshield if no portion of a label, sticker, decalcomania, or other vision-reducing matter extends upward more than 4½ inches from the bottom of the windshield.

History: 1954 ACS 94, p. 155, Eff. Jan. 5, 1978.

R 460.16438 Window construction.

Rule 438. Every truck and truck tractor, except vehicles engaged in armored car service, shall have, in addition to the area provided by the windshield, at least 1 window on each side of the driver's compartment, which window shall have sufficient area to contain either an ellipse having a major axis of 18 inches and a minor axis of 13 inches or an opening containing 200 square inches formed by a rectangle 13 inches by 17¾ inches with corner arcs of 6 inches maximum radius. The major axis of the ellipse and the long axis of the rectangle shall not make an angle of more than 45 degrees with the surface on which the unladen vehicle stands. However, if the cab is designed with a folding door or doors, or with clear openings where doors or windows are customarily located, then windows shall not be required in such locations. Windows, if otherwise capable of complying with this rule, shall not be obstructed by bars or other such means located either inside or outside the windows, such as would hinder the escape of occupants, unless such bars or other such means are so constructed as to provide a clear opening at least equal to the opening provided by the window to which it is adjacent.

History: 1954 ACS 94, p. 155, Eff. Jan. 5, 1978.

FUEL SYSTEMS

R 460.16439 Fuel systems generally.

Rule 439. (1) This rule applies to systems for containing and supplying fuel for the operation of motor vehicles or for the operation of auxiliary equipment installed on, or used in connection with, motor vehicles.

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(2) A fuel system shall be located on the motor vehicle so that:

(a) No part of the system extends beyond the widest part of the vehicle.

(b) No part of a fuel tank is forward of the front axle of a power unit.

(c) Fuel spilled vertically from a fuel tank while it is being filled does not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly.

(d) Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment.

(e) A fuel line does not extend between a towed vehicle and the vehicle that is towing it while the combination of vehicles is in motion.

(3) A fuel tank shall be securely attached to the motor vehicle in a workmanlike manner.

(4) A fuel system shall not supply fuel by gravity or syphon feed directly to the carburetor or injector.

(5) If a fuel system includes a selection control valve which is operable by the driver to regulate the flow of fuel from 2 or more fuel tanks, the valve shall be installed so that either of the following conditions exists:

(a) The driver may operate it while watching the roadway and without leaving his driving position.

(b) The driver shall stop the vehicle and leave his seat in order to operate the valve.

(6) A fuel line which is not completely enclosed in a protective housing shall not extend more than 2 inches below the fuel tank or its sump. Diesel fuel crossover, return, and withdrawal lines which extend below the bottom of the tank or sump shall be protected against damage from impact. Every fuel line shall be:

(a) Long enough and flexible enough to accommodate normal movements of the parts to which it is attached without incurring damage.

(b) Secured against chafing, kinking, or other causes of mechanical damage.

(7) When pressure devices are used to force fuel from a fuel tank, a device which prevents the flow of fuel from the fuel tank if the fuel feed line is broken shall be installed in the fuel system.

History: 1954 ACS 94, p. 155, Eff. Jan. 5, 1978.

R 460.16440 Liquid fuel tanks.

Rule 440. (1) Application of this rule shall be as follows:

(a) A liquid fuel tank manufactured on or after January 1, 1973, and a side-mounted gasoline tank shall conform to this rule.

(b) A diesel fuel tank manufactured before January 1, 1973, and mounted on a vehicle other than a bus shall conform to subrule (3)(f) relative to the fill-pipe cap.

(c) A gasoline tank, other than a side-mounted gasoline tank, manufactured before January 1, 1973, and mounted on a vehicle other than a bus shall conform to subrule (3)(a) to (i).

(2) As used in this rule:

(a) "Liquid fuel tank" means a fuel tank designed to contain a fuel that is used to propel a vehicle.

(b) "Side-mounted" fuel tank is a liquid fuel tank which, if mounted on a truck tractor, extends outboard of the vehicle frame and outside of the plain view outline of the cab, or, if mounted on a truck, extends outboard of a line parallel to the longitudinal centerline of the truck and tangent to the outboard side of a front tire in a straight ahead position. In determining whether a fuel tank on a truck or truck tractor is side-mounted, the fill pipe is not considered to be a part of the tank.

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(3) Construction of liquid fuel tanks shall comply with the following requirements:

(a) Joints of a fuel tank body shall be closed by arc-, gas-, seam-, or spot-welding, by brazing, by silver soldering, or by techniques which provide heat resistance and mechanical securement at least equal to those specifically named. Joints shall not be closed solely by crimping or by soldering with a lead-based or other soft solder.

(b) The fuel tank body shall have flanges or spuds suitable for the installation of all fittings.

(c) The threads of all fittings shall be dryseal American standard taper pipe thread or dryseal SAE short taper pipe thread, specified in society of automotive engineers standard J476, as contained in the 1971 edition of the "SAE Handbook," except that straight nontapered threads may be used on fittings having integral flanges and using gaskets for sealing. Not less than 4 full threads shall be in engagement in each fitting.

(d) Drains or other bottom fittings shall not extend more than ¾ of an inch below the lowest part of the fuel tank or sump. Drains or other bottom fittings shall be protected against damage from impact. If a fuel tank has drains, the drain fittings shall permit substantially complete drainage of the tank. Drains or other bottom fittings shall be installed in a flange or spud designed to accommodate it.

(e) Except for diesel fuel tanks, the fittings through which fuel is withdrawn from a fuel tank shall be located above the normal level of fuel in the tank when the tank is full.

(f) A fill pipe shall be designed and constructed to minimize the risk of fuel spillage during fueling operations and when the vehicle is involved in a crash. The fill pipe and vents of a fuel tank having a capacity of more than 25 gallons of fuel shall permit filling the tank with fuel at a rate of not less than 20 gallons per minute without fuel spillage. Each fill pipe shall be fitted with a cap that can be fastened securely over the opening in the fill pipe. Screw threads or a bayonet-type joint are methods of conforming to the requirements of this subdivision.

(g) A liquid fuel tank with a capacity of more than 25 gallons of fuel shall have a venting system which, in the event the tank is subjected to fire, prevents internal tank pressure from rupturing the tank's body, seams, or bottom opening, if any.

(h) The body and fittings of a liquid fuel tank with a capacity of more than 25 gallons of fuel shall be capable of withstanding an internal hydrostatic pressure equal to 150% of the maximum internal pressure reached in the tank during the safety venting systems test specified in subrule (5).

(i) A fuel tank shall be equipped with a nonspill air vent, such as a ball check. The air vent may be combined with the fill-pipe cap or safety vent, or it may be a separate unit installed on the fuel tank.

(j) If the body of a fuel tank is readily visible when the tank is installed on the vehicle, the tank shall be plainly marked with its liquid capacity. The tank shall also be plainly marked with a warning against filling it to more than 95% of its liquid capacity.

(k) A liquid fuel tank manufactured on or after January 1, 1973, shall be designed and constructed so that the tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95% of the tank's liquid capacity and so that, when the tank is filled, normal expansion of the fuel does not cause fuel spillage.

(4) A liquid fuel tank shall be capable of passing the tests specified in subrules (5) and (6).

(5) The procedure and required performance for the safety venting system test

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are specified by this subrule. Fill the tank ¾ full with fuel, seal the fuel feed outlet, and invert the tank. When the fuel temperature is between 50 degrees Fahrenheit and 80 degrees Fahrenheit, apply an enveloping flame to the tank so that the temperature of the fuel rises at a rate of not less than 6 degrees Fahrenheit and not more than 8 degrees Fahrenheit per minute. The safety venting system required by subrule (3)(g) shall activate before the internal pressure in the tank exceeds 50 pounds per square inch, gauge, and the internal pressure shall not thereafter exceed the pressure at which the system activated by more than 5 pounds per square inch despite any further increase in the temperature of the fuel.

(6) The procedure and required performance for the leakage test are specified by this subrule. Fill the tank to capacity with fuel having a temperature between 50 degrees Fahrenheit and 80 degrees Fahrenheit. With the fill-pipe cap installed, turn the tank through an angle of 150 degrees in any direction about any axis from its normal position. The tank or any fitting shall not leak more than a total of 1 ounce by weight of fuel per minute in any position the tank assumes during the test.

(7) Each side-mounted liquid fuel tank shall be capable of passing the tests specified in subrules (8) and (9) as well as the tests specified in subrules (5) and (6).

(8) The procedure and required performance for the drop test are specified in this subrule. Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 30 feet onto an unyielding surface so that it lands squarely on 1 corner. The tank or any fitting shall not leak more than a total of 1 ounce by weight of water per minute.

(9) The procedure and required performance for the fill-pipe test are specified in this subrule. Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 10 feet onto an unyielding surface so that it lands squarely on its fill pipe. The tank or any fitting shall not leak more than a total of 1 ounce by weight of water per minute.

(10) A liquid fuel tank shall be legibly and permanently marked with the month and year of its manufacture and with a certificate that it conforms to the provisions in this rule applicable to the tank. The certificate for a liquid fuel tank manufactured on or after July 1, 1973, shall be in the form set forth in either subdivision (a) or (b) below:

(a) If a tank conforms to all provisions in this rule pertaining to side-mounted fuel tanks the certificate shall read: "Meets all FHWA side-mounted tank requirements."

(b) If a tank conforms to all provisions in this rule pertaining to tanks which are not side-mounted fuel tanks the certificate shall read: "Meets all FHWA requirements for non-side-mounted fuel tanks." The form of certificate specified in subdivision (a) or (b) may be used on a liquid fuel tank manufactured before July 1, 1973, but it is not mandatory for liquid fuel tanks manufactured before that date.

History: 1954 ACS 94, p. 156, Eff. Jan. 5, 1978.

R 460.16441 Liquefied petroleum gas systems.

Rule 441. (1) A fuel system that uses liquefied petroleum gas as a fuel for the operation of a motor vehicle or for the operation of auxiliary equipment installed on, or used in connection with, a motor vehicle shall conform to the standards for the storage and handling of liquefied petroleum gases of the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, as follows:

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(a) A fuel system installed before December 31, 1962, shall conform to the 1951 edition of the standards.

(b) A fuel system installed on or after December 31, 1962, and before January 1, 1973, shall conform to division IV of the June, 1959 edition of the standards.

(c) A fuel system installed on or after January 1, 1973, and providing fuel for propulsion of the motor vehicle shall conform to division IV of the 1969 edition of the standards.

(d) A fuel system installed on or after January 1, 1973, and providing fuel for the operation of auxiliary equipment shall conform to division VII of the 1969 edition of the standards.

(e) A fuel system installed on or after the effective date of these rules and providing fuel for the operation of auxiliary equipment shall conform to the 1974 edition of the standards.

(2) When the provisions in this rule require a fuel system to conform to a specific edition of the standards, the fuel system may conform to the applicable provisions in a later edition of the standards specified in this rule.

(3) The tank of a fuel system shall be marked to indicate that the system conforms to the standards.

History: 1954 ACS 94, p. 158, Eff. Jan. 5, 1978.

COUPLING DEVICES AND TOWING METHODS

R 460.16442 Coupling devices and towing methods; driveaway-towaway operations excepted.

Rule 442. (1) When 2 or more vehicles are operated in combination, the coupling devices connecting the vehicles shall be designed, constructed, and installed, and the vehicles shall be designed and constructed, so that, when the combination is operated in a straight line on a level, smooth, paved surface, the path of the towed vehicle does not deviate more than 3 inches to either side of the path of the vehicle that tows it.

(2) Relative to fifth wheel assemblies:

(a) The lower half of a fifth wheel mounted on a truck tractor or converter dolly shall be secured to the frame of that vehicle with properly designed brackets, mounting plates or angles, and properly tightened bolts of adequate size and grade, or devices that provide equivalent security. The installation shall not cause cracking, warping, or deformation of the frame. The installation shall include a device for positively preventing the lower half of the fifth wheel from shifting on the frame to which it is attached. The upper half of a fifth wheel shall be fastened to the motor vehicle with at least the same security required for the installation of the lower half on a truck tractor or converted dolly.

(b) A fifth wheel assembly shall have a locking mechanism. The locking mechanism, and any adapter used in conjunction with it, shall prevent separation of the upper and lower halves of the fifth wheel assembly unless a positive manual release is activated. The release may be located so that the driver can operate it from the cab. If a motor vehicle has a fifth wheel designed and constructed to be readily separable, the fifth wheel locking devices shall apply automatically on coupling.

(c) The lower half of a fifth wheel shall be located so that, regardless of the condition of loading, the relationship between the kingpin and the rear axle or axles of the towing motor vehicle properly distributes the gross weight of both the towed and towing vehicles on the axles of those vehicles, does not unduly interfere with the steering, braking, and other maneuvering of the towing vehicle, and does not otherwise contribute to unsafe operation of the vehicles comprising

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the combination. The upper half of a fifth wheel shall be located so that the weight of the vehicles is properly distributed on their axles and the combination of vehicles operates safely during normal operation.

(3) A full trailer shall be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it shall:

(a) Be structurally adequate for the weight being drawn.

(b) Be properly and securely mounted.

(c) Provide for adequate articulation at the connection without excessive slack at that location.

(d) Be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch, pintle hook, or equivalent mechanism on the towing vehicle shall include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.

(4) A full trailer and a converter dolly used to convert a semitrailer to a full trailer shall be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with 1 or more safety devices to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. The safety device shall meet the following requirements:

(a) The safety device shall not be attached to the pintle hook or any other device on the towing vehicle to which the tow-bar is attached. However, if the pintle hook or other device was manufactured prior to July 1, 1973, the safety device may be attached to the towing vehicle at a place on a pintle hook forging or casting if that place is independent of the pintle hook.

(b) The safety device shall have no more slack than is necessary to permit the vehicles to be turned properly.

(c) The safety device, and the means of attaching it to the vehicles, shall have an ultimate strength of not less than the gross weight of the vehicle or vehicles being towed.

(d) The safety device shall be connected to the towed and towing vehicles and to the tow-bar so as to prevent the tow-bar from dropping to the ground in the event it fails or becomes disconnected.

(e) Except as provided in subdivision (f), if the safety device consists of safety chains or cables, the towed vehicle shall be equipped with either 2 safety chains or cables or with a bridle arrangement of single chain or cable attached to its frame or axle at 2 points as far apart as the configuration of the frame or axle permits. The safety chains or cables shall be either 2 separate pieces, each equipped with a hook or other means for attachment to the towing vehicle, or a single piece leading along each side of the tow-bar from the 2 points of attachment on the towed vehicle and arranged into a bridle with a single means of attachment to be connected to the towing vehicle. When a single length of cable is used, a thimble and twin-base cable clamps shall be used to form the forward bridle eye. The hook or other means of attachment to the towing vehicle shall be secured to the chains or cables in a fixed position.

(f) If the towed vehicle is a converter dolly with a solid tongue and without a hinged tow-bar or other swivel between the fifth wheel mounting and the attachment point of the tongue eye or other hitch device, then:

(i) Safety chains or cables, when used as the safety device for that vehicle, may consist of either 2 chains or cables or a single chain or cable used alone.

(ii) A single safety device, including a single chain or cable used alone as the safety device, shall be in line with the centerline of the trailer tongue.

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(iii) The device may be attached to the converter dolly at any point to the rear of the attachment point of the tongue eye or other hitch device.

(g) Safety devices, other than safety chains or cables, shall provide strength, security of attachment, and directional stability equal to, or greater than, safety chains or cables installed pursuant to subdivisions (e) and (f).

(h) When 2 safety devices, including 2 safety chains or cables, are used and are attached to the towing vehicle at separate points, the points of attachment on the towing vehicle shall be located equally distant from, and on opposite sides of, the centerline of the towing vehicle. Where 2 chains or cables are attached to the same point on the towing vehicle, and where a bridle or a single chain or cable is used, the point of attachment shall be on the longitudinal centerline of the towing vehicle. A single safety device, other than a chain or cable, shall also be attached to the towing vehicle at a point on its longitudinal centerline.

History: 1954 ACS 94, p. 158, Eff. Jan. 5, 1978.

R 460.16443 Coupling devices and towing methods; driveaway-towaway operations.

Rule 443. (1) Not more than 3 saddle-mounts may be used in any combination and not more than 1 tow-bar may be used in any combination. When motor vehicles are towed by means of triple saddle-mounts, the towed vehicles shall have brakes acting on all wheels which are in contact with the roadway.

(2) Carrying vehicles on the towing vehicle shall be regulated as follows:

(a) When adequately and securely attached by means equivalent in security to that provided in subrule (10)(b), a motor vehicle or motor vehicles may be full-mounted on the structure of a towing vehicle engaged in a driveaway-towaway operation.

(b) A motor vehicle or motor vehicles may not be full-mounted on a towing vehicle unless the relationship of such full-mounted vehicles to the rear axle or axles results in proper distribution of the total gross weight of the vehicles and does not unduly interfere with the steering, braking, or maneuvering of the towing vehicle, or otherwise contribute to the unsafe operation of the vehicles comprising the combination.

(3) Carrying vehicles on towed vehicles shall be regulated as follows:

(a) When adequately and securely attached by means equivalent in security to that provided in subrule (10)(b), a motor vehicle or motor vehicles may be full-mounted on the structure of towed vehicles engaged in a driveaway-towaway operation.

(b) A motor vehicle shall not be full-mounted on a motor vehicle towed by means of a tow-bar unless the towed vehicle is equipped with brakes and is provided with means for effective application of brakes acting on all wheels and is towed on its own wheels.

(c) A motor vehicle or motor vehicles shall not be full-mounted on a motor vehicle towed by means of a saddle-mount unless the centerline of the kingpin, or equivalent means of attachment of such towed vehicle, shall be so located on the towing vehicle that the relationship to the rear axle or axles results in proper distribution of the total gross weight of the vehicle and does not unduly interfere with the steering, braking, or maneuvering of the towing vehicle or otherwise contribute to the unsafe operation of vehicles comprising the combination, and unless a perpendicular to the ground from the center of gravity of the full-mounted vehicles lies forward of the centerline of the rear axle of the saddle-mounted vehicle.

(d) If a motor vehicle towed by means of a double saddle-mount has any vehicle full-mounted on it, the saddle-mounted vehicle shall at all times, while so

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loaded, have effective brakes acting on those wheels which are in contact with the roadway.

(4) Tow-bars of the type which depend upon the bumpers as a means of transmitting forces between the vehicles shall not be used to tow a motor vehicle weighing more than 5,000 pounds.

(5) A motor vehicle towed by means of a saddle-mount shall have the motion of the front wheels restrained if, under any condition of turning such wheels, they will project beyond the widest part of either the towed or towing vehicle.

(6) Unless the steering mechanism is adequately locked in a straight-forward position, all motor vehicles towed by means of a saddle-mount shall be towed with the front end mounted on the towing vehicle.

(7) A motor vehicle or motor vehicles shall not be towed in driveaway-towaway operations by means other than tow-bar or saddle-mount connections which shall meet the requirements of this rule. For the purposes of this part, coupling devices, such as those used for towing house trailers and employing ball and socket connections, shall be considered as tow-bars. Also, motor vehicles or parts of motor vehicles adequately, securely, and rigidly attached by devices meeting the requirements of subrule (14) shall be considered as 1 vehicle in any position in any combination.

(8) Tow-bars shall comply with the following requirements:

(a) A tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate, it shall at least meet the requirements of the following table:

Gross weight of towed vehicle (pounds)[1]	Longitudinal strength in tension and compression[2]		Strength as a beam (in any direction concentrated load at center)[3]
	All tow-bars	New tow-bars acquired and used by carrier after Sept. 30, 1948	
	Pounds	Pounds	Pounds
Less than 5,000	3,000	6,500	3,000
5,000 and over but less than 10,000	6,000	(1)	(1)
10,000 and over but less than 15,000	9,000	(1)	(1)

Note:

[1]The required strength of tow-bars for towed vehicles of 15,000 pounds and over gross weight, and of new tow-bars acquired and used after September 30, 1948, for towed vehicles of 5,000 pounds and over gross weight, shall be computed by means of the following formula: Longitudinal strength = gross weight of towed vehicle x 1.3 strength as a beam-gross weight of towed vehicle x 0.6.

[2]In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

[3]This test shall be applicable only to tow-bars which are, in normal operation, subjected to a bending movement, such as tow-bars for house trailers.

(b) The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axis of the tongue or tongues.

(c) The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or

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other integral parts of the vehicles. However, the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest new tow-bar which is permissible under subrule (8)(a) is subjected to the tests given therein.

(d) On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction shall not exceed 0.25 inch under any condition of adjustment as to length.

(e) Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

(f) The tow-bar shall be provided with suitable means of attachment to, and actuation of, the steering mechanism, if any, of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

(g) The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than 3 inches to either side of the path of a towing vehicle moving in a straight line are prohibited.

(h) Trailer couplings used for driveaway-towaway operations of passenger car trailers shall conform to society of automotive engineers standard no. J684c, trailer couplings and hitches—automotive type, July, 1970.

(i) Every tow-bar acquired and used in driveaway-towaway operations by a motor carrier shall be plainly marked with the following certification of the manufacturer thereof, or words of equivalent meaning:

> This tow-bar complies with the requirements of the Federal Highway Administration for (maximum gross weight for which tow-bar is manufactured) vehicles.
> Manufactured _____
> (Month and year)
> By _____
> (Name of manufacturer)

(j) Safety devices, in case of tow-bar failure or disconnection shall be provided as follows:

(i) The towed vehicle shall be connected to the towing vehicle by a safety device to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. When safety chains or cables are used as the safety device for that vehicle, not less than 2 safety chains or cables meeting the requirements of subdivision (ii) of this subdivision shall be used. The tensile strength of the safety device and the means of attachment to the vehicles shall be at least equivalent to the corresponding longitudinal strength for tow-bars required in the table set forth in subdivision (a). If safety chains or cables are used as the safety device, the required strength shall be the combined strength of the combination of chains and cables.

(ii) If chains or cables are used as the safety device, they shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of the vehicles. The length of chain used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close to that point as is practicable.

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(iii) A safety device, other than safety chains or cables, shall provide strength, security of attachment, and directional stability equal to, or greater than, that provided by safety chains or cables installed in accordance with paragraph (ii) of this subdivision. A safety device, other than safety chains or cables, shall be designed, constructed, and installed so that, if the tow-bar fails or becomes disconnected, it does not drop to the ground.

(9) As used in this part:

(a) "Kingpin" means that device which is used to connect the upper half to the lower half in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

(b) "Lower half" of a saddle-mount means that part of the device which is securely attached to the towing vehicle and which maintains a fixed position relative thereto, but does not include the kingpin.

(c) "Saddle-mount" means a device, designed and constructed as to be readily demountable, used in driveaway-towaway operations to perform the functions of a conventional fifth wheel.

(d) "Upper half" of a saddle-mount means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto, but does not include the kingpin.

(10) The upper half of a saddle-mount shall comply with all of the following requirements:

(a) The upper half shall be securely attached to the frame or axle of the towed vehicle by means of U-bolts or other means providing at least equivalent security.

(b) U-bolts used to attach the upper half to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than 1 inch. However, a lesser radius may be utilized if the U-bolt is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be $\frac{1}{16}$ inch. U-bolts shall have a diameter not less than required by the following table:

Diameter of U-Bolts in Inches

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount			
	Front mount	Middle or front mount	Rear mount	Single saddle-mount[1]
Up to 5,000	0.625	0.5625	0.500	0.500
5,000 and over	0.6875	0.625	0.5625	0.5625

Note:

[1] The total weight of all the vehicles being towed shall govern. If other devices are used to accomplish the same purposes as U-bolts, they shall have at least equivalent strength of U-bolts made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

(c) The distance between the most widely separated U-bolts shall not be less than 9 inches. The distance between the most widely separated points where the upper half supports the towed vehicle shall not be less than 9 inches, except that saddle-mounts employing ball and socket joints shall employ a device which clamps the axle of the towed vehicle throughout a length of not less than 5 inches.

(d) Upper halves of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least 1 bolt or equivalent means to provide against relative vertical movement between the upper half and the towed vehicle. Bolts, if used, shall be at least ½ inch in diameter. Devices using equivalent means

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shall have at least equivalent strength. The means used to provide against relative vertical motion between the upper half and the towed vehicle shall be such as not to permit a relative motion of over ¼ inch. The distance between the most widely separated points of support between the upper half and the towed vehicle shall be not less than 9 inches.

(e) Lateral movement of the towed vehicle shall be controlled as follows:

(i) Towed vehicles having a straight axle or an axle having a drop of less than 3 inches, unless the saddle-mount is constructed pursuant to subrule (13)(b), shall be securely fastened by means of chains or cables to the upper half. The chains or cables shall be at least 3/16-inch diameter and shall be secured by bolts of at least equal diameter.

(ii) Towed vehicles with an axle with a drop of 3 inches or more, or connected by a saddle-mount constructed pursuant to subrule (13)(b), need not be restrained by chains or cables if the upper half is so designed as to insure against such relative motion.

(iii) Chains or cables shall not be required if the upper half is so designed as positively to provide against lateral movement of the axle.

(11) The lower half of any saddle-mount shall comply with the following requirements:

(a) U-bolts used to attach the lower half to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than 1 inch. However, a lesser radius may be utilized if the U-bolt is so fabricated as not to cause more than 5% reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be 1/16 inch. U-bolts shall have a total cross-sectional area not less than as required by the following table:

Total Cross-Sectional Area of U-Bolts in Square Inches

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount			Single saddle-mount[1]
	Front mount	Middle or front mount	Rear mount	
Up to 5,000	1.2	1.0	0.8	0.8
5,000 and over	1.4	1.2	1.0	1.0

Note:

[1]The total weight of all the vehicles being towed shall govern. If other devices are used to accomplish the same purpose as U-bolts, they shall have at least equivalent strength of U-bolts made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

(b) Adequate provision shall be made by design and installation to provide against relative movement between the lower half and the towing vehicle, especially during periods of rapid acceleration and deceleration. To insure against shifting, designs of the tripod-type shall be equipped with adequate and securely fastened hold-back chains or similar devices.

(c) Swaying shall be controlled as follows:

(i) Adequate provision shall be made, by design and installation, to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, lower halves designed with cross-members shall have such cross-members fastened to the vertical members by not less than 2 bolts on each side. Such bolts shall be of at least equivalent cross-sectional area as those required for U-bolts for the corresponding saddle-mount as given in the table in subdivision (a). The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be

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3 inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

(ii) The lower half shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the lower half upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum, or brake lining, if used between the lower half and the frame of the towing vehicle, shall be not less than ¼-inch thick, 3 inches wide, and a combined length of 6 inches.

(iii) Under no conditions shall the highest point of support of the towed vehicle by the upper half be more than 24 inches, measured vertically, above the top of the frame of the towing vehicle, measured at the point where the lower half rests on the towing vehicle.

(d) Hardwood blocks of good quality may be used to build up the height of the front end of the towed vehicle if the total height of such wood blocks shall not exceed 8 inches and if not more than 2 separate pieces are placed upon each other to obtain such height. However, hardwood blocks, not more than 4 in number, of a total height not to exceed 14 inches, may be used if the total cross-sectional area of the U-bolts used to attach the lower half of the towing vehicle is at least 50% greater than that required by the table contained in subdivision (a), or, if other devices are used in lieu of U-bolts, they shall provide for as great a resistance to bending as is provided by the larger U-bolts above prescribed. Hardwood blocks shall be not less than 4 inches in width, and the surfaces between blocks or block and lower half of block and upper half shall be planed and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

(e) The cross-member, which is that part of the lower half used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

(f) Materials, other than suitable metals, shall not be used as the cross-member, and wood may not be used structurally in any manner that results in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

(g) The lower half shall be capable of supporting the loads given in the following table. For the purpose of a test, the saddle-mount shall be mounted as normally operated and the load applied through the upper half:

Minimum Test Load in Pounds

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount			Single saddle-mount[1]
	Front mount	Middle or front mount	Rear mount	
Up to 5,000	15,000	10,000	5,000	5,000
5,000 and over	30,000	20,000	10,000	10,000

Note:
[1]The total weight of all the vehicles being towed shall govern.

(12) The kingpin of a saddle-mount shall comply with the following requirements:

(a) Kingpins shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the table which follows.

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If a ball and socket joint is used in place of a kingpin, the diameter of the neck of the ball shall be at least equal to the diameter of the corresponding solid kingpin given in the table which follows. If hollow kingpins are used, the metallic cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid kingpin. The diameter of the solid kingpin shall be in accordance with the following table:

Diameter of Solid Kingpin in Inches

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount							
	Front mount		Middle or front mount		Rear mount		Single saddle-mount[1]	
	Mild Steel	H.T.S.[2]	Mild Steel	H.T.S.[2]	Mild Steel	H.T.S.[2]	Mild Steel	H.T.S.[2]
Up to 5,000.....	1.125	1.000	1.000	0.750	0.875	0.750	0.875	0.750
5,000 and over	1.500	1.125	1.250	1.000	1.000	0.875	1.000	0.875

Note:
[1]The total weight of all the vehicles being towed shall govern.
[2]High-tensile steel is steel having a minimum ultimate strength of 65,000 pounds per square inch.

(b) If a kingpin bushing is not used, the kingpin shall fit snugly into the upper and lower halves, but shall not bind. Those portions of the upper or lower halves in moving contact with the kingpin shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less than the radius of the kingpin.

(c) The kingpin of all new saddle-mounts acquired and used shall be snugly enclosed in a bushing at least along such length of the kingpin as may be in moving contact with either the upper or lower halves. The bearing surface thus provided shall not be less in depth than the radius of the kingpin.

(d) The kingpin shall be so designed and installed as to restrain the upper half from moving in a vertical direction relative to the lower half.

(13) Saddle-mounts shall comply with all of the following requirements:

(a) The upper and lower halves shall be so constructed and connected that the bearing surface between the 2 halves shall not be less than 16 square inches under any conditions of angularity between the towing and towed vehicles. However, saddle-mounts using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch, based on the projected cross-sectional area of the ball. In addition, saddle-mounts having the upper half supported by ball, taper, or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer thereof. The upper half shall rest evenly and smoothly upon the lower half, and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

(b) All saddle-mounts acquired and used shall provide for angularity between the towing and towed vehicles due to vertical curvatures of the highways. Such means shall not depend upon either the looseness or deformation of the parts of either the saddle-mount or the vehicles to provide for such angularity.

(c) The saddle-mount shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than 3 inches to either side of the path of the towing vehicle when moving in a straight line.

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(d) Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking. The saddle-mount shall not be so located as to cause deformation of the frame by reason of cantilever action.

(e) A saddle-mount shall not be located at a point to the rear of the frame of a towing vehicle.

(f) All nuts used on bolts, U-bolts, kingpins, or in any other part of the saddle-mount shall be secured against accidental disconnection by means of cotter-keys, lock-washers, double nuts, safety nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

(g) The saddle-mount shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

(h) Every new saddle-mount acquired and used in driveway-towaway operations by a motor carrier shall have the upper half and the lower half separately marked with the following certification of the manufacturer thereof, or words of equivalent meaning:

This saddle-mount complies with the requirements of the Federal Highway Administration for vehicles up to 5,000 pounds (or over 5,000 pounds):
Manufactured _____
(Month and year)
By _____
(Name of manufacturer)

(14) Requirements for devices used to connect motor vehicles or parts of motor vehicles together to form 1 vehicle are as follows:

(a) The front axle of 1 motor vehicle intended to be coupled with another vehicle as described in subrule (7) shall be attached with U-bolts meeting the requirements of subrule (10)(b).

(b) The rear axle of 1 vehicle shall be coupled to the frame of the other vehicle by means of a connecting device which, when in place, forms a rectangle. The device shall be composed of 2 pieces, top and bottom. The devices shall be made of 4-inch by ½-inch steel bar, bent to shape, and shall have the corners reinforced with a plate not less than 3 inches by ½ inch by 8 inches long. The device shall be bolted together with ¾-inch bolts and not less than 3 shall be used on each side. Wood may be used as spacers to keep the frames apart, and such wood shall be not less than 4 inches square.

History: 1954 ACS 94, p. 159, Eff. Jan. 5, 1978.

MISCELLANEOUS PARTS AND ACCESSORIES

R 460.16444 Tires.

Rule 444. (1) A motor vehicle shall not be operated on a tire that has fabric exposed through the tread or sidewall.

(2) A tire on the front wheels of a truck or truck tractor shall have a tread groove pattern depth of not less than 4/32 of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.

(3) Except as provided in subrule (2), tires shall have a tread groove pattern depth of not less than 2/32 of an inch when measured in a major tread groove. The measurement shall not be made where tie bars, humps, or fillets are located.

(4) A truck or truck tractor shall not be operated with regrooved tires on the front wheels which have a load carrying capacity equal to, or greater than, that of 8.25-20 8 ply-rating tires.

History: 1954 ACS 94, p. 167, Eff. Jan. 5, 1978.

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R 460.16445 Sleeper berths.

Rule 445. (1) The size of a sleeper berth shall be not less than that prescribed by the following table:

Date of installation on motor vehicle	Length measured on centerline of longitudinal axis (inches)	Width measured on centerline of transverse axis (inches)	Height measured from highest point of top of mattress (inches)[1]
Before January 1, 1953	72	18	18
After December 31, 1952 and before October 1, 1975	75	21	21
After September 30, 1975	75	24	24

Note:

[1]In the case of a sleeper berth which utilizes an adjustable mechanical suspension system, the required clearance can be measured when the suspension system is adjusted to the height to which it would settle when occupied by a driver.

(2) A sleeper berth installed on a motor vehicle on or after January 1, 1953, shall be generally rectangular in shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10¼ inches.

(3) A sleeper berth shall be constructed so that an occupant's ready entrance to, and exit from, the sleeper berth is not unduly hindered.

(4) A sleeper berth shall not be installed in, or on, a semitrailer or a full trailer, other than a house trailer. A sleeper berth located within the cargo space of a motor vehicle shall be securely compartmentalized from the remainder of the cargo space. A sleeper berth installed on or after January 1, 1953, shall be located in the cab or immediately adjacent to the cab, and shall be securely fixed with relation to the cab.

(5) Except as provided in subrule (6), there shall be a direct and ready means of exit from a sleeper berth into the driver's seat or compartment. If the sleeper berth was installed on or after January 1, 1963, the exit shall be a doorway or opening not less than 18 inches high and 36 inches wide. If the sleeper berth was installed before January 1, 1963, the exit shall have sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches.

(6) A sleeper berth installed before January 1, 1953, shall either conform to the requirements of subrule (5) or have not less than 2 exits, each of which is not less than 18 inches high and 21 inches wide, located at opposite ends of the vehicle and usable by the occupant without the assistance of any other person.

(7) A sleeper berth which is not located within the driver's compartment and has no direct entrance into the driver's compartment shall be equipped with a means of communication between the occupant and the driver. The means of communication may consist of a telephone, speaker tube, buzzer, pull cord, or other mechanical or electrical device.

(8) A sleeper berth shall be properly equipped for sleeping. Its equipment shall include:

(a) Adequate bedclothing and blankets.

(b) One of the following:

(i) Springs and a mattress.

(ii) An innerspring mattress.

(iii) A cellular rubber or flexible foam mattress not less than 4 inches thick.

(iv) An air mattress of sufficient thickness when inflated to prevent "bottoming-out" by a driver when he is lying on the air mattress while the vehicle is in motion.

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(c) A design and construction which will permit the mattress and bedclothing to be readily removed for cleaning.

(9) A sleeper berth shall have louvers or other means of providing adequate ventilation. A sleeper berth shall be reasonably tight against dust and rain.

(10) A sleeper berth shall be located so that leaks in the vehicle's exhaust system or fuel system do not permit fuel, fuel system gases, or exhaust gases to enter the sleeper berth. A sleeper berth shall be located so that it is not overheated or damaged by reason of its proximity to the vehicle's exhaust system.

(11) A motor vehicle manufactured on or after July 1, 1971, and equipped with a sleeper berth shall be equipped with a means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The restraint system shall be designed, installed, and maintained to withstand a minimum total force of 6,000 pounds applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

History: 1954 ACS 94, p. 167, Eff. Jan. 5, 1978.

R 460.16446 Heaters.

Rule 446. (1) As used in this rule, "heater" means a device, or assembly of devices or appliances, used to heat the interior of a motor vehicle.

(2) The installation or use of the following types of heaters is prohibited:

(a) Any type of exhaust heater in which the engine exhaust gases are conducted into or through a space occupied by persons, or a heater which conducts engine compartment air into any such space.

(b) Any type of heater employing a flame which is not fully enclosed. However, such heaters are not prohibited when used for heating the cargo of tank motor vehicles.

(c) Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(d) A heater which takes air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system, as well as a heater which takes air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless the ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(e) A stove or other heater employing solid fuel, other than wood charcoal.

(f) Portable heaters used in a space occupied by persons, except the cargo space of a motor vehicle which is being loaded or unloaded.

(3) Heaters shall comply with the following specifications:

(a) A heater shall be so located or protected as to prevent contact therewith by occupants, unless the surface temperature of the protecting grilles or of any exposed portions of the heaters, inclusive of exhaust stacks, pipes, or conduits, shall be lower than would cause contact burns. Adequate protection shall be afforded against igniting parts of the vehicle or burning occupants by direct radiation. Wood charcoal heaters shall be enclosed within a metal barrel, drum, or similar protective enclosure, which enclosure shall be provided with a securely fastened cover.

(b) Effective guards shall be provided for the protection of passengers or occupants against injury by fans, belts, or other moving parts.

(c) A heater and heater enclosure shall be securely fastened to the vehicle in a substantial manner so as to provide against relative motion within the vehicle during normal usage or in the event the vehicle overturns. A heater shall be so

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designed, constructed, and mounted as to minimize the likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in or on which it is mounted. Wood charcoal heaters shall be secured against relative motion within the enclosure required by subdivision (a), and the enclosure shall be securely fastened to the motor vehicle.

(d) When either in normal operation or in the event of overturn, there is or is likely to be relative motion between the fuel tank for a heater and the heater, or between either of such units and the fuel lines between them, a suitable means shall be provided at the point of greatest relative motion so as to allow this motion without causing failure of the fuel lines.

(e) Hoses for all hot water and steam heater systems shall be specifically designed and constructed for that purpose.

(f) A heater employing an electrical apparatus shall be equipped with electrical conductors, switches, connectors, and other electrical parts of ample current-carrying capacity to provide against overheating. An electric motor employed in a heater shall be of adequate size and so located that it cannot be overheated. Electrical circuits shall be provided with fuses or circuit breakers, or both, to provide against electrical overloading. All electrical conductors employed in, or leading to, a heater shall be secured against dangling, chafing, and rubbing, and shall have suitable protection against any other conditions likely to produce short or open circuits. Electrical parts certified as proper for use by underwriter's laboratories, inc., shall be deemed to comply with the foregoing requirements.

(g) If a separate storage battery is located within the personnel or cargo space, such battery shall be securely mounted and equipped with nonspill filler caps.

(h) A heater employing the combustion of oil, gas, liquefied petroleum gas, or any other combustible material shall be provided with substantial means of conducting the products of combustion to the outside of the vehicle. This requirement shall not apply to heaters used solely to heat the cargo space of motor vehicles where such motor vehicles or heaters are equipped with means specifically designed and maintained so that the carbon monoxide concentration never exceeds 0.2% in the cargo space. The exhaust pipe, stack, or conduit, if required, shall be sufficiently substantial and so secured as to provide reasonable assurance against leakage or discharge of products of combustion within the vehicle and, if necessary, shall be so insulated as to make unlikely the burning or charring of parts of the vehicle by radiation or by direct contact. The place of discharge of the products of combustion to the atmosphere, and the means of discharge of such products, shall be such as to minimize the likelihood of their reentry into the vehicle under all operating conditions.

(i) The design and construction of a combustion-type heater, except cargo space heaters permitted by the exception to subdivision (h) and unenclosed flame heaters used for heating cargo of tank motor vehicles, shall be such as to provide against the leakage of products of combustion into air to be heated and circulated. The material employed in combustion chambers shall be such as to provide against leakage because of corrosion, oxidation, or other deterioration. Joints between combustion chambers and the air chambers with which they are in thermal and mechanical contact shall be so designed and constructed as to prevent leakage between the chambers, and the materials employed in such joints shall have melting points substantially higher than the maximum temperatures likely to be attained at the point of jointure.

(j) Gravity or siphon feed shall not be permitted for heaters using liquid fuels. Heaters using liquid fuels shall be equipped with automatic means for shutting off the fuel or for reducing such flow of fuel to the smallest practicable magnitude in

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the event of overturn of the vehicle. Heaters using liquefied petroleum gas or fuel shall have the fuel line equipped with automatic means at the source of supply for shutting off the fuel in the event of separation, breakage, or disconnection of any of the fuel lines between the supply source and the heater.

(k) Heaters subject to subrule (1) and not provided with automatic controls shall be provided with telltale means to indicate to the driver that the heater is properly functioning. This requirement shall not apply to heaters used solely for the cargo space in semitrailers or full trailers.

(l) Automatic means, or manual means if the control is readily accessible to the driver without moving from the driver's seat, shall be provided to shut off the fuel and electrical supply in case of failure of the heater to function for any reason, or in case the heater should function improperly or overheat. This requirement shall not apply to wood charcoal heaters or to heaters used solely to heat the contents of cargo tank motor vehicles, but wood charcoal heaters shall be provided with a controlled method of regulating the flow of combustion air.

(m) A combustion-type heater, except wood charcoal heaters, the date of manufacture of which is subsequent to December 31, 1962, and every wood charcoal heater, the date of manufacture of which is subsequent to September 1, 1953, shall be marked plainly to indicate the type of service for which such heater is designed and with a certification by the manufacturer that the heater meets the applicable requirements for such use; for example, "Meets I.C.C. Bus Heater Requirements" or "Meets I.C.C. Flue-Vented Cargo Space Heater Requirements." After December 31, 1967, such certification shall read "Meets FHWA Bus Heater Requirements" or "Meets FHWA Flue-Vented Cargo Space Heater Requirements."

History: 1954 ACS 94, p. 168, Eff. Jan. 5, 1978.

R 460.16447 Windshield wipers.

Rule 447. (1) Every truck and truck tractor having a windshield shall be equipped with not less than 2 automatically operating windshield wiper blades, 1 on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless 1 such blade is so arranged as to clean an area of windshield extending to within 1 inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this rule shall apply only to the driven vehicle. In addition, 1 windshield wiper blade suffices under this rule when such driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for 2 such blades.

(2) Every truck and truck tractor, the date of manufacture of which is subsequent to June 30, 1953, which depend upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16448 Defrosting device.

Rule 448. A truck and truck tractor having a windshield, when operating under conditions such that ice, snow, or frost is likely to collect on the outside of the windshield, or condensation on the inside of the windshield, shall be equipped with a device or other means, not manually operated, for preventing or removing such obstructions to the driver's view. This rule shall not apply in driveaway-

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towaway operations when the driven vehicle is a part of the shipment being delivered.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16449 Rear-vision mirrors.

Rule 449. Every truck and truck tractor shall be equipped with 2 rear-vision mirrors, 1 at each side, firmly attached to the outside of the motor vehicle and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. In driveaway-towaway operations, the driven vehicle shall comply with the provision of this rule.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16450 Horn.

Rule 450. A truck, truck tractor, and driven motor vehicle in a driveaway-towaway operation shall be equipped with a horn and actuating elements which shall be in such condition as to be capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16451 Speedometer.

Rule 451. Every truck and truck tractor shall be equipped with a speedometer indicating vehicle speed in miles per hour, which shall be operative with reasonable accuracy. However, this requirement shall not apply to a driven vehicle which is part of a shipment being delivered in a driveaway-towaway operation if such driven vehicle is equipped with an effective means of limiting its maximum speed to 45 miles per hour. Also, the requirement shall not apply to a towed vehicle.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16452 Exhaust system location.

Rule 452. (1) No part of the exhaust system of a motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

(2) The exhaust system of a truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16453 Floors.

Rule 453. The flooring in all motor vehicles shall be substantially constructed, free of unnecessary holes and openings, and shall be maintained so as to minimize the entrance of fumes, exhaust gases, or fire. Floors shall not be permeated with oil or gasoline, and shall have the interior surface in good condition.

History: 1954 ACS 94, p. 170, Eff. Jan. 5, 1978.

R 460.16454 Rear end protection.

Rule 454. A motor vehicle, except truck tractors, pole trailers, and vehicles engaged in driveaway-towaway operations, the date of manufacture of which is subsequent to December 31, 1952, which is so constructed that the body, or the chassis assembly if without a body, has a clearance at the rear end of more than 30 inches from the ground when empty, shall be provided with bumpers or devices serving similar purposes which shall be so constructed and located that:

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(a) The clearance between the effective bottom of the bumpers or devices and the ground shall not exceed 30 inches with the vehicle empty;

(b) The maximum distance between the closest points between bumpers or devices, if more than 1 is used, shall not exceed 24 inches;

(c) The maximum transverse distance from the widest part of the motor vehicle at the rear to the bumper or device shall not exceed 18 inches;

(d) The bumpers or devices shall be located not more than 24 inches forward of the extreme rear of the vehicle; and

(e) The bumpers or devices shall be substantially constructed and maintained so that the body, chassis, or other parts of the vehicle afford the rear end protection contemplated shall be deemed to be in compliance with this rule.

History: 1954 ACS 94, p. 171, Eff. Jan. 5, 1978.

R 460.16455 Flags on projecting loads.

Rule 455. A motor vehicle having a load which extends beyond the sides or more than 4 feet beyond the rear shall have the extremities of the load marked with a red flag, not less than 12 inches square, at each point where a lamp is required by R 460.16410.

History: 1954 ACS 94, p. 171, Eff. Jan. 5, 1978.

R 460.16456 Television receivers.

Rule 456. A motor vehicle equipped with a television viewer, screen, or other means of visually receiving a television broadcast shall have the viewer or screen located in the motor vehicle at a point to the rear of the back of the driver's seat if such viewer or screen is in the same compartment as the driver, and the viewer or screen shall be so located as not to be visible to the driver while he is driving the motor vehicle. The operating controls for the television receiver shall be so located that the driver cannot operate them without leaving the driver's seat.

History: 1954 ACS 94, p. 171, Eff. Jan. 5, 1978.

R 460.16457 Seats, seat belt assemblies, and seat belt assembly anchorages.

Rule 457. (1) A truck and truck tractor manufactured on or after January 1, 1965, and before July 1, 1971, shall be equipped with a type 1 or type 2 seat belt assembly which conforms to federal motor vehicle safety standard no. 209, being 49 C.F.R. 571.209, installed at the driver's seat and at the right front outboard seat, if the vehicle has one. The vehicle shall also have seat belt assembly anchorages which conform to the location and geometric requirements of federal motor vehicle safety standard no. 210, being 49 C.F.R. 571.210, for each seat belt assembly that is required by this subrule.

(2) A truck and truck tractor manufactured on or after July 1, 1971, except a truck or truck tractor being transported in driveaway-towaway operation and having an incomplete vehicle seating the cab configuration, shall conform to the requirements of federal motor vehicle safety standard no. 208, being 49 C.F.R. 571.208, relating to installation of seat belt assemblies, and federal motor vehicle safety standard no. 201, being 49 C.F.R. 571.201, relating to installation of seat belt assembly anchorages.

(3) A truck and truck tractor manufactured on or after January 1, 1972, except a truck or truck tractor being transported in driveaway-towaway operation and having an incomplete vehicle seating and cab configuration, shall conform to the requirements of federal motor vehicle safety standard no. 207, being 49 C.F.R. 571.207, relating to seating systems.

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(4) Whenever this rule requires conformity to a federal motor vehicle safety standard, the vehicle or equipment shall conform to the version of the standard that is in effect on the date the vehicle is manufactured, or on the date the vehicle is modified to conform to the requirements of this rule, whichever is later.

History: 1954 ACS 94, p. 171, Eff. Jan. 5, 1978.

R 460.16458 Vehicle interior noise levels.

Rule 458. (1) The interior sound level at the driver's seating position of a motor vehicle shall not exceed 90 db(A) when measured pursuant to subrule (2).

(2) The test procedures for measuring noise levels shall be as follows:

(a) Park the vehicle at a location so that no large reflecting surfaces, such as other vehicles, signboards, buildings, or hills, are within 50 feet of the driver's seating position.

(b) Close all vehicle doors, windows, and vents. Turn off all power-operated accessories.

(c) Place the driver in his normal seated position at the vehicle's controls. Evacuate all occupants except the driver and the person conducting the test.

(d) Use a sound level meter which meets the requirements of the American national standards institute standard ANSI S1.4-1971 specification for sound level meters, for type 2 meters. Set the meter to the A-weighting network, "fast" meter response.

(e) Locate the microphone, oriented vertically upward, 6 inches to the right of, in the same plane as, and directly in line with, the driver's right ear.

(f) With the vehicle's transmission in neutral gear, accelerate its engine to either its maximum governed engine speed if it is equipped with an engine governor, or its speed at its maximum rated horsepower if it is not equipped with an engine governor. Stabilize the engine at that speed.

(g) Observe the A-weighted sound level reading on the meter for the stabilized engine speed condition. Record that reading if the reading is not influenced by extraneous noise sources, such as motor vehicles operating on adjacent roadways.

(h) Return the vehicle's engine speed to idle and repeat the procedures specified in subdivisions (f) and (g) until 2 maximum sound levels within 2 db of each other are recorded. Numerically average those 2 maximum sound level readings.

(i) The average obtained pursuant to subdivision (h) is the vehicle's interior sound level at the driver's seating position for the purpose of determining whether the vehicle conforms to the requirement of subrule (1). However, a 2 db tolerance over the sound level limitation specified in that subrule is permitted to allow for variations in test conditions and variations in the capabilities of meters.

History: 1954 ACS 94, p. 172, Eff. Jan. 5, 1978.

EMERGENCY EQUIPMENT

R 460.16459 Emergency equipment generally.

Rule 459. (1) Except for a lightweight vehicle, a truck, truck tractor, and driven vehicle in a driveaway-towaway operation shall be equipped pursuant to this rule.

(2) Except as provided in subrule (6), a power unit shall be equipped with a fire extinguisher that is properly filled and located so that it is readily accessible for use. The fire extinguisher shall be securely mounted on the vehicle. The fire extinguisher shall be designed, constructed, and maintained to permit visual determination of whether it is fully charged and in proper operating condition.

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The fire extinguisher shall have an extinguishing agent that does not need protection from freezing. The fire extinguisher shall not use a vaporizing liquid that gives off vapors more toxic than those produced by the substances shown as having a toxicity rating of 5 or 6 in the underwriters' laboratories classification of comparative life hazard of gases and vapors. Fire extinguishers are to be inspected and maintained in accordance with national fire protection association pamphlet no. 10, 1974 edition.

(3) A power unit that is used to transport hazardous materials shall be equipped with a fire extinguisher having an underwriters' laboratories rating of 10 B:C or more. After the effective date of these rules, replacement fire extinguishers shall have an underwriters' laboratories rating of 2A 20 B:C or more.

(4) A power unit that is not used to transport hazardous materials shall be equipped with either a fire extinguisher having an underwriters' laboratories rating of 5 B:C or more, or 2 fire extinguishers, each of which has an underwriters' laboratories rating of 4 B:C or more. After the effective date of these rules, replacement fire extinguishers shall have an underwriters' laboratories rating of 2A 10 B:C or more.

(5) A fire extinguisher required by subrule (3) or (4) shall be labeled or marked with its underwriters' laboratories rating and shall meet the requirement of subrule (1).

(6) For purposes of subrules (2) to (5), a power unit is used to transport hazardous materials only if the power unit or a motor vehicle towed by the power unit is marked or placarded pursuant to 49 C.F.R. 177.823. Subrules (2) to (5) do not apply to the driven unit in a driveaway-towaway operation.

(7) At least 1 spare fuse or other overload protective device, if the devices used are not of a reset type, shall be provided for each kind and size used. In driveaway-towaway operations, spares located on any 1 of the vehicles are deemed adequate.

(8) One set of tire chains for at least 1 driving wheel on each side shall be provided during the time when likely to encounter conditions requiring them, except that this requirement shall not apply to motor vehicles engaged in driveaway-towaway operations if such motor vehicles are not operated when such conditions exist.

(9) Except as provided in subrule (10), 1 of the following combinations of warning devices shall be provided:

(a) As to vehicles equipped with warning devices before January 1, 1974, 1 of the warning device systems specified below may be used until replacements are necessary:

(i) Three liquid-burning emergency flares which satisfy the requirements of SAE standard J597, liquid burning emergency flares, as well as 3 fusees and 2 red flags.

(ii) Three electric emergency lanterns which satisfy the requirements of SAE standard J596, electric emergency lanterns, and 2 red flags.

(iii) Three red emergency reflectors which satisfy the requirements of subrule (12) and 2 red flags.

(iv) Three red emergency reflective triangles which satisfy the requirements of subrule (11).

(v) Three bidirectional emergency reflective triangles that conform to the requirements of federal motor vehicle safety standard no. 125, being 49 C.F.R. 571.125.

(b) As to vehicles equipped with warning devices on and after January 1, 1974, 3 bidirectional emergency reflective triangles that conform to the requirements

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of federal motor vehicle safety standard no. 125, being 49 C.F.R. 571.125, may be used. Fusees, liquid-burning emergency flares, and red electric lanterns that conform to subdivision (a) may be used to supplement the emergency reflective triangles.

(10) Liquid-burning emergency flares, fusees, oil lanterns, or any signal produced by a flame, shall not be carried on a motor vehicle transporting class A or B explosives, on any cargo tank motor vehicle used for the transportation of flammable liquids or flammable compressed gas, whether loaded or empty; or on a motor vehicle using compressed gas as a motor fuel.

(11) Requirements for emergency reflective triangles manufactured before January 1, 1974, are as follows:

(a) A reflector shall be a collapsible equilateral triangle, with legs not less than 17 inches long and not less than 2 inches wide. The front and back of the exposed leg surfaces shall be covered with red reflective material not less than ¼ inch in width. The reflective surface, front and back, shall be approximately parallel. When placed in position, 1 point of the triangle shall be upward. The area within the sides of the triangle shall be open.

(b) The reflecting material covering the leg of the equilateral triangle shall comply with either of the following:

(i) The requirements for reflex-reflector elements made of red methyl methacrylate plastic material, meeting the color, sealing, minimum candlepower, wind test, vibration test, and corrosion resistance test of sections 3 and 4 of federal specification RR-R-11,85, dated November 17, 1966.

(ii) The requirements for red reflective sheeting of federal specification L-S-300, dated September 7, 1965, except that the aggregate candlepower of the assembled triangle, in 1 direction, shall be not less than 8 when measured at 0.2 divergence angle and -4 degrees incidence angle, and not less than 80% of the candlepower specified for 1 square foot of material at all other angles shown in table II, reflective intensity values, of L-S-300.

(c) A reflective triangle shall be so constructed that when the triangle is properly placed, the reflective surfaces shall be in a plane perpendicular to the plane of the roadway surface with a permissible tolerance of ±10 degrees. Reflective triangles which are collapsible shall be provided with means of holding the reflective surfaces within the required tolerance. Such holding means shall be readily capable of adjustment without the use of tools or special equipment.

(d) A reflective triangle shall be of such weight and dimensions as to remain stationary when subjected to a 40 mile per hour wind when properly placed on any clean, dry, paved road surface. The reflective triangle shall be so constructed as to withstand reasonable shocks without breakage.

(e) A set of reflective triangles shall be adequately protected by enclosure in a box or other adequate container, specially designed and constructed so that the reflectors may be readily extracted for use.

(f) A red emergency reflective triangle designed and constructed to comply with the requirements of this subrule shall be plainly marked with the certification of the manufacturer that it complies with these requirements.

(12) A red emergency reflector shall conform in all respects to the following requirements:

(a) A reflector shall be composed of not less than 2 reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

(b) A reflecting element or surface shall meet the requirement for a red class A reflector contained in the SAE recommended practice, reflex reflectors. The

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aggregate candlepower output of all the reflecting elements or surface in 1 direction shall not be less than 12 when tested in a perpendicular position with observation at ⅓ degree, as specified in the photometric test contained in the above-mentioned recommended practice.

(c) If the reflector or the reflecting elements would be adversely affected by dust, soot, or other foreign matter, or by contacts with other parts of the reflector or its container, then such reflecting sufaces shall be adequately sealed within the body of the reflector.

(d) A reflector shall be so constructed that, when the reflector is properly placed, every reflecting element or surface is in a plane perpendicular to the plane of the roadway surface. Reflectors which are collapsible shall be provided with means for locking the reflector elements or surfaces in the required position. Such locking means shall be readily capable of adjustment without the use of tools or special equipment.

(e) A reflector shall be of such weight and dimensions as to remain stationary when subjected to a 40 mile per hour wind when properly placed on any clean, dry, paved road surface. The reflector shall be so constructed as to withstand reasonable shocks without breakage.

(f) A set of reflectors, and the reflecting elements or surfaces incorporated therein, shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

(g) A red emergency reflector designed and constructed to comply with the requirements of this subrule shall be plainly marked with the certification of the manufacturer that it complies with these requirements.

(13) A fusee shall be adequate, reliable, and capable of burning at least 15 minutes, and shall comply with the specifications of the Bureau of Explosives, 2 Pennsylvania Plaza, New York, N.Y. 10001, dated December 15, 1944, and be so marked.

(14) Red flags shall be not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

History: 1954 ACS 94, p. 172, Eff. Jan. 5, 1978.

PROTECTION AGAINST SHIFTING OR FALLING CARGO

R 460.16460 Protection against shifting or falling cargo generally.

Rule 460. (1) This rule applies to trucks, truck tractors, semitrailers, full trailers, and pole trailers. Each of those motor vehicles shall, when transporting cargo, be loaded and equipped to prevent the shifting or falling of the cargo in the manner prescribed by subrule (2). In addition, each cargo-carrying motor vehicle shall conform to the applicable provisions in R 460.16461, R 460.16462, and R 460.16463.

(2) A cargo-carrying motor vehicle shall be equipped with devices which provide protection against shifting or falling cargo and which meet the requirements of 1 of the following options:

(a) Under option A, the vehicle shall have sides, sideboards, or stakes, and a rear endgate, endboard, or stakes. Such devices shall be strong enough and high enough to assure that cargo does not shift upon, or fall from, the vehicle. The devices shall not have an aperture large enough to permit cargo in contact with 1 or more of the devices to pass through the devices.

(b) Under option B, the vehicle shall have at least 1 tiedown assembly that meets the requirements of R 460.16461 for each 10 linear feet of lading or fraction thereof. However, a pole trailer or an expandable trailer, transporting metal

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articles under the special rules in subrules (3) and (4), is required only to have 2 or more of those tiedown assemblies at each end of the trailer. In addition, the vehicle shall have as many additional tiedown assemblies meeting the requirements of R 460.16461 as are necessary to secure all cargo being transported either by direct contact between the cargo and the tiedown assemblies or by dunnage which is in contact with the cargo and is secured by tiedown assemblies.

(c) Under option C, for vehicles transporting metal articles only, a vehicle transporting cargo which consists of metal articles shall conform to either subdivisions (a), (b), or (d), or to the special provisions for transportation of metal articles set forth in subrules (3) and (4).

(d) Under option D, the vehicle shall have other means of protecting against shifting or falling cargo which are similar to, and at least as effective as, those specified in subdivisions (a), (b), or (c).

(3) The rules in this subrule and in subrule (4) apply to a motor vehicle transporting cargo consisting of metal articles if that vehicle does not conform to subrule (2)(a), (b), or (d). A motor vehicle transporting property consisting of metal articles shall, regardless of whether the rules in this subrule and in subrule (4) apply to it, conform to the requirements in R 460.16461, relating to securement systems, R 460.16462, relating to blocking and bracing of cargo, and R 460.16463, relating to front-end structure requirements. Whenever a motor carrier transports 1 or more coils of metal which, individually or as a combination banded together, weigh 5,000 pounds or more, the coils shall be secured in the following manner:

(a) As to coils with eyes vertical, 1 or more coils which are grouped and loaded side by side in a transverse or longitudinal row shall be secured by the following:

(i) A tiedown assembly against the front of the coil or row of coils, restraining against forward motion.

(ii) A tiedown assembly against the rear of the coil or row of coils, restraining against rearward motion.

(iii) A tiedown assembly over the top of each coil or transverse row of coils, restraining against vertical motion. The same tiedown assembly shall not be used to comply with more than 1 of the requirements of this subdivision.

(b) As to coils with eyes crosswise, a coil or transverse row of coils loaded side by side and having approximately the same outside diameters shall be secured by:

(i) A tiedown assembly through the eye of each coil, restricting against forward motion and making an angle of less than 45 degrees with the horizonal when viewed from the side of the vehicle.

(ii) A tiedown assembly through the eye of each coil, restricting against rearward motion and making an angle of less than 45 degrees with the horizontal when viewed from the side of the vehicle.

(iii) Timbers, having a nominal cross section of 4 by 4 inches or more, and a length which is at least 75% of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions.

(iv) If coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers, only the foremost and rearmost coils shall be secured with timbers, and a single tiedown assembly, restricting against forward motion, may be used to secure any coil, except the rearmost one, which shall be restrained against rearward motion.

(c) As to coils with eyes lengthwise, a coil or transverse row of coils having approximately equal outside diameters and loaded side by side, or a longitudinal row of coils having approximately equal outside diameters and loaded end to end, shall be secured as follows:

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(i) The coil or coils shall be restrained against side-by-side and fore-and-aft movement by 1 or more tiedown assemblies over the top of each coil or transverse row, or by 2 or more tiedown assemblies through the eye of each coil or longitudinal row, or by 1 or more tiedown assemblies, crossing from 1 side of the vehicle to the other, through the eye of each coil or longitudinal row of coils in a transverse row.

(ii) Timbers having a nominal cross section of 4 by 4 inches or more shall be tightly placed against the sides of each coil or against the outboard sides of each transverse row of coils which are loaded side by side so that the timbers restrain against side-to-side movement.

(iii) If, pursuant to subdivision (i), only 1 tiedown assembly over the top of each coil or transverse row of coils is used to restrain against side-to-side movement and fore-and-aft movement, timbers having a nominal cross section of 2 by 4 inches or more, and which are firmly secured to longitudinal blocking, shall be tightly placed against the front and back of each coil, each longitudinal row of coils, and each transverse row of coils in a manner which restricts foward and rearward movement.

(d) Timber which is used for blocking shall be sound lumber which is free of defects, such as knots or cracks, that materially reduce its strength.

(e) Timbers need not be used on vehicles which have depressions in the floor or are equipped with other restraining devices which perform the functions specified for timbers by the provisions in this rule.

(f) As used in this rule, the word "nominal," when used to describe timber, means commercially dressed sizes generally designated by the dimensions indicated.

(4) Securing of miscellaneous metal articles shall be controlled by this subrule. Except as provided in subdivision (d) of this subrule, whenever a motor carrier transports metal articles consisting of cut-to-length bars, plates, rods, sheet and tin mill products, billets, blooms, ingots, slabs, structural shapes, or pipe and other tubular products, and those articles, either individually or as a combination of articles banded or boxed together and handled as a single unit, weigh more than 2,000 pounds, the article shall be secured in the following manner:

(a) A single article, a group of articles, or a combination of articles loaded side by side across the width of the vehicle shall be secured by at least 1 tiedown assembly over its top for at least every 8 feet of its length and not less than 2 tiedown assemblies securing each individual article or combination of articles banded or otherwise secured together and handled as a single unit. However, articles which individually have a length of 8 feet or less, and which are securely butted against each other in the fore-and-aft direction, may be secured by metal angles secured by tiedown assemblies, or they may be secured by a timber having a nominal cross section of 4 by 4 inches or more placed longitudinally over the articles and secured by tiedown assemblies. Tiedown assemblies may not be located beyond the ends of the article which they secure.

(b) If articles are tiered and each tiered article rests securely on the 1 beneath it, the tier may be secured in the same manner as a single level of those articles is secured pursuant to this rule.

(c) Pole trailers shall either comply with the requirements of subdivisions (a) and (b) or have not less than 2 tiedown assemblies securing the load to the forward bolster and not less than 2 tiedown assemblies securing the load to the rear bolster.

(d) This subrule does not apply to special loads consisting of machinery or fabricated structural items, such as beams, girders, and trusses, which are fastened

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by special methods. However, those loads shall be securely and adequately fastened to the vehicle.

(5) This rule does not apply to a vehicle transporting 1 or more articles which, because of their size, shape, or weight, are carried on special-purpose vehicles or are fastened by special methods. However, an article carried on that vehicle shall be securely and adequately fastened to the vehicle.

(6) Containers designed for the transportation of containerized, intermodal cargo and having integral securement devices shall be fastened to the chassis of the motor vehicle with securement devices that prevent them from being unintentionally unfastened. The securement devices shall restrain the container from moving more than ½ inch forward, more than ½ inch aft, more than ½ inch to the right, more than ½ inch to the left, or more than 1 inch vertically when the container is subjected to the following accelerations relative to the vehicle:

Direction of force relative to longitudinal axis of vehicle:	Acceleration in G's
Downward	1.70
Upward	0.50
Lateral	0.30
Longitudinal	1.80

History: 1954 ACS 94, p. 174, Eff. Jan. 5, 1978.

R 460.16461 Securement systems.

Rule 461. (1) This rule applies to tiedown assemblies, including chains, cables, steel straps, and fiber webbing, other securement devices, and attachment or fastening devices used in conjunction therewith, which are used to secure cargo to motor vehicles in transit. All devices which are used to secure cargo to a motor vehicle in transit pursuant to R 460.16460 to R 460.16463 shall conform to the requirements of this rule.

(2) Except for integral securement devices of containers designed for the transportation of containerized, intermodal cargo which conform to the requirements of R 460.16460(6), the aggregate static breaking strength of the tiedown assemblies used to secure an article against movement in any direction shall be not less than 1¼ times the weight of that article. Chains used as a component of a tiedown assembly shall conform to the requirements of the August, 1961, edition of the national association of chain manufacturers' welded chain specifications applicable to all types of chain. Steel strapping used as a component of a tiedown assembly shall conform to the requirements of federal specification no. QQ-S-781 (1969). Steel strapping that is 1 inch wide or wider shall have not less than 2 pairs of crimps in each seal and, when end-over-end lap joints are formed, shall be sealed with not less than 2 seals.

(3) The strength of load binders and hardware that are part of, or used in conjunction with, a tiedown assembly shall be equal to, or greater than, the minimum strength specified for that tiedown assembly in subrule (2).

(4) The hook, bolt, weld, or other connector by which a tiedown assembly is attached to a vehicle, and the mounting place and means of mounting the connector, shall be at least as strong as the tiedown assembly when that connector is loaded in any direction in which the tiedown assembly may load it.

(5) The anchorages of a winch or other fastening device mounted on a vehicle and used in conjunction with a tiedown assembly shall have a combined tensile strength equal to, or greater than, the strength of the tiedown assembly.

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(6) A tiedown assembly and its associated connectors and attachment devices shall be designed, constructed, and maintained so that the driver of an in-transit vehicle can tighten them. However, this subrule does not apply to a securement system in which the tiedown assembly consists of steel strapping, or to a tiedown assembly which is not required by this rule.

History: 1954 ACS 94, p. 177, Eff. Jan. 5, 1978.

R 460.16462 Blocking and bracing.

Rule 462. (1) Protection against longitudinal movement shall be provided pursuant to this subrule. When a motor vehicle carries cargo that is not firmly braced against a front-end structure that conforms to the requirements of R 460.16463, the cargo shall be secured so that, when the vehicle decelerates at a rate of 20 feet per second, the cargo remains on the vehicle and does not penetrate the vehicle's front-end structure.

(2) Protection against lateral movement shall be provided pursuant to this subrule. When a vehicle carries cargo that may shift sideways in transit, the cargo shall either be securely blocked or braced against the side, sideboards, or stakes of the vehicle, or shall be secured by devices that conform to the requirements of subrule (2)(b) to (d) of R 460.16460.

History: 1954 ACS 94, p. 177, Eff. Jan. 5, 1978.

R 460.16463 Front-end structure.

Rule 463. (1) Except as provided in subrule (7), a cargo-carrying motor vehicle shall be equipped with a headerboard, or similar device, of sufficient strength to prevent load shifting and penetration or crushing of the driver's compartment.

(2) The front-end structure shall be located between the vehicle's cargo and the vehicle's driver.

(3) The front-end structure shall extend either to a height of 4 feet above the floor of the vehicle or to a height at which it blocks forward movement of any item of cargo being carried on the vehicle, whichever is lower. The front-end structure shall have a width which is at least equal to the width of the vehicle or which blocks forward movement of any item of cargo being transported on the vehicle, whichever is narrower.

(4) The front-end structure shall be capable of withstanding the horizontal forward static load specified in either of the following:

(a) For a front-end structure less than 6 feet in height, it shall be able to withstand a horizontal forward static load equal to ½ of the weight of the cargo being transported on the vehicle, uniformly distributed over the entire portion of the front-end structure that is within 4 feet above the vehicle's floor, or that is at or below a height above the vehicle's floor at which it blocks forward movement of any item of the vehicle's cargo, whichever is less.

(b) For a front-end structure 6 feet in height or higher, it shall be able to withstand a horizontal forward static load equal to ⅘ of the weight of the cargo being transported on the vehicle, uniformly distributed over the entire front-end structure.

(5) The front-end structure shall be designed, constructed, and maintained so that it is capable of resisting penetration by any item of cargo that contacts it when the vehicle decelerates at a rate of 20 feet per second per second. The front-end structure shall not have an aperture large enough to permit any item of cargo in contact with the structure to pass through it.

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(6) The requirements of this rule may be met by the use of devices performing the same functions as a front-end structure, if the devices are at least as strong as, and provide protection against shifting cargo at least equal to, a front-end structure which conforms to these requirements.

(7) The following motor vehicles are exempt from the requirements of this rule:

(a) A vehicle which is designed and used exclusively to transport other vehicles, if each vehicle it transports is securely tied down by devices that conform to the requirements of R 460.16461.

(b) A pole trailer or semitrailer being towed by a truck tractor that is equipped with a front-end structure that conforms to the provisions in this rule.

(c) A full trailer being towed by a vehicle that is equipped with a front-end structure that conforms to the requirements of this rule for a front-end structure.

(d) A full trailer being towed by a vehicle that is loaded in such a manner that the cargo on the towing vehicle conforms to the requirements of this rule for a front-end structure.

(e) A motor vehicle manufactured before January 1, 1974, relative to the requirements of subrules (4) and (5).

History: 1954 ACS 94, p. 177, Eff. Jan. 5, 1978.

PART 5. NOTIFICATION, REPORTING, AND RECORDING OF ACCIDENTS

R 460.16501 Purpose and scope of rules.

Rule 501. (1) The rules in this part establish duties of motor carriers to make reports and keep records of accidents which occur during their operations.

(2) The rules in this part apply to all motor carriers of property involved in interstate, foreign, or intrastate commerce.

History: 1954 ACS 94, p. 178, Eff. Jan. 5, 1978.

R 460.16510 "Reportable accident" defined.

Rule 510. (1) As used in this part, "reportable accident," except as provided in subrule (2), means any occurrence involving a motor vehicle engaged in the interstate, foreign, or intrastate operations of a motor carrier which results in 1 of the following:

(a) The death of a human being.

(b) Bodily injury to a person who, as a result, receives medical treatment away from the scene of the accident.

(c) Total damage to all property aggregating $3,500.00 or more, based on actual costs or reliable estimates.

(2) "Reportable accident" does not include:

(a) An occurrence involving only boarding and alighting from a stationary motor vehicle.

(b) An occurrence involving only the loading or unloading of cargo.

(c) An occurrence in the course of the operation of a passenger car by a motor carrier which is not transporting passengers for hire or hazardous materials of a type and quantity that requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823.

History: 1954 ACS 94, p. 178, Eff. Jan. 5, 1978.

R 460.16515 Reporting of accidents.

Rule 515. (1) Within 15 days after a reportable accident occurs, the motor carrier shall file a copy of the accident report with the public service commission on department of transportation form MCS 50-T.

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(2) The motor carrier shall fill in the report form completely and accurately with the most reliable information available to it at the time the report is filed.

History: 1954 ACS 94, p. 178, Eff. Jan. 5, 1978.

R 460.16520 Notice of death after filing report.

Rule 520. (1) If, within 30 days after a reportable accident occurs, a person dies as a result of the accident after a motor carrier has filed its report pursuant to R 460.16515, the motor carrier shall, as soon as possible after the death, and not later than the time specified in subrule (2), give written notice of the death to the public service commission.

(2) The notice of death required by subrule (1) shall be dispatched before the close of the first business day following the day on which the motor carrier learns of the death.

(3) The notice of death required by subrule (1) shall include the following information:

(a) The date and location of the accident.

(b) The name of the decedent.

(c) The name and address of the motor carrier.

History: 1954 ACS 94, p. 179, Eff. Jan. 5, 1978.

R 460.16525 Accident register.

Rule 525. (1) A motor carrier shall currently maintain an accident register in its files at its principal place of business. The accident register shall contain the following information with respect to each reportable accident in the motor carrier's operations:

(a) Accident claim number or carrier's file number.

(b) Date and time of accident.

(c) Location of accident, including city or town, and state.

(d) Name of driver.

(e) Number of persons killed and injured.

(f) Amount, in dollars, of damage to property.

(g) Nature of the accident, such as "collision," "overturn," "fire," or "cargo damage."

(h) Whether the accident occurred during an interstate, foreign, intrastate, or intracity operation.

(2) The file in which the accident register is maintained shall also include a copy of each report that the carrier has filed, pursuant to R 460.16515, with a state agency or with an insurer, with respect to any reportable accident entered in the accident register. The reports shall be arranged or annotated in a manner which permits them to be identified with specific entries in the accident register.

(3) A motor carrier shall keep the entries in the accident register pertaining to a reportable accident, and the information specified in subrule (2) pertaining to that accident, in its files for not less than 3 years after the date of the accident.

History: 1954 ACS 94, p. 179, Eff. Jan. 5, 1978.

R 460.16530 Assistance in investigations and special studies.

Rule 530. (1) A motor carrier shall make all records and information pertaining to any accident available to an authorized representative of the Michigan public service commission, upon his request. A motor carrier shall give an authorized representative of the public service commission all reasonable assistance in the investigation of an accident.

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(2) If the Michigan public service commission makes an inquiry to a motor carrier in connection with a study of accidents, the motor carrier shall:

(a) Respond to the inquiry within 15 days after its receipt or within such other time as the inquiry may specify.

(b) Provide a full, true, and correct answer to any question included in the inquiry.

History: 1954 ACS 94, p. 179. Eff. Jan. 5, 1978

PART 6. HOURS OF SERVICE OF DRIVERS

R 460.16601 Compliance and familiarity with rules.

Rule 601. A motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the rules in this part, and a motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with the rules in this part.

History: 1954 ACS 94, p. 179. Eff. Jan. 5, 1978

R 460.16605 Definitions.

Rule 605. As used in this part, "driving time" or "drive time" means all time spent at the driving controls of a motor vehicle in operation. All stops made in any 1 village, town, or city may be computed as 1 stop.

History: 1954 ACS 94, p. 180. Eff. Jan. 5, 1978

R 460.16625 Driver's daily log.

Rule 625. (1) A motor carrier shall require that a driver's daily log, form MCS-59, shall be made in duplicate by every driver used by him or it, and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and carrier liable to prosecution. Driver's logs shall be prepared and retained pursuant to subrules (2) to (18).

(2) After making his initial entry upon commencement of duty, the driver or operator shall record his activities in the log, and the record of activities shall not be more than 4 hours behind the driver's current duty status.

(3) Except that the name and principal place of business address of the carrier may be printed, all entries shall be made by the driver in his own handwriting.

(4) The month, day, and year for each calendar day on or off duty shall be entered in the log.

(5) Total mileage entered shall be that mileage traveled while driving on duty during the day covered by the log.

(6) The carrier's vehicle number or numbers or the state and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

(7) The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than 1 carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m. worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

(8) The driver shall certify to the correctness of the log by signing his first name and last name in full and his middle name or middle initial, if any. Below the driver's signature, he shall list the initials and last name of each co-driver.

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(9) The driver's home terminal address shown shall be that at which he normally reports for duty.

(10) Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on duty, not required to be in readiness to work, or is not under any responsibility for performing work.

(11) A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth.

(12) A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty driving a motor vehicle.

(13) A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on duty, but not driving.

(14) The appropriate time marker and the name of the city, town, or village, with state abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on duty not driving, and where released from work. The reason resulting in hours exceeding those permitted by Act No. 181 of the Public Acts of 1963, as amended, shall be explained. The document number or numbers, or name of a shipper and commodity shall be included.

(15) The total hours in each duty status shall be entered. Off duty other than in a sleeper berth; off duty in a sleeper berth; driving; and on duty not driving shall be entered, the total of which entries shall equal 24 hours.

(16) The name of the place where a trip begins and the final destination or farthest turnaround point shall be shown at the bottom of the log. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the farthest point reached, followed by the words "and return."

(17) Daily logs for each calendar month may be retained at the driver's home terminal until the twentieth day of the succeeding calendar month, and shall then be forwarded to the carrier's principal place of business, where they shall be retained for 12 months from date of receipt. The driver shall retain a copy of each daily log for 30 days, which shall be in his possession while on duty.

(18) This rule does not apply to the driver of a lightweight vehicle as defined in R 460.16101, of 10,000 pounds or less, unless that vehicle is either:

(a) Used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823, or

(b) Operated without cargo under conditions that require the vehicle to be marked or placarded in accordance with 49 C.F.R. 177.823.

History: 1954 ACS 94, p. 180, Eff. Jan. 5, 1978.

R 460.16630 Adverse driving conditions.

Rule 630. (1) Except as provided in subrule (2), a driver who encounters adverse driving conditions and cannot, because of those conditions, safely complete the run within the 10-hour maximum driving time permitted, may drive, and be permitted or required to drive, a motor vehicle for not more than 2 additional hours in order to complete that run or to reach a place offering safety for vehicle occupants and security for the vehicle and its cargo. However, that driver may not drive, or be permitted or required to drive, for more than 12 hours in the aggregate following 8 consecutive hours off duty, or may not be permitted or required to drive after he has been on duty 15 hours following 8 consecutive hours off duty.

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(2) As used in this rule, "adverse highway conditions" means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

R 460.16635 Emergency conditions.

Rule 635. In case of an emergency, a driver may complete his run, without being in violation of these rules, if the run could reasonably have been completed without such violations.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

R 460.16640 Exemption from rules.

Rule 640. These rules do not apply to a carrier when transporting property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

R 460.16645 Drivers declared "out-of-service."

Rule 645. (1) Every motor carrier officer of the public service commission is authorized to declare a driver out-of-service, and to notify the motor carrier of that declaration, if that officer finds, at the time and place of examination, that the driver has driven or has been on duty immediately prior to the examination longer than the maximum period permitted by Act No. 181 of the Public Acts of 1963, as amended.

(2) A motor carrier shall not require or permit a driver who has been declared out-of-service to drive or operate a motor vehicle until that driver may lawfully do so under provisions of Act No. 181 of the Public Acts of 1963, as amended.

(3) A driver who has been declared out-of-service shall not drive or operate a motor vehicle until he may lawfully do so under provisions of Act No. 181 of the Public Acts of 1963, as amended.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

PART 7. INSPECTION AND MAINTENANCE

R 460.16701 Compliance and familiarity with rules.

Rule 701. A motor carrier or its officers, drivers, agents, representatives, and employees, directly concerned with the inspection or maintenance of motor vehicles, shall comply and be conversant with the rules in this part.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

R 460.16705 Inspection and maintenance generally.

Rule 705. A motor carrier shall systematically inspect and maintain, or cause to be systematically maintained, all motor vehicles subject to its control, as well as the accessories required by part 4 of these rules to be mounted thereon, to insure that the motor vehicles and accessories are in safe and proper operating condition. A systematic inspection and maintenance for the period during which the vehicle is subject to the motor carrier's control shall include not less than the following:

(a) An identification of the vehicle, including make, model, and serial number, and including the number of tires, their size, and the number of ply.

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(b) A record of inspection and repairs, indicating their date and nature.

(c) A lubrication record.

(d) A systematic means for indicating, for each vehicle, the nature and due date of the various inspection and maintenance operations to be performed.

(e) If leased or otherwise contracted for, such records shall also include an identification of the lessor or contractor furnishing the motor vehicle. Recommended procedure and forms are set forth in R 460.16740.

History: 1954 ACS 94, p. 181, Eff. Jan. 5, 1978.

R 460.16710 Lubrication.

Rule 710. A motor carrier shall institute such procedures as may be necessary to insure that motor vehicles are properly lubricated; that proper action is taken to correct oil and grease leaks; and that undue accumulations of grease and oil are investigated, removed, and the cause thereof corrected.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

R 460.16715 Unsafe operations prohibited.

Rule 715. A motor carrier shall not permit or require a driver to drive a motor vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle. A driver shall not drive a motor vehicle which, by reason of its mechanical condition, is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while a motor vehicle is being operated on a highway, it is discovered to be in such unsafe condition, it shall be continued in operation only to the nearest place where repairs can safely be effected, and even that operation shall be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

R 460.16720 Inspection of motor vehicles in operation.

Rule 720. (1) Every motor carrier officer of the public service commission shall enter upon and perform inspections of motor carriers' vehicles in operation.

(2) Authorized officers shall declare "out-of-service" any motor vehicle which, by reason of its mechanical condition or loading, is so imminently hazardous to operate as to be likely to cause an accident or a breakdown.

(3) A motor carrier shall not require or permit a person to operate a motor vehicle declared out-of-service until all the repairs required by the out-of-service notice are satisfactorily completed. The term "operate," as used in this rule, includes towing the vehicle. However, vehicles declared out-of-service may be towed away by means of a vehicle using a crane or hoist if the vehicle combination, consisting of the emergency towing vehicle and the out-of-service vehicle, meets the performance requirements of R 460.16436.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

R 460.16725 Damaged vehicles; inspection.

Rule 725. A motor carrier shall not permit or require a driver to drive, and a driver shall not drive, a motor vehicle which is damaged in an accident or by other cause until inspection is made by a person qualified to ascertain the nature and extent of the damage and the relationship of the damage to the safe operation of the motor vehicle, and the motor vehicle shall not be operated until such person determines it to be in safe operating condition.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

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R 460.16730 Report of vehicle defect or deficiency by driver.

Rule 730. Except for the driver of a lightweight vehicle, and except as provided for driveaway-towaway operations in R 460.16735, a motor carrier operating more than 1 motor vehicle shall require its drivers to report, and a driver shall prepare a report in writing at the completion of his day's work or tour of duty, which report shall list any defect or deficiency of the motor vehicle discovered by the driver or reported to him as is likely to affect the safety of operation of the motor vehicle or result in its mechanical breakdown, or shall indicate that no such defect or deficiencies were discovered by, or reported to, him.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

R 460.16735 Driveaway-towaway operations; inspections.

Rule 735. A motor carrier, with respect to motor vehicles engaged in driveaway-towaway operations, shall comply with this rule in addition to R 460.16701 to R 460.16725, except that the driver's "vehicle condition report" required by R 460.16730 and the maintenance records required by R 460.16705 shall not be required for a vehicle which is part of the shipment being delivered. Before the beginning of a driveaway-towaway operation of motor vehicles in combination, the motor carrier shall make a careful inspection and test to ascertain that the tow-bar or saddle-mount connections are properly secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving. Every motor carrier shall maintain practices to insure that following completion of a trip in a driveaway-towaway operation of motor vehicles in combination, and before they are used again, the tow-bars and saddle-mounts are disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repair or replacement shall be made of any defective parts, and the devices shall be properly reassembled.

History: 1954 ACS 94, p. 182, Eff. Jan. 5, 1978.

R 460.16740 Recommended practices and forms.

Rule 740. The following practices and forms are recommended to motor carriers for consideration as one means of establishing the inspection and maintenance practices which are required by R 460.16705 to R 460.16730:

(a) As a convenient means of providing for the report required by R 460.16730, the driver's vehicle condition report at the end of this subdivision is suggested. The items are arranged in a logical order of inspection. While the rules do not require a written report of the inspection prior to driving, the form may be adapted for such a report by duplicating the text of the following form and using an appropriate heading. Changes may be made to suit the particular carrier's operations, such as by providing for the recording of more than 1 inspection on a single form.

DRIVER'S VEHICLE CONDITION REPORT

Name of motor carrier _____

Company vehicle no. _____

(Date)

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REPORT AFTER TRIP

	Driver's report[1]	Mechanic's report[1]
Mileage reading on speedometer (insert)		
Before starting engine:		
Oil, if added, insert number of quarts		
Water		
Gasoline, if added, insert number of gallons		
Brake lines to trailers		
Electric lines to trailers		
Drive line		
Coupling devices		
Tires and wheels		
Springs		
Body and load		
Glass		
Emergency equipment:		
Fire extinguishers		
Torches, lanterns, or reflectors		
Fusees		
Flags		
Fuses		

[1]Drivers should (✔) items which are satisfactory and (X) items which are not, and explain defects next to the (X) or, if there is insufficient room, at the bottom of the form. Items which are marked (X) by the driver shall show a (✔) with mechanic's initials, indicating correction before the continuance of operation, and a short explanation of the repairs completed either next to the (✔) or, if there is insufficient room, at bottom of form.

After starting engine (out of cab):		
Fuel system		
Cooling system		
Engine		
Leaks		
Lights:		
Head		
Tail		
Stop		
Clearance and marker		
Reflectors		
After starting engine (in cab):		
Oil pressure		
Ammeter		
Horn		
Windshield wipers		
Parking brakes		
Clutch		
Transmission		
Rear vision mirrors		
Steering		
Service brakes		
Speedometer		
Other items requiring attention		

(Driver's name) _____

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(b) R 460.16705 requires that motor carriers maintain systematic inspection and maintenance records, but the rules do not require any particular type or form of records. As a convenient means for providing the systematic inspection and maintenance records required by R 460.16705, the following forms are suggested. Other systems recommended by the vehicle manufacturers are suggested as alternative methods. It is recommended that a cardboard check sheet for each inspection period for each vehicle be placed at a convenient point in the garage. Under the suggested system, when the four 1,000-mile inspections have been completed, the mechanic knows that he should perform the 5,000-mile inspection in accordance with the 5,000-mile inspection card. These forms, especially the mileage intervals, are suitable for the average over-the-road operator, but changes may be made to adapt them to the individual operation. The items listed may be too numerous for some operations and, in such cases, carriers may select items applicable to their own operations. Carriers may alter the recommended mileage figures to suit their needs, or inspection periods may be determined on other than a mileage basis, such as time or fuel consumption. The fundamental requirement is that there be a systematic inspection and maintenance system.

(Name of carrier)

[1,000-mile inspection, vehicle no.
(After inspection no. 4 perform 5,000-mile check which shall include the fifth 1,000-mile check.)]

	Type of inspection[1]	Inspection No. 1	2	3	4
	Speedometer reading				
	Date of inspection				
	Group 1 — Axle, front:				
L	Axle and wheel alignment				
AOL	Tie rod assembly, etc.				
	Group 2 — Axle, rear:				
OL	Differential housing				
L	Radius rods, etc.				
	Group 3—Body and cab				
	Group 4—Brakes				
	Group 5 — Clutch				
	Group 6 — Cooling system				
	Group 7 — Electrical system				
	Group 8 — Engine				
	Group 9 — Frame and springs				
	Group 10 — Fuel and exhaust system				
	Group 11 — Steering				
	Group 12 — Transmission				
	Group 13 — Propeller shaft				
	Group 14 — Wheels, rims and tires				
	Group 15 — Special equipment				

[[1]A=adjustment; H=heavy inspection; L=visual check-up; O=oil or grease; R=replace or rebuild; T=test.]

(Name of carrier)

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[5,000-mile inspection, vehicle no.
(After inspection no. 9 perform 50,000-mile inspection which shall include the tenth 5,000-mile inspection.)]

	Type of inspection[1]	Inspection No. 1	2	3	4	5	6	7	8	9
	Speedometer reading.....									
	Date of inspection.....									
H	Group 1 — Axle, front:									
TA	Axle and wheel alignment									
H	Brake spider, etc.									
	.....									
	.....									

[[1]A=adjustment; H=heavy inspection; L=visual check-up; O=oil or grease; R=replace or rebuild; T=test.]
Note: Have similar forms for the 5,000-mile inspection and the 100,000-mile inspection, with type of inspection in accordance with the inspection procedure.

History: 1954 ACS 94, p. 183, Eff. Jan. 5, 1978.

PART 8. TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

R 460.16801 Application of rules.

Rule 801. The rules in this part apply to a motor carrier engaged in the transportation of hazardous materials by a motor vehicle which shall be marked or placarded pursuant to 49 C.F.R. 177.823, as well as to each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials and to each person who operates, or who is in charge of, a motor vehicle containing hazardous materials. Each person designated in this rule shall know and obey the rules in this part.

History: 1954 ACS 94, p. 185, Eff. Jan. 5, 1978.

R 460.16810 Compliance with rules.

Rule 810. A motor carrier or other person to whom this part is applicable shall comply with the rules in parts 1 to 8 when he or it is transporting hazardous materials by a motor vehicle which is marked or placarded pursuant to 49 C.F.R. 177.823.

History: 1954 ACS 94, p. 186, Eff. Jan. 5, 1978.

R 460.16815 Compliance with laws, ordinances, and regulations.

Rule 815. A motor vehicle containing hazardous materials shall be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with requirements of these rules which impose a more stringent obligation or restraint.

History: 1954 ACS 94, p. 186, Eff. Jan. 5, 1978.

R 460.16820 Motor vehicle to be attended.

Rule 820. (1) Except as provided in subrule (2), a motor vehicle which contains class A or class B explosives shall be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(2) Subrule (1) does not apply to a motor vehicle which contains class A or class B explosives if all the following conditions exist:

(a) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the explosives, in a safe haven, or in the case of a

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vehicle containing 50 pounds or less of either class A or class B explosives, on a construction or survey site.

(b) The lawful bailee of the explosives is aware of the nature of the explosive which the vehicle contains, and has been instructed in the procedures he shall follow in emergencies.

(c) The vehicle is within the bailee's unobstructed field of view or is located in a safe haven.

(3) A motor vehicle which contains hazardous materials other than class A or class B explosives, and which is located on a public street or highway or the shoulder of a public highway, shall be attended by its driver. However, the vehicle need not be attended while its driver is performing duties which are incident and necessary to his duties as the operator of the vehicle.

(4) For the purpose of this rule:

(a) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 100 feet of the vehicle and has it within his unobstructed field of view.

(b) A qualified representative of a motor carrier is a person who meets all of the following criteria:

(i) Has been designated by the carrier to attend the vehicle.

(ii) Is aware of the nature of the hazardous materials contained in the vehicle he attends.

(iii) Has been instructed on the procedures he shall follow in emergencies.

(iv) Is authorized to move the vehicle, and has the means and ability to do so.

(c) A safe haven is an area specifically approved in writing by local, state, or federal governmental authorities for the parking of unattended vehicles containing class A or class B explosives.

(5) This rule does not relieve a driver from an obligation imposed by law relative to the placing of warning devices when a motor vehicle is stopped on a public street or highway.

History: 1954 ACS 94, p. 186, Eff. Jan. 5, 1978.

R 460.16825 Parking.

Rule 825. (1) A motor vehicle which contains class A or class B explosives shall not be parked:

(a) On or within 5 feet of the traveled portion of a public street or highway.

(b) On private property, including premises of a fueling or eating facility, without the knowledge and consent of the person who is in charge of the property and unless that person is aware of the nature of the hazardous materials the vehicle contains.

(c) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and made it impracticable to park the vehicle in any other place.

(2) A motor vehicle which contains hazardous materials other than class A or class B explosives shall not be parked on or within 5 feet of the traveled portion of a public street or highway, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

History: 1954 ACS 94, p. 186, Eff. Jan. 5, 1978.

R 460.16830 Routes.

Rule 830. (1) Unless there is no practicable alternative, a motor vehicle which contains hazardous materials shall be operated over routes which do not go

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through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle pursuant to this subrule.

(2) Before a motor carrier requires or permits a motor vehicle containing class A or class B explosives to be operated, it shall prepare a written plan of route that complies with the rules in subrule (1) for that vehicle, and shall furnish a copy of the written plan to the driver. However, the driver may prepare the written plan as agent for the motor carrier when the driver begins his trip at a location other than the carrier's terminal.

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

R 460.16835 Fires.

Rule 835. (1) A motor vehicle containing hazardous materials shall not be operated near an open fire unless its driver has first taken precautions to ascertain that the vehicle can safely pass the fire without stopping.

(2) A motor vehicle containing hazardous materials shall not be parked within 300 feet of an open fire.

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

R 460.16840 Smoking.

Rule 840. A person may not smoke or carry a lighted cigarette, cigar, or pipe on or within 25 feet of:

(a) A motor vehicle which contains explosives, oxidizing materials, or flammable materials.

(b) An empty tank motor vehicle which has been used to transport flammable liquids or gases and which, when so used, was required to be marked or placarded pursuant to the rules in 49 C.F.R. 177.823.

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

R 460.16845 Fueling.

Rule 845. When a motor vehicle which contains hazardous materials is being fueled its engine shall not be operating, and a person shall be in control of the fueling process at the point where the fuel tank is filled.

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

R 460.16850 Tires.

Rule 850. (1) If a motor vehicle which contains hazardous materials is equipped with dual tires on any axle, its driver shall stop the vehicle in a safe location at least once during each 2 hours or 100 miles of travel, whichever is less, and shall examine its tires. The driver shall also examine the vehicle's tires at the beginning of each trip and each time the vehicle is parked.

(2) If, as the result of an examination pursuant to subrule (1) or otherwise, a tire is found to be flat, leaking, or improperly inflated, the driver shall cause the tire to be repaired, replaced, or properly inflated before the vehicle is driven. However, the vehicle may be driven to the nearest safe place to perform the required repair, replacement, or inflation.

(3) If, as the result of an examination pursuant to subrule (1) or otherwise, a tire is found to be overheated, the driver shall immediately cause the overheated tire to be removed and placed at a safe distance from the vehicle. The driver shall not operate the vehicle until the cause of the overheating is corrected.

(4) Compliance with this rule does not relieve a driver of the duty to comply with R 460.16820 and R 460.16825.

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

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R 460.16855 Driver to be furnished rules, documents, and instructions.

Rule 855. (1) A motor carrier that transports any hazardous materials shall furnish the driver of each motor vehicle in which the hazardous materials are transported with a copy of the rules in this part and a document containing instructions on procedures to be followed in the event of accident or delay. The documents shall include the names and telephone numbers of persons, including representatives of carriers or shippers, to be contacted, the nature of the hazardous materials being transported, and the precautions to be taken in emergencies, such as fires, accidents, or leakages.

(2) A driver who receives documents pursuant to subrule (1) shall sign a receipt for them. The carrier shall retain the receipt in its files for 1 year at its principal place of business.

(3) A driver of a motor vehicle which contains class A or class B explosives shall have in his possession and be familiar with:

(a) The documents specified in subrule (1).

(b) The documents specified in 49 C.F.R. 177.817.

(c) The written route plan specified in R 460.16830(2).

History: 1954 ACS 94, p. 187, Eff. Jan. 5, 1978.

R 460.16860 Marking of vehicles.

Rule 860. (1) A motor vehicle shall be marked as specified in subrules (2) and (3) if that vehicle is transporting hazardous material of a kind or quantity which requires the vehicle to be marked or placarded pursuant to 49 C.F.R. 177.823, and if that vehicle is operating under its own power, either alone or in combination.

(2) The marking shall display the following information:

(a) The name or trade name of the private carrier operating the vehicle.

(b) The city or community in which the carrier maintains its principal office or in which the vehicle is customarily based.

(c) The words "operated by" immediately preceding the information required by subdivisions (a) and (b) if the name of a person other than the operating carrier appears on the vehicle.

(d) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.

(3) The marking shall:

(a) Appear on both sides of the vehicle.

(b) Be in letters that contrast sharply in color with the background.

(c) Be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary.

(d) Be kept and maintained in a manner that retains the legibility required by subdivision (c). The marking may consist of a removable device if that device meets the identification and legibility requirements of this rule.

History: 1954 ACS 94, p. 188, Eff. Jan. 5, 1978.

R 460.16865 Department of transportation regulations governing transportation of hazardous materials; incorporation by reference.

Rule 865. A motor carrier transporting explosives and dangerous articles shall comply with the provisions of the department of transportation regulations governing transportation of hazardous materials and the supplements and reissues thereof as published by the American trucking association, inc., agent. The issue and supplements in effect on the effective date of these rules is incorporated herein by reference and may be obtained at a cost of $13.50 from American Trucking Associations, Inc., Traffic Department, 1616 P Street N.W., Washington,

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D.C. 20036. This publication may be inspected at the Michigan Public Service Commission office at 6545 Mercantile Way, Lansing, Michigan 48909.

History: 1954 ACS 94, p. 188, Eff. Jan. 5, 1978.

R 460.16870 Department of labor occupational safety standards; incorporation by reference.

Rule 870. A motor carrier operating or maintaining any facility in connection with the transportation of property by truck or truck tractor shall comply with the provisions of the department of labor occupational safety standards for general industry, and the supplements and reissues thereof. The issues and supplements in effect on the effective date of these rules are incorporated herein by reference and may be obtained at a cost of $.20 per standard from the Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926, or may be inspected at the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909.

History: 1954 ACS 94, p. 188, Eff. Jan. 5, 1978.

FINANCIAL INSTITUTIONS BUREAU

INVESTMENT SECURITIES

R 487.1, 487.2 Rescinded.

History: 1944 AC, pp. 89, 90; 1954 AC, pp. 6801-6803; rescinded 1954 ACS 64, p. 58, Eff. Aug. 1, 1970.

LOANS TO BANK EXECUTIVE OFFICERS

R 487.11—R 487.15 Rescinded.

History: 1944 AC, pp. 91-93; 1954 AC, pp. 6803-6805; 1954 ACS 17, pp. 18, 19, Eff. Feb. 14, 1959; rescinded 1954 ACS 64, p. 58, Eff. Aug. 1, 1970.

RESERVES

R 487.21—R 487.35 Rescinded.

History: 1944 AC, pp. 94-100; 1954 AC, pp. 6808-6814; rescinded 1954 ACS 64, p. 58, Eff. Aug. 1, 1970.

APPRAISALS FOR REAL ESTATE LOANS

(By authority of section 73 of Act No. 341 of the Public Acts of 1937, being §487.73 of the Michigan Compiled Laws)

R 487.41 General.

Rule 1. No bank, industrial bank or trust company existing under the provisions of the Michigan financial institutions act shall make a real estate loan under section 73 of said act unless an appraisal of the real estate offered as security for such loan shall have been made as hereinafter prescribed.

History: 1944 AC, p. 102; 1944 ACS 21, p. 7; 1954 AC, p. 6814.

R 487.42 Appraisers.

Rule 2. The appraisal of real estate offered as security for a loan under the provisions of said section 73, shall be made by an appraisal committee consisting of 1 or more persons appointed by the board of directors. Any director, officer, or employee of the institution, who in the judgment of the board, is regarded as competent to so act, may be appointed to the appraisal committee. Such a

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committee shall be appointed by the board of directors at a meeting following the effective date of these rules, and annually thereafter at its first meeting in January of each year following the shareholders' annual meeting. In event an appraiser who is not a regular member of the staff or a member of the board of directors participates in the making of an appraisal, the appraisal must nevertheless be signed by the regular appraisal committee appointed by the board of directors.

History: 1944 AC, p. 102; 1944 ACS 21, p. 7; 1954 AC, p. 6814.

R 487.43 Form of appraisal.

Rule 3. Such appraisal shall be in the form of a report executed and filed by the appraisal committee and shall contain substantially all the information called for in the form set forth in the appendix hereof. In the case of real estate loans which are insured by the federal housing administrator under the provisions of the national housing act, and/or which are guaranteed in whole or in part by the veterans' administration under authority of the servicemen's readjustment act of 1944, the same requirements shall prevail unless a certified or executed copy of descriptive and appraisal form required by such federal agency has been provided in which case the appraisal committee may comply with the requirements of these rules by executing and filing in connection with such form a statement of appraised value as set forth below.

_____

(Name and Address of Bank)

STATEMENT OF APPRAISED VALUE

With respect to the real estate loan made to _____ in the amount of $_____, on property described in the applicable federal agency form, I (we) hereby appraise said property as follows:

Land $_____ Buildings $_____ Total $_____

(Date and signatures of Appraisal Committee)

EFFECTIVE DATE OF RULES

These rules shall become effective July 1, 1950 and supersede Regulation V issued February 20, 1942.

History: 1944 AC, p. 102; 1944 ACS 21, p. 7; 1954 AC, p. 6814.

APPENDIX

APPRAISERS' REPORT—CITY PROPERTY

Date of application for real estate mortgage loan _____, 19__
Full name of applicant _____
Occupation of applicant _____
Amount of loan applied for $_____
The property offered as security is located at:

_____
(Street address and number) (City) (State)

Legal description _____

_____

_____

LAND—
The land has a frontage of _____ feet and extends back _____ feet.
BUILDINGS AND IMPROVEMENTS—
Date building was constructed—Month _____ Year _____
Building was designed for use as (Residence, etc.) _____
Type of Construction _____
Number of stories _____ Number of rooms _____ Number of baths _____
Source of water supply _____ Type of sewerage _____
Type of heating system _____ Street paved, ☐ Yes ☐ No
Electricity, ☐ Yes ☐ No; Gas, ☐ Yes ☐ No

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CERTIFICATE OF APPRAISAL COMMITTEE

I, (we) the undersigned, do hereby certify that I, (we) have carefully examined the above described property and that in my (our) opinion the fair value of said property as of this date is as follows:

Land $_____ Buildings $_____ Total $_____

Signatures and Titles of Appraisers _____

Date of Appraisal _____

APPRAISERS' REPORT ON FARM PROPERTY

Date of application for real estate mortgage loan _____, 19____

Full name of applicant _____

Amount of loan applied for $_____

Location of property offered as security:

_____ Township _____ County _____ State

Distance from nearest city or village, and nearest U.S. or Michigan State Highway:

(City or Village) (No. of Miles) (Highway) (No. of Miles)

Legal description _____

LAND

Number of acres: Under cultivation _____ Nature of soil _____

In pasture land _____

Timber land _____

Cut-over land _____

Total _____

BUILDINGS—

Dwellings: Type of buildings and construction _____

Number of rooms _____ Number of baths _____ Type of heating system _____

Description of barns, silos, and other buildings: (Number of buildings, type, size and condition) _____

CERTIFICATE OF APPRAISAL COMMITTEE

I, (we) the undersigned, do hereby certify that I, (we) have carefully examined the above described property, and that in my (our) opinion the fair value of said property as of this date is as follows:

Land $_____ Buildings $_____ Total $_____

Signatures and Titles of Appraisers _____

Date of Appraisal _____

History: 1944 AC, p. 103; 1954 AC, p. 6815.

DEPOSITS BY MICHIGAN TRUST COMPANIES OF SECURITIES WITH STATE TREASURER

R 487.51—R 487.54 Rescinded.

History: 1944 AC, pp. 104, 105; 1944 ACS 35, pp. 15, 16; 1954 AC, pp. 6816, 6817; 1954 ACS 38, pp. 60, 61, Eff. May 15, 1964; rescinded 1954 ACS 64, p. 58, Eff. Aug. 1, 1970.

NATIONAL HOUSING ACT LOANS

R 487.61—R 487.63 Rescinded.

History: 1944 AC, pp. 105, 106; 1954 AC, pp. 6817, 6818; rescinded 1954 ACS 64, p. 58, Eff. Aug. 1, 1970.

DESIGNATION OF RESERVE CITIES FOR NONMEMBER BANKS

R 487.64 Rescinded.

History: 1944 ACS 36, p. 8; 1954 AC, p. 6818; rescinded 1954 ACS 37, p. 46, Eff. Feb. 14, 1964.

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SMALL LOAN LICENSEES

(By authority of Act No. 21 of the Public Acts of 1939, as amended, being §493.1 et seq. of the Michigan Compiled Laws)

R 487.71 Records.

Rule 1. (1) Each licensee shall maintain a general ledger showing in full detail the assets and liabilities of the business conducted in the office of the licensee. The general ledger shall be posted at least monthly and shall be maintained so that the assets, liabilities, income and expenses may be readily segregated from the business of other offices operated by the licensee. A trial balance or a balance sheet and profit and loss statement shall be prepared within 20 days after the close of every monthly period. This trial balance or balance sheet and the profit and loss statement shall be available to the examiner for each month covering a period of at least 2 years prior to the examination.

Licensed companies operating more than 1 licensed office may maintain the general ledger at their home office, providing the trial balance or balance sheet and profit and loss statement of the licensed office are available to the examiner at the licensed office within 20 days after the close of the monthly period and are retained there for at least 2 years prior to the examination.

The department reserves the right to demand that the general ledger maintained at the home office be produced within 10 days after notice to the licensee.

(2) Any charge made to any licensed office by the home office to cover any item of expense must be in such detail as to show the nature of the expense.

(3) Each licensee shall keep a book or daily report, either bound or loose-leaf, cash book or cash book journal type, which book shall be a record of original entry in which all transactions of the licensee entailing either the receipt or disbursement of any amount whatsoever, whether for principal, charges or filing fees, shall be entered. Special columns must be provided for amounts received as payments on principal and charges. The record must be posted and balanced daily and shall show sufficient descriptive matter to identify each transaction.

(4) Loans made shall be listed numerically on the cash book, the record to show the name of the borrower and the amounts actually paid out. If so desired, a licensee may maintain a loan register supplying the required information, only the aggregate amount of loans made being shown on the cash book.

(5) An individual account shall be kept for each borrower, such account, hereafter referred to as a ledger card to be kept on a card system or in a loose-leaf binder. Each ledger card shall plainly show on its face the name and address of the borrower, loan number, actual amount of the loan, date of loan, rate of charge, terms of repayment, description of security, names of endorsers, co-makers, or sureties, if any, and the amount of filing or discharge fee collected from the borrower. The ledger card shall also show the amount received or withheld from the borrower as a premium for insurance, if any, written on behalf of the borrower in connection with the loan, and the period covered by such insurance policy or policies.

(6) Ledger cards shall be filed in alphabetical order and shall show the actual date and amounts of all entries pertaining to receipt and disbursements of cash, including amounts disbursed as court costs.

(7) Ledger cards shall provide separate columns for the date of payment of principal and charges and shall be kept in such manner as to show at once, on inspection, the balance due on principal and the date to which charges are paid.

(8) If an error is made on the ledger card a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries

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on ledger cards must correspond with the receipts given the borrower. No erasures shall be made on the face of the ledger cards.

(9) A licensee shall keep a separate record filed in alphabetical order of the liability of each person as co-maker, surety, guarantor or endorser, which record shall show the date, loan number, name of borrower, and original amount of all currently unliquidated loans. When any loan is paid it shall be promptly indicated upon this record.

(10) When a note has been reduced to judgment the following rules must be observed:

(a) The face of the ledger card must be stamped in bold type with the words "Judgment Account." Thereafter all payments received must be applied on the judgment and properly identified.

(b) A record shall be maintained of all accounts on which court action has been taken, such record to be in sufficient detail as to permit identification of the account.

(c) The files of the licensee must contain statements (signed by the justice of the peace, or clerk of the court) setting forth the following items:

(i) Date of judgment.

(ii) Name of licensee.

(iii) Judgment debtor's name.

(iv) Date suit was filed.

(v) Nature of the suit.

(vi) Name and location of the court.

(vii) Amount of the judgment, showing the separate items comprised in the judgment as follows:

(A) Principal.

(B) Charges.

(C) Court costs.

(D) Total amount of judgment, (aggregate of (A), (B), and (C)).

(viii) Judgment by:

(A) Default.

(B) Confession.

(C) Contested suit.

(ix) Disposition of the case.

(Signed)

Justice, or Clerk of Court

(d) Court costs charged to the borrower must be itemized and verified by receipted bills.

(e) Where property is sold pursuant to any judgment or judicial process, the file must contain a copy of the officer's return of execution issued under such judgment.

(11) Sale of security: When mortgaged property is taken in accordance with the terms of a chattel mortgage or by judicial process or abandonment, the following regulations shall be observed:

(a) The face of the ledger card must be stamped in bold type with the words "Foreclosure Account" and disclose the following information:

(i) How possession of the security was obtained and when.

(ii) The proceeds of the sale thereof, properly identified.

(b) The files of the licensee must contain the following:

(i) A copy of any agreement entered into with the mortgagor with respect to terms of surrender.

(ii) A copy of the notice of sale, together with evidence of mailing or personal delivery.

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(iii) An inventory of the property taken, unless same appears in detail on the notice of sale.

(iv) Signed statement from the purchasers (or from the auctioneer if the sale was public) describing the chattels purchased, showing the amounts paid for same and the name of the borrower who executed the mortgage. The statement form is to be substantially as follows:

State_____ Date_____

City _____.

This is to acknowledge that the undersigned did purchase for the sum of $_____ from _____, mortgagee, under the terms of a certain chattel mortgage executed by _____ and _____ on the _____ day of _____, 19____, the following described goods and chattels: (enumerate articles)

_____

Signature of purchaser

(v) Evidence that sale was held on date set forth in notice of sale, including record of any bids received.

(vi) Copy of detailed statement of final accounting setting forth the disposition of the proceeds of the sale and the principal balance due on the account, if any, original of which must have been sent to the borrower after the sale.

(c) When the property is abandoned and the address of the borrower is uncertain or unknown, a notice of sale and statement of final accounting shall be sent to the last known address by registered mail, return receipt requested, and copies thereof retained in the files.

(d) A record shall be maintained of all accounts on which goods have been taken under the terms of a chattel mortgage, such record to be in sufficient detail as to permit identification of the account.

History: 1944 AC, p. 106; 1944 ACS 1, p. 6; 1944 ACS 35, p. 5; 1954 AC, p. 6818; 1954 ACS 14, p. 22, Eff. May 14, 1958.

R 487.81 Miscellaneous.

Rule 11. (1) The place of business designated in the license shall be open during customary hours of each business day (holidays excepted) with a clerk in attendance to receive payments from borrowers; provided, that closing on Saturdays of the place of business designated in the license shall be optional with the licensee. In the event the place of business will be closed on Saturdays, a sign announcing this fact shall be conspicuously displayed in such place of business.

(2) Licensees shall furnish each borrower with a satisfactory detailed receipt for any sums which are deducted from the principal amount of the loan or are received by the lender independent of the loan for the purpose of paying insurance premiums, filing fees and fees to the secretary of state for recording encumbrances on titles to motor vehicles. A carbon copy of such receipt must be available for inspection.

(3) When a licensee obtains insurance on behalf of the borrower in connection with the loan, wherein the premium is paid by the borrower, a policy or certificate of insurance properly executed shall be furnished to the borrower within 15 days of the date of the loan. Such policy or certificate shall show clearly the name of the insurance company, the nature of the insurance, the extent of the coverage, the amount of the premium, and the effective date and expiration of the policy. Insurance which the licensee obtains either directly or indirectly on behalf of the borrower shall be written by and through an agent licensed by the state of Michigan to write insurance in Michigan, and by an insurance company licensed to conduct business in Michigan. The licensee shall retain on file in his office a specimen copy of any master policy, blanket policy, individual policy, or

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certificate of insurance used in connection with any such insurance. The licensee shall also retain in his office a schedule of rates charged on such insurance.

Rates charged a borrower for insurance shall not exceed standard rates as published by the Michigan inspection bureau or charges promulgated by the conference of automobile insurance companies for coverage of a like nature and amount.

(4) Licensees shall furnish to the borrower, upon request, an accurate copy of any note, assignment or other document evidencing indebtedness or constituting security which the borrower is required to sign.

(5) When an additional loan is made to a borrower who has a loan outstanding, the unpaid balance of the existing loan and the additional loan shall be consolidated into the new loan.

(6) An envelope or other file shall be maintained for each account in which shall be filed all the original notes (or copies thereof), chattel mortgages, wage assignments, or other evidence of indebtedness or security which have been signed by the borrower.

(7) The schedule of charges and method of computing same, required to be displayed by section 14, must be imprinted on a white background in letters not less than ¼ inch in height and must be prominently displayed in the customer's lobby of the licensed place of business.

History: 1944 AC, p. 108; 1944 ACS 1, p. 8; 1944 ACS 35, p. 7; 1954 AC, p. 6820; 1954 ACS 14, p. 23, Eff. May 14, 1958.

R 487.91 Advertising and solicitation of business.

Rule 21. (1) In determining whether advertising matter is false, misleading or deceptive, such factors as sizes of type, arrangement of copy, spacing, color, prominence of position and other general considerations shall be taken into account. If the general impression or natural inference to be drawn from an advertisement is false, misleading, or deceptive, the advertisement shall be considered to violate section 12 of the law.

(2) A scrap book or other record must be maintained of all advertising material of any nature used by a licensee with the date of use indicated thereon, same to be available at the licensed office for inspection by representatives of this department. Any licensed company operating 2 or more licensed offices in any city may, upon arrangement with this department, maintain 1 scrap book or other record in a centrally located office for the benefit of all offices of the licensed company in that city.

(3) No licensee shall advertise any size of loan, security required for loans, rate of charge or other condition of lending except with the full intent of making loans at such rates or lower rates and under such conditions to all applicants who meet the standards or qualifications prescribed.

(4) Rates of charges when stated must be stated as a percentage per month on unpaid balances.

(5) Licensees advertising aggregate, combination, or graduated rates must state first the higher rate applicable to a portion of the loan and give the highest rate equal prominence with the lower rate applicable to the remainder of the loan.

(6) Licensees advertising flat payments or average payments on loans which include principal and charges shall specify the total number of payments required to pay the obligation and the monthly rate of charge as a percentage of the unpaid principal balances, which statement of rate, if in print, must be set forth in type at least ½ the size of the type setting forth the cost of such loan as stated in dollars.

(7) If the licensee applies different rates for the various types or classes of loans, the highest rate applied to any loan must be stated as provided in subrule (4) and (5) of this rule.

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(8) No address shall be carried in any advertisement except that of a licensed office or the home office of the licensee.

(9) A licensee may not advertise "new reduced rates," "new low rates," "reduced rates," or the like for more than 60 days after such changed rates become effective.

(10) A licensee may not advertise "lowest rates," "lowest rates in the city," or the like unless such rates are actually lower than those of any other lender.

(11) No licensee shall pay any individual, co-partnership or corporation for loan applications or recommendations.

(12) Licensees advertising the cost of a loan for any period shall also state such cost as a percent per month on balances, such statement of rate, if in print, to be set forth in type at least ½ the size of the type setting forth the cost of such loan as otherwise stated.

History: 1944 AC, p. 109; 1944 ACS 1, p. 8; 1944 ACS 35, p. 7; 1954 AC, p. 6821.

COLLECTIVE INVESTMENT OF FIDUCIARY FUNDS

R 487.101—R 487.105 Rescinded.

History: 1944 AC, pp. 110-113; 1944 ACS 35, p. 8; 1954 AC, pp. 6822-6829; 1954 ACS 35, pp. 51-56; Eff. Aug. 14, 1963; rescinded 1954 ACS 67, p. 69, Eff. May 1, 1971.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, being §24.101 et seq. of the Michigan Compiled Laws)

R 487.121 Definitions.

Rule 1. (1) Whenever the word "person" is used it shall mean an individual, firm, partnership, co-partnership, corporation, bank, industrial bank, trust company, credit union, safe and collateral deposit company, or installment seller or sales finance company doing business under the motor vehicle sales finance act.

(2) "Commissioner" shall mean the commissioner of banking.

(3) "Hearing" shall mean any contested case being heard by the commissioner of banking.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

R 487.122 Notice of hearing.

Rule 2. Notification of any hearing before the commissioner of banking will be by registered mail, and will state the date, time and place the hearing is to be held and the reasons for holding such hearing. Such notice will be mailed at least 20 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the commissioner's office in Lansing.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

R 487.123 Appearance.

Rule 3. When an appearance is made at a hearing, it shall be made either in person, by a duly authorized agent, or by counsel.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

R 487.124 Answer; statement on charges.

Rule 4. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral or written statement on the charges contained in the notice of hearing.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

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R 487.125 Failure to appear.

Rule 5. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the commissioner may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

R 487.126 Statement of pertinent information; evidence.

Rule 6. At the contested hearing there shall be presented a fair and accurate statement of the information pertinent to the contested case and the whole or any part thereof may be offered at said hearing as evidence on behalf of the state banking department.

History: 1944 ACS 35, p. 16; 1954 AC, p. 6832.

APPLICATION PROCEDURE FOR CHARTER, LICENSE, AND OTHER GRANTS OF AUTHORITY

(By authority of Act No. 88 of the Public Acts of 1943, as amended, Act No. 307 of the Public Acts of 1925, as amended, Act No. 341 of the Public Acts of 1937, as amended, Act No. 21 of the Public Acts of 1939, as amended, Act No. 27 of the Public Acts of the Extra Session of 1950, as amended, and Act No. 197 of the Public Acts of 1952, as amended, being §24.71 et seq., §492.1 et seq., §487.1 et seq., §493.1 et seq., §492.101 et seq., and §24.101 et seq. of the Michigan Compiled Laws)

R 487.201 General rules.

Rule 1. (1) Throughout these rules, the word "applicant" may extend to and embrace the plural number.

(2) Applications filed with the commission may be amended with the approval of the commission.

(3) All remittances are to be made to the favor of the state banking department.

(4) Appeal from any determination or order rendered by the commissioner must be made as provided by law.

History: 1944 ACS 37, p. 8; 1954 AC, p. 6833.

R 487.202 Application to establish a bank or trust company.

Rule 2. (1) Duplicate application forms will be supplied on request.

(2) No more than 1 application for permission to establish a bank or trust company will be accepted from any party at any one time. A submitted application must be formally withdrawn by written request or allowed to proceed to a decision before any further application for the same purpose will be officially recognized.

(3) Priority rights of any applicant will be determined by the date on which the properly completed application form, together with any required fees, bonds and accompanying documents, is received at the offices of the state banking department. Receipt by the commission of the application will set in motion the time limit of 60 days within which action on the application must be taken by the commission.

(4) After filing an application, an applicant must publish notice of application as prescribed by the statute and, within 30 days after the date of filing, furnish the commission with proof of same.

(5) Within 60 days of receipt of application, the commissioner will approve or disapprove the application and, by letter, notify the applicant of his determination.

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(6) If the application is approved, the applicant will be given a specified period of time within which the institution must be established and in operation. If the time requirement specified is not met, unless extended in writing by the commissioner, the approval and application will become void.

(7) In the event of disapproval of application for permission to establish a bank or trust company, the reason for the refusal will be stated in the letter notifying the applicant of the refusal. Disapproval of application for the establishment of a bank or trust company, for any reason, shall preclude a renewal of application by the same applicant, or a majority thereof, until the expiration of 1 year from the date of such refusal.

History: 1944 ACS 37, p. 9; 1954 AC, p. 6833.

R 487.203 Application for permission to establish a bank branch.

Rule 3. (1) Duplicate application forms will be supplied on request.

(2) Priority rights of any applicant will be determined by the date on which the properly completed application form, together with any required fees, bonds and accompanying documents, is received at the offices of the state banking department. Receipt by the commission of the application will set in motion the time limit of 60 days within which action on the application must be taken by the commission.

(3) Within 60 days of receipt of application, the commissioner will approve or disapprove the application and, by letter, notify the applicant of his determination.

(4) If the application is approved, the applicant will be given a specified period of time within which the institution must be established and in operation. If the time requirement specified is not met, unless extended in writing by the commissioner, the approval and application will become void.

(5) In the event of disapproval of application for a bank branch, the reason for the refusal will be stated in the letter notifying the applicant of the refusal.

History: 1944 ACS 37, p. 9; 1954 AC, p. 6834.

R 487.204 Application for additional corporate powers by a bank.

Rule 4. (1) Duplicate application forms will be supplied on request.

(2) Within 60 days of receipt of a properly completed application, together with any required fees, bonds, and accompanying documents, the commissioner will approve or disapprove the application and, by letter, notify the applicant of his determination.

(3) In the event of disapproval of an application for additional corporate powers, the reasons for the refusal will be stated in the letter notifying the applicant of the commissioner's determination.

History: 1944 ACS 37, p. 10; 1954 AC, p. 6834.

R 487.205 Application for a small loan license.

Rule 5. (1) Duplicate application forms will be supplied on request.

(2) No more than 1 application for permission to establish a small loan business will be accepted from any party at any one time. A submitted application must be formally withdrawn by written request or allowed to proceed to a decision before any further applications for the same purpose will be officially recognized.

(3) Priority rights of any applicant will be determined by the date on which the properly completed application form, together with any required fees, bonds and accompanying documents, is received at the offices of the state banking depart-

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ment. Receipt by the commission of the application will set in motion the time limit of 60 days within which action on the application must be taken by the commission.

(4) Within 60 days of receipt of application, the commissioner will approve or disapprove the application and, by letter, notify the applicant of his determination. An application of a de facto corporation, which is otherwise eligible for approval, will not be approved unless proof that it has become a de jure corporation is filed with the commission within the 60-day period during which action on the application must be taken.

(5) If the application is approved, the applicant will be given a specified period of time within which the institution must be established and in operation. If the time requirement specified is not met, unless extended in writing by the commissioner, the approval and application will become void.

(6) In the event of disapproval of application for a small loan license, a letter will be sent notifying the applicant of the refusal. Within 20 days after the commissioner's determination and notification of the applicant, a written transcript supporting the denial will be served on the applicant as provided by law.

History: 1944 ACS 37, p. 10; 1954 AC, p. 6834.

R 487.206 Application to establish a safe and collateral deposit company.

Rule 6. (1) Persons or institutions desiring to establish a safe and collateral deposit operation shall execute, in quadruplicate, original articles of incorporation containing such information as is required by chapter VI of the Michigan financial institutions act, Act No. 341 of the Public Acts of 1937, as amended. Each copy of the articles should be properly acknowledged and delivered to the offices of the state banking department.

(2) In addition to the information required in subrule (1), the commission may require that the applicant meet any other provisions consistent with the laws of Michigan for the conduct of the affairs of any safe and collateral deposit company.

(3) Within 60 days of receipt of quadruplicate, properly completed articles of incorporation, together with any required fees, bonds and accompanying documents, the commissioner will approve or disapprove the application and, by letter, notify the applicant of his determination. If the application is approved, the applicant will be granted a specified period of time within which the applicant is to establish and place a safe and collateral deposit operation into effect. If the time requirement specified is not met, unless extended in writing by the commissioner, the approval and application will become void. If the application is refused, the reasons for the refusal will be stated in the letter notifying the applicant of the commissioner's determination.

History: 1944 ACS 37, p. 10; 1954 AC, p. 6835.

R 487.207 Application to establish a credit union.

Rule 7. (1) Upon the written application of any 7 residents of the state of Michigan, specimen bylaws and certificates of organization will be supplied by this commission.

(2) Within 30 days of the receipt of duplicate bylaws and certificates of organization, the commissioner shall determine whether they conform with the provisions of the act, and whether the organization of the credit union would benefit the members and be consistent with law. The commissioner will thereupon notify the applicants of his decision. If the application is approved, the commission shall issue a certificate of approval, attached to the duplicate

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certificate of organization and return the same, together with the duplicate bylaws, to the applicant. If the application is refused, the applicants will be formally notified as to the reasons therefor.

History: 1944 ACS 37, p. 11; 1954 AC, p. 6835.

R 487.208 Application for motor vehicle sales finance license.

Rule 8. (1) Duplicate application forms will be supplied on request.

(2) Within 30 days of receipt of properly completed application form, together with any required fees, bonds and accompanying documents, at the offices of the state banking department, the commissioner will approve or disapprove the application, and by letter, notify the applicant of his determination. If the application is approved, the license will be issued. If the application is refused, the letter of notification to the applicant will set forth the reasons for such refusal.

History: 1944 ACS 37, p. 11; 1954 AC, p. 6835.

R 487.209 Application to establish a finance company.

Rule 9. (1) Duplicate application forms will be supplied on request.

(2) Within 60 days of receipt of properly completed application form, together with any required fees, bonds and accompanying documents, at the offices of the state banking department, the commissioner will approve or disapprove the application and by letter, notify the applicant of his determination. If the application is approved, the license will be issued. If the application is refused, the letter of notification to the applicant will set forth the reasons for such refusal.

History: 1944 ACS 37, p. 11; 1954 AC, p. 6836.

COMMENT ON OR PETITION FOR PROMULGATION, AMENDMENT, OR RESCISSION OF RULES

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being §24.101 et seq. of the Michigan Compiled Laws)

R 487.251 Definitions.

Rule 1. As used in these rules, an "interested person" is defined to be any person, co-partnership, association or corporation licensed or chartered by, and under the supervision of, the state banking department.

History: 1944 ACS 38, p. 22; 1954 AC, p. 6836.

R 487.252 Promulgation, amendment, or rescission requested by interested person.

Rule 2. Any interested person may petition the state banking department requesting the promulgation, amendment, or repeal of any rule. Each petition shall set forth the following information:

(a) A brief statement of what the petitioner wishes to accomplish, and the reasons therefor;

(b) A concise and clearly worded model rule or regulation which the petitioner wishes adopted;

(c) A citation as to the specific statutory authority for the adoption of such a rule; and

(d) The name, business address, and occupation of the petitioner.

History: 1944 ACS 38, p. 22; 1954 AC, p. 6836.

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R 487.253 Promulgation, amendment, or rescission initiated by department.

Rule 3. Any interested person desiring to submit data or views orally or in writing as comment upon any proposed new rule or change in rules of this department must file written notice of such intention with this department within 20 days following the date of publication of notice or posting of written notice by mail.

(a) Publication of notice: Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the state banking department shall so far as practicable, and in compliance with any other applicable statutory requirement, publish in appropriate trade journals or magazines notice of its intended action and shall send written notice to any persons who have previously requested, in writing, that the department notify them of any proposed new rule or change in rules.

(b) Formal comment: Within 30 days following the filing of such notice of intention, the interested person desiring to comment upon the proposed adoption of rules must file a formal written statement of comment with the department. Such comment must set forth a concise and clearly worded statement of the object to be accomplished and the reasons therefor. Any pertinent data supporting the comment should be included therewith. This 30-day period of limitation may be extended with permission of the commissioner of the department.

(c) Request for notice of proposed new rules or change in rules: Upon written request to this department any person will be furnished copies of any proposed new rules or changes in rules, as appropriate, as they become available.

History: 1944 ACS 38, p. 22, 1954 AC, p. 6836.

R 487.254 Form of petition or comment.

Rule 4. Petitions and statements of comment must be in printed or typewritten form and addressed to the Commissioner, State Banking Department, Lansing, Michigan. An original and 3 copies of each petition or statement of comment must be furnished to this department.

History: 1944 ACS 38, p. 22, 1954 AC, p. 6837.

R 487.255 Oral presentation.

Rule 5. Any interested person desiring to make an oral presentation should state that fact at the time of submitting a petition or statement of comment, as set forth in R 487.252 and R 487.253(b), respectively, above. A date for hearing will be set and appropriate notice given to the party concerned. Such hearing will be held within 20 days following the receipt of a petition or statement of comment by the department.

History: 1944 ACS 38, p. 22, 1954 AC, p. 6837.

R 487.256 Commissioner's consideration and disposition of petition or comment.

Rule 6. The commissioner will consider the merits of any petition or statement of comment and any oral presentations thereof, and, within 30 days following its submission will mail a written statement of his final disposition of the matter to the person concerned, setting forth the reasons therefor.

History: 1944 ACS 38, p. 22, 1954 AC, p. 6837.

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BANKS

(By authority conferred on the commissioner of the financial institutions bureau by sections 19, 154, 186, and 211 of Act No. 319 of the Public Acts of 1969, being §§487.319, 487.454, 487.486, and 487.511 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 487.601 Definitions.

Rule 1. (1) The terms defined in the act, when used in these rules, have the same meaning as given in the act.

(2) "Act" means the banking code of 1969, being Act No. 319 of the Public Acts of 1969 being §§487.301 to 487.598 of the Michigan Compiled Laws.

History: 1954 ACS 84, p. 58, Eff. Aug. 1, 1970.

R 487.611 Branch banking.

Rule 11. Any systematic activity by a bank or 1 of its affiliates to in substance lend money, receive deposits, or pay checks by use of a physical facility, whether stationary or mobile, shall be construed as the establishment and operation of a branch within the meaning of section 5(d) of the act.

History: 1954 ACS 84, p. 75, Eff. Aug. 14, 1975.

R 487.619 Rescission.

Rule 19. The following rules of the state banking department are rescinded:

(a) No. I, entitled "Regulation Governing the Purchase of Investment Securities, and further defining the term 'investment securities' as used in section 33 of the Michigan Financial Institutions Act," being R 487.1 and R 487.2 of the Michigan Administrative Code, and appearing on pages 6801 to 6803 of the 1954 volume of the Code.

(b) No. II, entitled "Loans to Executive Officers and Employees of Michigan State Banks," being R 487.11 to 487.15 of the Michigan Administrative Code, and appearing on pages 6803 to 6805 of the 1954 volume of the Code.

(c) No. II, entitled "Loans to Bank Executive Officers," being R 487.11 to R 487.14 of the Michigan Administrative Code and appearing on pages 1074 and 1075 of the 1958 Annual Supplement to the Code.

(d) No. III, entitled "Reserves of Michigan State Banks Not Members of the Federal Reserve System," being R 487.21 to R 487.24 of the Michigan Administrative Code and appearing on pages 6806 to 6809 of the 1954 volume of the Code.

(e) No. IV, entitled "Payment of Deposits and Interest Thereon by Uninsured Nonmember Banks," being R 487.31 to R 487.35 of the Michigan Administrative Code and appearing on pages 6809 to 6814 of the 1954 volume of the Code.

(f) No. VI, entitled "Deposit of Securities With the Treasurer of the State of Michigan by Banks and Trust Companies as Security for Creditors," as amended, being R 487.51 to R 487.54 of the Michigan Administrative Code and appearing on page 3411 of the 1964-65 Annual Supplements to the Code.

(g) No. VII, entitled "Regulation, pursuant to Act No. 2 of the Public Acts of 1935, as amended, being §487.751 et seq. of the Michigan Compiled Laws, governing loans by state banks and industrial banks in accordance with national housing act, as amended," being R 487.61 to R 487.63 of the Michigan Administrative Code and appearing on pages 6817 and 6818 of the 1954 volume of the Code.

History: 1954 ACS 84, p. 58, Eff. Aug. 1, 1970.

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PART 4. PURCHASE OF INVESTMENT SECURITIES

R 487.641 Definition of "investment security."

Rule 41. As used in this part, "investment security" means a marketable obligation in the form of a bond, note or debenture, commonly regarded as an investment security and which is salable under ordinary circumstances with reasonable promptness at a fair value.

History: 1954 ACS 64, p. 59, Eff. Aug. 1, 1970.

R 487.642 Purchases.

Rule 42. (1) A bank may purchase investment securities for its own account when in its prudent banking judgment, which may be based in part upon estimates which it believes to be reliable, it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the securities, including all debt service requirements, and that the securities may be sold with reasonable promptness at a price which corresponds to their fair value.

(2) The purchase of investment securities in which the investment characteristics are considered distinctly or predominantly speculative, or the purchase of investment securities which are in default, whether as to principal or interest, is prohibited.

History: 1954 ACS 64, p. 59, Eff. Aug. 1, 1970.

R 487.643 Unlimited purchases.

Rule 43. In addition to the authority granted to banks in section 154 of the act, to hold without limit certain investment securities, a bank may purchase without limit the following:

(a) Obligations issued under authority of the federal farm loan act, as amended.

(b) Obligations issued by the 13 banks for cooperatives or any of them.

(c) Obligations issued by the federal home loan banks.

(d) Obligations insured by the secretary of housing and urban development, hereinafter referred to as the "secretary," under title XI of the national housing act.

(e) Obligations insured by the secretary, if the debentures to be issued in payment of such insured obligations are guaranteed as to principal and interest by the United States.

(f) Obligations, participations or other instruments of, or issued by, the federal national mortgage association or the government national mortgage association.

(g) Obligations of any local public agency, as defined in section 1460(h) of title 12, secured by an agreement between the local public agency and the secretary in which the local public agency agrees to borrow from the secretary and the secretary agrees to lend to the local public agency, monies in an aggregate amount which, together with any other monies irrevocably committed to the payment of interest on such obligations, will suffice to pay, when due, the interest on all installments, including the final installment, of the principal of such obligations, which monies under the terms of the agreement are required to be used for such payments.

(h) Obligations of a public housing agency, as defined in the United States housing act of 1937, as amended, secured by either of the following:

(i) An agreement between the public housing agency and the secretary in which the public housing agency agrees to borrow from the secretary, and the secretary agrees to lend to the public housing agency, before the maturity of such obligations, which obligations shall have a maturity of not more than 18 months,

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monies in an amount which together with any other monies irrevocably committed to the payment of interest on such obligations will suffice to pay the principal of such obligations with interest to maturity thereon, which monies under the terms of the agreement are required to be used for the purpose of paying the principal of and the interest on such obligations at their maturity.

(ii) A pledge of annual contributions under an annual contributions contract between the public housing agency and the secretary if such contract contains the covenant by the secretary which is authorized by section 1421a(b) of title 42, and if the maximum period specified in such contract pursuant to section 1421a(b) of title 42, is not less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

History: 1954 ACS 64, p. 59, Eff. Aug. 1, 1970

R 487.644 Limit on holdings.

Rule 44. (1) In all other cases the total amount of investment securities of any 1 obligor or maker, held by a bank for its own account, shall not exceed at any time 10% of its capital stock actually paid in and unimpaired, 10% of its unimpaired surplus, and 10% of its capital notes or debentures outstanding, except that this limitation shall not require a bank to dispose of any securities lawfully held by it on the effective date of the act.

(2) The statutory limitation on the amount of investment securities of any 1 obligor or maker which may be held by a bank shall be determined on the basis of the par or face value of the securities, and not on their market value.

(3) For purposes of this rule, capital notes or debentures shall not include capital notes or debentures issued to or held by the federal deposit insurance corporation.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970; 1954 ACS 95, p. 94, Eff. Mar. 22, 1978.

R 487.645 Evidence of prudent banking judgment.

Rule 45. A bank shall maintain in its credit files information adequate to demonstrate that it has exercised prudence in making the determinations and carrying out the transactions described in R 487.642.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970.

R 487.646 Underwriting of securities.

Rule 46. (1) Subject to the exercise of prudent banking judgment, a bank may engage in the underwriting of the following investment securities:

(a) Obligations of the United States.

(b) General obligations of any state of the United States or a political subdivision thereof.

(c) Obligations of the international bank for reconstruction and development.

(d) Obligations of the inter-American development bank.

(e) Obligations of the Asian development bank.

(f) Obligations of the Tennessee valley authority.

(g) Obligations issued by any state or political subdivision or agency of a state or political subdivision for housing, university, or dormitory purposes.

(h) Other obligations listed in R 487.643.

(2) For the purpose of underwriting, prudence shall require a consideration of the resources and obligations of the obligor and a determination that the obligor possesses resources sufficient to provide for all required payments in connection with the obligation.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970; 1954 ACS 84, p. 75, Eff. June 28, 1975.

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R 487.647 Convertible securities.

Rule 47. When a bank purchases investment securities convertible into stock or with stock purchase warrants attached, entries shall be made by the bank at the time of purchase to write down the cost of such securities to an amount which represents the investment value of the securities considered independently of the conversion feature or attached stock purchase warrants. Purchase of investment securities convertible into stock at the option of the issuer is prohibited.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970.

R 487.648 Amortization of premiums.

Rule 48. When an investment security is purchased at a price exceeding par or face value, the bank shall do either of the following:

(a) Charge off the entire premium at the time of purchase.

(b) Provide for a program to amortize the premium paid or that portion of premium remaining after the write-down required under R 487.648 so that such premium or portion thereof shall be entirely extinguished at or before the maturity of the security.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970.

R 487.649 Purchase of securities under repurchase agreements.

Rule 49. A bank may purchase investment securities under a repurchase agreement, which shall be for a term not to exceed 120 days, at a price stated or at a price subject to determination under the terms of the agreement.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970; 1954 ACS 78, p. 119, Eff. Jan. 18, 1974.

R 487.650 Sale of securities under repurchase agreements.

Rule 50. A bank may sell investment securities under a repurchase agreement, which shall be for a term not to exceed 120 days, at a price stated or at a price subject to determination under the terms of the agreement.

History: 1954 ACS 64, p. 60, Eff. Aug. 1, 1970; 1954 ACS 78, p. 119, Eff. Jan. 18, 1974.

R 487.651 Exceptions.

Rule 51. The restrictions and limitations of this part do not apply to securities acquired through foreclosure on collateral, or acquired in good faith by way of compromise of a doubtful claim or to avoid a loss in connection with a debt previously contracted.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

PART 6. LOANS TO EXECUTIVE OFFICERS

R 487.671 Definitions.

Rule 71. As used in section 211 of the act:

(a) "Executive officers" means every officer of a bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policy-making functions of the bank, regardless of whether he has an official title or whether his title contains a designation of assistant and regardless of whether he is serving without salary or other compensation. The chairman of the board, the president, every vice president and the cashier of a bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, any such officer is excluded from participation in major policy-making functions, otherwise than in the capacity of a director of the bank, and he does not actually participate therein.

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(b) "Borrowing," "indebtedness," "loan," or "extension of credit" means the making of a loan or the extending of credit in any manner and includes:

(i) An advance by means of an overdraft, cash item, or otherwise.

(ii) The acquisition by discount, purchase, exchange or otherwise of a note, draft, bill of exchange or other evidence of indebtedness upon which an executive officer may be liable as maker, drawer, endorser, guarantor or surety.

(iii) An advance of unearned salary or other unearned compensation, for periods in excess of 30 days. Such terms do not include advances against accrued salary or other accrued compensation, or for the purpose of providing for the payment of authorized travel or other expenses incurred or to be incurred on behalf of the bank.

(c) "Borrow" or "become indebted" means a transaction by which an executive officer, directly or indirectly by any means, receives a loan or extension of credit.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

R 487.672 Approval of officer borrowings.

Rule 72. All officer borrowings, other than borrowings by executive officers, shall receive prior approval of a ⅔ majority of the entire board of directors. This approval may be given annually as a line of credit.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

R 487.673 Designation of chief executive officer.

Rule 73. The directors shall designate the bank's chief executive officer at the time of the annual meeting of the bank directors.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

R 487.674 Exemption.

Rule 74. The terms defined in subdivisions (b) and (c) of R 487.671 do not apply to indebtedness arising in accordance with subsection (4) of section 211 of the act.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

PART 8. DEPOSIT OF SECURITIES WITH STATE TREASURER AS SECURITY FOR TRUST CREDITORS

R 487.691 Time of deposit.

Rule 91. Before a bank commences exercising trust powers and within 30 days after being authorized by the commissioner to conduct trust activities, a bank shall deposit with the state treasurer securities required by section 184 of the act.

History: 1954 ACS 64, p. 61, Eff. Aug. 1, 1970.

R 487.692 Valuation of securities to be deposited.

Rule 92. Securities to be deposited with the state treasurer shall be valued as follows:

(a) Obligations of the United States, obligations which are guaranteed fully as to principal and interest by the United States, and general obligations of this state or of any political subdivision thereof shall be valued at par.

(b) Other securities approved by the commissioner under specific authorization of the commissioner shall be subject to special valuation by the commissioner upon request.

History: 1954 ACS 64, p. 62, Eff. Aug. 1, 1970.

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R 487.693 Deposit of additional securities.

Rule 93. When the value of the securities of the type described in R 487.692(b) deposited with the state treasurer shall for a period of 30 days be less than the amount required by section 184 of the act, a bank or trust company shall within such 30 days deposit with the state treasurer additional securities so that the aggregate amount of the securities so deposited will be at least equal to the amount required by section 184.

History: 1954 ACS 64, p. 62, Eff. Aug. 1, 1970.

COLLECTIVE INVESTMENT OF FIDUCIARY FUNDS

(By authority conferred on the commissioner of the financial institutions bureau by section 11 of Act No. 174 of the Public Acts of 1941 and sections 11, 12, and 186 of Act No. 319 of the Public Acts of 1969, being §§555.111, 487.311, 487.312, and 487.486 of the Michigan Compiled Laws)

R 487.901 Definitions.

Rule 1. As used in these rules:

(a) The terms defined in section 1 of Act No. 174 of the Public Acts of 1941, being §555.101 of the Michigan Compiled Laws, have the same meaning as prescribed in the act.

(b) "Commissioner" means the commissioner of the financial institutions bureau.

(c) "Managing agent" means the fiduciary relationship assumed by a financial institution upon the creation of an account which confers investment discretion on the financial institution and which imposes upon it the fiduciary responsibilities imposed upon executors, administrators, guardians or trustees under will or deed, but as to which the technical legal relationship is that of agent and principal.

History: 1954 ACS 67, p. 64, Eff. May 1, 1971.

R 487.902 Financial institutions' boards of directors and trust investment committees.

Rule 2. (1) The board of directors is responsible for the proper exercise of fiduciary powers by a financial institution. All matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all officers, employees and committees used by a financial institution in the exercise of its fiduciary powers, are the responsibility of the board. In discharging this responsibility, the board of directors may assign, by action duly entered in the minutes, the administration of such of the financial institution's fiduciary powers as it may consider proper to such directors, officers, employees or committees as it may designate.

(2) The board of directors of a financial institution which undertakes to administer a common trust fund shall appoint a trust investment committee composed of at least 3 members who shall be capable and experienced officers or directors of the institution.

History: 1954 ACS 67, p. 65, Eff. May 1, 1971.

R 487.903 Plans for common trust funds.

Rule 3. (1) A common trust fund shall be established and maintained in accordance with a written plan which shall be approved by a resolution of the financial institution's board of directors, approved in writing by competent legal

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counsel for the bank, and filed with the commissioner. A plan shall not be put into operation or become effective until 15 days after the date a copy of the plan has been sent by registered mail to the commissioner. If the commissioner fails to disapprove the plan within this period, the commissioner is deemed to have approved the plan.

(2) The plan shall contain appropriate provisions not inconsistent with these rules as to the manner in which the fund is to be operated, including provisions relating to the investment powers of the financial institution with respect to the fund, the allocation of income, profits and losses, the terms and conditions governing the admission or withdrawal of participations in the fund, the auditing of accounts of the financial institution with respect to the fund, the basis and method of valuing assets in the fund, the minimum frequency for valuation of assets of the fund, the period following each such valuation date during which the valuation may be made, the basis upon which the fund may be terminated, and such other matters as may be necessary to prescribe clearly the rights of participants in the fund. Plans which have been established in conformance with prior regulations may continue to conform to such regulations rather than the requirements of this subrule, for a reasonable period.

(3) A copy of the plan shall be available at the principal office of the financial institution for inspection during all banking hours, and upon request a copy of the plan shall be furnished to any person.

History: 1954 ACS 67, p. 65, Eff. May 1, 1971.

R 487.904 General administration of common trust funds.

Rule 4. (1) The administration of a common trust fund as an investment trust for other than strictly fiduciary purposes is prohibited.

(2) Assets in a common trust fund shall be considered as assets held by the financial institution as fiduciary.

(3) A financial institution administering a common trust fund shall have the exclusive management thereof. The financial institution shall absorb the costs of establishing or reorganizing a common trust fund.

(4) A financial institution or person acting as fiduciary in the administration of a common trust fund shall not borrow money or otherwise encumber a common trust fund, except for the accrual of legitimate administrative costs of the common trust fund, or where it might become temporarily necessary in the simultaneous purchase and sale of securities.

History: 1954 ACS 67, p. 65, Eff. May 1, 1971.

R 487.905 Permissible investments in common trust funds.

Rule 5. Funds received or held by a financial institution as fiduciary may be invested collectively in common trust funds, established and maintained in accordance with the laws of this state and these rules as follows:

(a) In a common trust fund maintained by the financial institution exclusively for the collective investment and reinvestment of moneys contributed thereto by the financial institution in its capacity as executor, administrator, guardian, or trustee under a will or trustee under written agreement, declaration or instrument of trust.

(b) In a common trust fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation under the internal revenue code. Assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from federal income taxation under the internal revenue code and held by the financial institution, in

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whatever capacity, may be invested in common trust funds established under this subdivision.

(c) In a common trust fund maintained by the financial institution exclusively for the collective investment and reinvestment of moneys contributed thereto by the financial institution in its capacity as managing agent, under a managing agency agreement. Moneys held by the financial institution in its capacity as managing agent shall not be invested in common trust funds established under subdivisions (a) or (b).

History: 1954 ACS 67, p. 65, Eff. May 1, 1971.

R 487.906 Prohibited investments and interests in common trust funds.

Rule 6. (1) The trust investment committee, or board of directors, of a financial institution administering a common trust fund shall not permit any funds of any trust to be invested in a common trust fund if it has reason to believe that such trust was not created or is not being used for fiduciary purposes.

(2) Such an institution shall not invest any of its own funds in the common trust fund. If a financial institution, because of a creditor relationship or any other reason, acquires any interest in a participation in a common trust fund under its administration, the participation shall be withdrawn on the first date on which such withdrawal can be effected in accordance with these rules. However, in no case shall an unsecured advance to an account holding a participation until the time of the next withdrawal be deemed to constitute the acquisition of an interest by the financial institution.

(3) Such an institution shall not have any interest in the assets held in the common trust fund, other than in its capacity as fiduciary, except to the extent permitted for a temporary period as provided in subrule (2) of this rule and subrule (4) of R 487.904. However, funds held by a financial institution as fiduciary as described in R 487.905(a) and (b) for its own employees may be invested in such a fund.

(4) Such an institution shall not make any loans on the security of a participation in such fund.

(5) Such an institution may purchase for its own account from a common trust fund any defaulted mortgage held by such fund, if in the judgment of the board of directors the cost of segregation of such mortgage would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. If the financial institution elects to purchase the mortgage it shall do so at its market value or at the sum of principal, interest and penalty charges, whichever is greater.

(6) Except in the case of a common trust fund described in R 487.905(b), no funds or other property shall be invested in a participation in a common trust fund if as a result of such investment the participant would have an interest aggregating in excess of 10% of the then market value of the fund. In applying this limitation if 2 or more accounts are created by the same person or persons and as much as ½ of the income or principal of each account is payable or applicable to the use of the same person or persons, such accounts shall be considered as 1.

History: 1954 ACS 67, p. 66, Eff. May 1, 1971

R 487.907 Participations in common trust funds.

Rule 7. (1) Participations in a common trust fund shall be on the basis of a proportionate interest in all the assets. In order to determine whether the investment of funds received or held by a financial institution as fiduciary in a participation in a common trust fund is proper, the financial institution may

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consider the common trust fund as a whole and shall not, for example, be prohibited from making such investment because any particular asset is non-income producing.

(2) A certificate of participation may be issued for each investment or participation in a common trust fund. The certificate shall state on its face that it is issued without guarantee by the issuing financial institution of the payment of either principal or interest, and that it will be paid only when funds become available out of the assets comprising the common trust fund. No such certificate shall be issued in any form which purports to be negotiable or assignable.

(3) When participations are withdrawn from a common trust fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind, but all distributions as of any 1 valuation date shall be made on the same basis.

(4) If for any reason an investment is withdrawn in kind from a common trust fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it shall be segregated and administered or realized upon for the benefit ratably of all participants in the common trust fund at the time of withdrawal.

(5) A financial institution administering a common trust fund shall maintain in cash and readily marketable investments such part of the assets of the fund deemed to be necessary to provide adequately for the needs of participants and to prevent inequities between such participants. If before any admissions to or withdrawals from a fund the financial institution determines that after effecting the admissions and withdrawals which are to be made less than 40% of the value of the remaining assets of the collective investment fund would be composed of cash and readily marketable investments, no admissions to or withdrawals from the fund shall be permitted as of the valuation date upon which such determination is made, however, ratable distribution upon all participations shall not be so prohibited in any case.

History: 1954 ACS 67, p. 66, Eff. May 1, 1971.

R 487.908 Investments by common trust funds.

Rule 8. (1) All investments of a common trust fund shall be made, retained or disposed of only with approval of the trust investment committee. The committee shall keep minutes and proceedings separate and distinct from any minutes, records of other procedings, or other activities of such institution, and the minutes and records shall show and record the disposition of all matters pertaining to such common trust fund considered and passed upon by it.

(2) Except in the case of common trust funds described in R 487.905(b):

(a) No investment for a common trust fund shall be made in stocks, bonds or other obligations of any 1 person, firm or corporation if as a result of such investment the total amount invested in stocks, bonds or other obligations issued or guaranteed by such person, firm or corporation would aggregate in excess of 10% of the then market value of the fund. This limitation does not apply to investments in direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest.

(b) No investment for a common trust fund shall be made in any 1 class of shares of stock of any 1 corporation which would cause the total number of such shares held by the common trust fund to exceed 5% of the number of such shares outstanding. If the financial institution administers more than 1 common trust fund, no investment shall be made which would cause the aggregate investment for all such common trust funds in shares of stock of any 1 corporation to exceed such limitation.

History: 1954 ACS 67, p. 67, Eff. May 1, 1971.

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R 487.909 Mortgage investments.

Rule 9. (1) The reasonable expenses incurred in servicing mortgages held by a common trust fund may be charged against the income account of the fund and paid to servicing agents, including the financial institution administering the fund.

(2) A financial institution may transfer up to 5% of the net income derived by a common trust fund from mortgages held by such fund during any regular accounting period to a reserve account. No such transfers shall be made which would cause the amount in such account to exceed 1% of the outstanding principal amount of all mortgages held in the fund. The amount of such reserve account, if established, shall be deducted from the assets of the fund in determining the fair market value of the fund for the purposes of admissions and withdrawals.

(3) At the end of each accounting period, all interest payments which are due but unpaid with respect to mortgages in the fund shall be charged against such reserve account to the extent available and credited to income distributed to participants. In the event of subsequent recovery of such interest payments by the fund, the reserve account shall be credited with that amount so recovered.

History: 1954 ACS 67, p. 67, Eff. May 1, 1971.

R 487.910 Quarterly valuations of assets and reports.

Rule 10. Not less frequently than once during each 3 months, a financial institution administering a common trust fund shall determine the value of the assets in the common trust fund as of the dates set for the valuation of assets and furnish the commissioner with a copy of such valuation. No participation shall be admitted to or withdrawn from the fund except (a) on the basis of such valuation and (b) on the date of the determination of such valuation. No participation shall be admitted to or withdrawn from the fund unless a written request for, or notice of intention of taking such action, has been entered on or before the valuation date in the fiduciary records of the financial institution and approved in such manner as the board of directors shall prescribe. No such request or notice may be cancelled or countermanded after the valuation date.

History: 1954 ACS 67, p. 67, Eff. May 1, 1971.

R 487.911 Annual audits and financial reports.

Rule 11. (1) A financial institution administering a common trust fund shall at least once during each 12 months cause an adequate audit to be made of the common trust fund by auditors responsible only to the board of directors of the financial institution. When such audit is performed by independent public accountants, the reasonable expenses of the audit may be charged to the common trust fund.

(2) A financial institution administering a common trust fund shall at least once during each 12 months prepare a financial report of the fund which shall be filed with the commissioner. This report, based on the audit provided for in subrule (1), shall contain a list of the investments in the fund showing the current market value of each investment, a statement for the period since the last report showing purchases, sales and any other investment changes, income and disbursements, and an appropriate notation as to any investment in default.

(3) The financial report may include a description of the fund's value on previous dates as well as its income and disbursements during the previous accounting periods. The report shall make no reference to the performance of funds other than those administered by the financial institution, and no predictions or representations as to future results.

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(4) A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. A copy of the report may also be furnished upon request to any person, and the fact of the availability of the report may be given publicity solely in connection with promotion of the fiduciary sevices of the financial institution. Except as herein provided, the financial institution shall not advertise or publicize its common trust funds. The cost of printing, publication and distribution of the report shall be borne by the financial institution.

History: 1954 ACS 67, p. 68, Eff. May 1, 1971.

R 487.915 Other collective investments.

Rule 15. In addition to the investments permitted under R 487.905, funds or other property received or held by a financial institution as fiduciary may be invested collectively, as follows:

(a) In shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a bank fiduciary fund.

(b) In direct obligations of the United States, or in obligations fully guaranteed by the United States, if the financial institution owns no participation in the obligations and has no interest therein except in its capacity as fiduciary.

(c) In a single real estate mortgage loan, if the financial institution owns no participation in the loan or obligation and has no interest therein except in its capacity as fiduciary. A single real estate mortgage loan is deemed to be an obligation secured by real estate which, at the date of investment, is legal for investment of trust funds under the laws of this state and is of the kind which might be acquired by a financial institution under the provisions contained in subsection (1) of section 194 of Act No. 319 of the Public Acts of 1969, being §487.494 of the Michigan Compiled Laws.

(d) In an investment specifically authorized by court order or by the instrument creating the fiduciary relationship, if such investment is not made for the purpose of avoiding any other requirements of these rules.

History: 1954 ACS 67, p. 68, Eff. May 1, 1971.

R 487.919 Rescission.

Rule 19. The following rules are rescinded:

(a) The rules entitled "Collective Investment of Fiduciary Funds in Common Trust Funds," being R 487.101 to R 487.105 of the Michigan Administrative Code and appearing on pages 6822 to 6832 of the 1954 volume of the Code.

(b) The rules entitled "Collective Investment of Fiduciary Funds," being R 487.101 to R 487.104 of the Michigan Administrative Code and appearing on pages 2928 to 2933 of the 1963 Annual Supplement to the Code.

History: 1954 ACS 67, p. 69, Eff. May 1, 1971.

SAVINGS AND LOAN ASSOCIATIONS

(By authority conferred on the commissioner of the financial institutions bureau by section 421 of Act No. 156 of the Public Acts of 1964, as amended, and sections 9 and 234 of Act No. 380 of the Public Acts of 1965, as amended, being §§489.821, 16.109, and 16.334 of the Michigan Compiled Laws)

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R 489.545 Lending areas.

Rule 145. "Lending area," as used in section 145 of Act No. 156 of the Public Acts of 1964, being §489.545 of the Michigan Compiled Laws, means the entire state of Michigan plus that area, if any, outside the state within a radius of 100 miles of the home office of the association. The lending area is applicable to all loans and contracts authorized by this act except:

(a) Real estate securing noninsured loans or contracts purchased shall be located within the state unless otherwise authorized by the supervisory authority.

(b) Real estate securing noninsured condominium loans shall be located within the state.

(c) Investments in uninsured mobile home loans shall be limited to loans secured by liens upon property located within the state.

(d) Loans and contracts insured or guaranteed, in whole or in part, as authorized by the act may be made, purchased or sold without regard to the lending area.

(e) Participation loans authorized by the act may be made, acquired or sold without regard to the lending area, if, the loans are insured or guaranteed in whole or in part as authorized by the act; or the loan participants are regulated lenders approved by the supervisory authority; or the savings accounts or deposits of the participants have insurance protection afforded by the federal savings and loan insurance corporation or the federal deposit insurance corporation. Property securing other participation loans shall be located within the state.

History: 1954 ACS 45, p. 36, Eff. Feb. 14, 1966; 1954 ACS 66, p. 56, Eff. Feb. 1, 1971.

R 489.781.1 Investments in service corporations; applications.

Rule 381.1. (1) A savings and loan association desiring to invest funds in a service corporation shall file with the supervisory authority an application on a form prescribed by the supervisory authority, with attached true copies of the articles of incorporation and bylaws of the service corporation, and secure his approval before investment of the funds. If the service corporation has not been incorporated, proposed articles of incorporation and bylaws shall be filed with the application.

(2) Before final approval of the application, the service corporation shall file true copies of its articles of incorporation and bylaws and a written agreement that:

(a) The supervisory authority or his designated representative may examine the books, records and operations of the service corporation, which examinations shall be at the expense of the service corporation.

(b) The supervisory authority may prescribe the manner in which the books and records of the service corporation shall be maintained.

History: 1954 ACS 76, p. 86, Eff. Sept. 15, 1973.

Editor's note: With respect to R 489.781.1 to R 489.781.7, it appears that the number between the 2 decimal points is intended to correspond to §489.781 of the Michigan Compiled Laws.

R 489.781.2 Investments in service corporations; conditions for approval.

Rule 381.2. (1) The supervisory authority shall approve the application if he is satisfied that:

(a) The service corporation is or will be incorporated under Act No. 327 of the Public Acts of 1931, as amended, or Act No. 284 of the Public Acts of 1972, being §§450.1 to 450.192 and 450.1101 to 450.2099 of the Michigan Compiled Laws.

(b) The entire capital stock of the service corporation is available for purchase only by 1 or more savings and loan associations chartered by this state or federal savings and loan associations whose principal offices are in this state.

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(c) The service corporation is an organization that complies with the requirements of subsection (h) of section 381 of Act No. 156 of the Public Acts of 1964, as amended, being §489.781 of the Michigan Compiled Laws.

(d) The proposed investment by the association in the stock or investment certificates of the service corporation is not more than the limit prescribed by section 352 of Act No. 156 of the Public Acts of 1964, being §489.752 of the Michigan Compiled Laws.

(e) The total investment in the aggregate by the association in the investments described in subsections (f), (g), and (h) of section 381 of Act No. 156 of the Public Acts of 1964, as amended, is not more than the limit prescribed for such investments in section 381.

(f) The total investment in the aggregate by the association in all service corporations is not more than the limit prescribed by R 489.781.3.

History: 1954 ACS 76, p. 87, Eff. Sept. 15, 1973.

R 489.781.3 Investments in service corporations; limit and records.

Rule 381.3. (1) The total investment in the aggregate by an association in all service corporations shall be limited to 2% of the gross assets of the association.

"Investment" as used in this rule includes (a) an investment in the stock, bonds, debentures or investment certificates of a service corporation, (b) any other investment in or extension of credit to a service corporation, including but not limited to secured or unsecured loans granted by an association to a service corporation or to any joint venture of a service corporation, and (c) loans granted by a third person to a service corporation which are guaranteed in writing by the association.

(2) The supervisory authority may prescribe the manner in which the investment by an association in a service corporation shall be entered on the books of the association.

History: 1954 ACS 76, p. 87, Eff. Sept. 15, 1973.

R 489.781.4 Borrowings by service corporations.

Rule 381.4. (1) A borrowing by a service corporation from a person other than a parent association, except for a loan guaranteed in writing by an association which is subject to the investment limit of R 489.781.3 shall be supported by a written certification from the lender that no parent association is liable for the debt incurred by the service corporation.

(2) The total borrowings in the aggregate by a service corporation from persons other than a parent association, except for loans guaranteed in writing by an association which are subject to the investment limit of R 489.781.3 shall be limited to 5 times the total investment in the service corporation as determined by R 489.781.3.

History: 1954 ACS 76, p. 87, Eff. Sept. 15, 1973.

R 489.781.5 General operations of service corporations.

Rule 381.5. (1) A service corporation shall not amend its articles of incorporation or bylaws without prior written approval by the supervisory authority, and true copies of any amendment to its articles of incorporation or bylaws shall be filed with the supervisory authority.

(2) A service corporation shall not change the location of its office or add offices without prior written approval by the supervisory authority.

(3) The compensation of and other benefits to directors, officers and employees of a service corporation shall be reasonable and commensurate with their duties and responsibilities.

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(4) Surety coverage in a form and amount approved by the supervisory authority shall be required of all directors, officers and employees of a service corporation.

(5) A service corporation shall make all loans and other investments in a prudent manner.

(6) An association shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration therefor, on the condition or requirement that the customer obtains from or provides to a subsidiary service corporation of the association some additional credit, property or service.

(7) A service corporation shall file reports with the supervisory authority in such form and containing such information as the supervisory authority may direct.

(8) A subsidiary of a service corporation is deemed to be a service corporation and is subject to the provisions of R 489.781.1 to R 489.781.6 except subrule (1)(b) of R 489.781.2.

History: 1954 ACS 76, p. 87, Eff. Sept. 15, 1973.

R 489.781.6 Violations.

Rule 381.6. When (a) a service corporation engages in a business activity that the supervisory authority has not approved, (b) the investment limits of sections 352 or 381 of Act No. 156 of the Public Acts of 1964, as amended, are exceeded, (c) the investment limit of R 489.781.3 is exceeded, or (d) a service corporation violates any applicable statute or rule, an association with an investment in the service corporation shall dispose of its investment promptly unless, within 90 days after the date of mailing of written notice by the supervisory authority to the association, the unapproved business activity is discontinued, the investment limit is met or violation of the statute or rule is discontinued.

History: 1954 ACS 76, p. 88, Eff. Sept. 15, 1973.

R 489.781.7 Investment in corporate bonds or notes.

Rule 381.7. An investment by an association in corporate bonds or notes shall be limited to marketable obligations which have the 4 highest ratings assigned by a nationally recognized bond rating service.

History: 1954 ACS 88, p. 122, Eff. July 22, 1976.

R 489.810 Definition.

Rule 410. "Act" means Act No. 156 of the Public Acts of 1964, as amended, being §489.501 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 88, p. 122, Eff. July 22, 1976.

R 489.811 Application for establishment of agency; authorized function of agencies; procedures; limitations.

Rule 411. (1) An association, not otherwise prohibited from establishing an agency by the rules and regulations of the federal savings and loan insurance corporation, may file an application with the financial institutions bureau for permission to establish an agency for the transaction of business under section 411 of the act.

(2) The association shall submit the following documents in support of its application for permission to establish an agency:

(a) A certified copy of a resolution by its board of directors authorizing an officer to file an application.

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(b) An application letter in narrative form that names the proposed agent and provides biographical information which includes the agent's age, business experience, community activities, reputation for integrity, and present principal occupation. The application letter shall also include a description of the proposed agency location, facilities, and personnel.

(c) A credit report on the proposed agent in comprehensive form as issued by a recognized credit reporting organization.

(d) A copy of the agency agreement, executed by the proposed agent and officers of the association, providing for the services to be offered and the functions to be performed by the agent, the methods and procedures for reporting agency transactions, the basis for the computation of fees to be paid to the agent, and the association forms to be provided to the agent. The agency agreement shall also set forth the terms and conditions under which it may be terminated by either party.

(3) An agent may accept:

(a) A deposit to an existing savings account and record the addition to the savings account passbook or give other evidence of receipt as prescribed by the association.

(b) A withdrawal form and savings account passbook from an account holder for transmission to the main office or a branch office of the association for disbursement directly to the account holder by the association. An agent shall not honor a withdrawal request or disburse funds.

(c) Payment on a loan or on a land contract and issue evidence of receipt as prescribed by the association.

(4) An agent may solicit and accept:

(a) A new savings account. Signature cards may be obtained from the account holder by the agent, but passbooks may be issued only by the main office or a branch office of the association. An agent shall not possess an unissued or blank authenticated savings account passbook or certificate.

(b) An application for a loan or a land contract purchase. The application shall be submitted to the main office or a branch office of the association for processing, approval, and the disbursement of funds.

(5) The association shall establish a demand deposit account in a bank convenient to the agency to provide a depository for savings and loan payments. Accumulated funds in the depository shall be transferred only by a check drawn by a duly authorized officer of the association.

(6) An agent shall, at least semimonthly, transmit a report of funds received for the association, together with evidence of the deposit of the funds in the depository, to the association.

(7) An association shall not furnish working capital or operating funds in any form to an agent.

(8) The office of an agent or agency is not an office or a branch office of an association within the meaning of section 412 of the act, and shall not be referred to as a branch office by the association.

History: 1954 ACS 88, p. 122, Eff. July 22, 1976.

R 489.812 Branch offices; application procedures; notice; objections; written statement; oral argument, transcript; decision; formal hearing; costs.

Rule 412. (1) An application for permission to establish a branch office shall be submitted on a form provided by the supervisory authority. The supervisory authority may require, in a form it deems appropriate, additional or supplemental information from the applicant or from an objecting association.

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(2) Each application for permission to establish a branch office, accompanied by the requisite fee, shall be time stamped by the supervisory authority when filed, establishing the priority of filing. Within 10 days of the original filing date, the supervisory authority may return an application it deems materially incomplete, in which case the priority of filing and processing shall be forfeited.

(3) Written notice of an application for a branch office shall be mailed to all associations as required by section 412(1) of the act. An association having an approved, but unopened, office within 25 miles of the proposed branch office location shall be sent notice of the application and shall have standing to object.

(4) An application for a savings and loan branch office shall designate a specific site location, except that, with the approval of the supervisory authority, designation of a specific site may be delayed for 30 days following the filing of the application. An applicant shall provide the supervisory authority with written evidence to show that the proposed site has been secured by the applicant through purchase, a lease agreement, or a binding option for purchase or lease.

(5) An objecting association may, upon written request, obtain a photocopy of a branch application, except savings account information, loan penetration information, and land acquisition arrangements. The objecting association requesting a copy of a branch application shall pay those costs of reproduction and mailing which the supervisory authority shall from time to time determine.

(6) An association filing a written objection pursuant to section 412(2) of the act shall immediately furnish a copy of that written objection to the applicant.

(7) Within 30 days from the time notice of the application is sent by the supervisory authority pursuant to section 412(1) of the act, the objecting association shall file with the supervisory authority and the applicant a written statement setting forth the following information:

(a) A statement summarizing the reasons for the objection.

(b) A list of specific matters in the application to which the association objects, together with the reasons for each objection.

(c) A statement of the facts supporting the objection, including relevant economic and financial data.

(d) A statement of adverse effects on the objecting association which may result from approval of the application.

(e) Whether the objecting association desires an opportunity for oral argument as hereafter provided.

(8) Within 10 days following the filing of the written statement of objections pursuant to subrule (7), the applicant may file additional written material in response to an objection, and may file a request for an opportunity for an oral argument as hereafter provided.

(9) If the applicant or an objecting association has requested, or if desired by the supervisory authority, an oral argument on the merits of the application may be heard by any person designated by the supervisory authority. If oral argument is to be held, the supervisory authority shall, within 7 days of receipt of a request for oral argument pursuant to subrule (7) or (8), mail a notice to the applicant and to the objecting associations fixing the time and place for the oral argument. The oral arguments shall be scheduled not less than 10 days nor more than 20 days after the mailing of notice.

The oral argument with respect to any application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. Unless otherwise agreed by the parties, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all

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oral argument in favor of an application. A transcript shall be made of any oral argument at the expense of the party or parties requesting oral argument. If the oral argument is at the request of the supervisory authority, the transcript shall be made at the pro rata expense of the objecting association or associations and the applicant. The transcript shall be included in the application file. After the oral argument, if held, the supervisory authority shall make its decision as provided in section 412(2) of the act.

(10) Within 10 days following the date of decision, the applicant or an objecting association may request a formal hearing to reconsider the decision. After receipt of this request in writing, the supervisory authority may, at its discretion, set the matter for a formal hearing. A formal hearing shall be conducted pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(11) If a formal hearing is conducted, the cost of transcripts, court reporter, and extraordinary expenses shall be borne by the party requesting the hearing, other than the supervisory authority, or as otherwise mutually agreed by the parties. For purposes of this subrule, "extraordinary expenses" means the additional expense of conducting a hearing at a place other than the hearing room then currently reserved for the financial institutions bureau, and includes only the cost of transportation and lodging for the hearing officer and rental charges for the hearing room, if applicable.

History: 1954 ACS 45, p. 37, Eff. Feb. 14, 1966; 1954 ACS 88, p. 124, Eff. Sept. 11, 1976.

CREDIT UNIONS

(By authority conferred on the commissioner of the financial institutions bureau by sections 17a and 27 of Act No. 285 of the Public Acts of 1925, as amended, being §§490.17a and 490.27 of the Michigan Compiled Laws)

R 490.1 Definitions.

Rule 1. (1) "Act" means Act No. 285 of the Public Acts of 1925, as amended, being §§490.1 to 490.31 of the Michigan Compiled Laws.

(2) The terms defined in the act have the same meaning when used in these rules.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

R 490.5 Annual review; minutes; contents.

Rule 5. (1) Annually the board of directors shall conduct a full and complete review of the operations of the credit union.

(2) The board shall record in its minutes consideration of at least the following items of business:

(a) Loan policies including:
(i) Dollar limits for unsecured loans.
(ii) Dollar limits for secured loans.
(iii) Maturity limits for each type of loan.
(iv) Interest rates for each type of loan.
(b) All bond coverages.
(c) All insurance coverages.
(d) Bank depository designations.
(e) General investment policy.
(f) Interest paid on deposits, if applicable.
(g) Personnel policy including compensation.
(h) Designation of membership officer.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

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R 490.11 Thrift accounts; approval.

Rule 11. (1) A credit union may establish a class of thrift accounts if the commissioner has approved an application filed on a form supplied by him establishing its terms, conditions and restrictions.

(2) A thrift account which automatically terminates within a 12-month period, including but not limited to a Christmas club or vacation account, and which pays an interest or dividend rate of not more than the last dividend rate paid or declared on regular share accounts shall be deemed approved by the commissioner upon receipt of the application and a bylaw is not required.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

R 490.15 Class of share accounts; approval; dividends.

Rule 15. (1) A credit union may establish a class of share accounts paying a dividend rate different from the rate it pays on regular share accounts if the commissioner has approved an application filed on a form supplied by him establishing the terms, conditions and restrictions on any additional class of share accounts.

(2) Dividends shall not be paid on either the additional class of shares or the regular shares unless dividends are paid on both.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

R 490.21 Line of credit loans; application to commissioner.

Rule 21. (1) A credit union may establish a line of credit loan plan if the commissioner has approved an application filed on a form supplied by him.

(2) A credit union shall not designate a loan plan as a line of credit loan plan without the approval of the commissioner.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

R 490.22 Line of credit loans; approval by credit committee; annual review.

Rule 22. The credit committee shall approve each line of credit loan prior to any advance to the member by the credit union under that loan, and this approval shall not be delegated to a loan officer. The credit committee shall review each line of credit loan at least once annually.

History: 1954 ACS 78, p. 120, Eff. Jan. 4, 1974.

R 490.23 Line of credit loans; limitations.

Rule 23. A credit union shall not make a line of credit loan that exceeds the stated sum or specified period of time approved by the commissioner for that credit union.

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974.

R 490.24 Rescinded.

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974; rescinded 1954 ACS 99, p. 154, Eff. May 3, 1979.

R 490.25 Special savings draft liquidity reserve fund; records and reports.

Rule 25. (1) A credit union shall maintain for a period of 1 month, beginning on the seventh day of each month, a special savings draft liquidity reserve fund which, when averaged over the days during that month on which savings drafts were paid, shall equal not less than 125% of the aggregate amount paid on savings drafts during the preceding calendar month divided by the number of days on which savings drafts were paid during that month.

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(2) The special savings draft liquidity reserve fund shall consist of cash on hand, deposits in insured depository financial institutions, deposits in a credit union whose assets consist primarily of funds from other credit unions and in which such deposits are specifically authorized by the board of directors of the credit union making the deposit, or direct U.S. government obligations, provided that any investment included as a portion of this reserve shall be redeemable within 60 days and have a maturity not in excess of 90 days. Not more than 20% of the required special savings draft liquidity reserve shall be in direct U.S. government obligations.

(3) The credit union shall keep current records of the aggregate savings draft account balances, clearings, and reserves required by this rule. The commissioner may require periodic or special reports based on these records.

History: 1954 ACS 99, p. 154, Eff. May 3, 1979.

R 490.31 Open end revolving credit loans.

Rule 31. (1) Under an open end revolving credit loan plan, the credit union shall have the unconditional right to disapprove an advance at any time for any reason.

(2) The credit union shall include this express condition in any detailed written or oral representations and in conspicuous print in any documentation that constitutes the open end revolving credit agreement and disclosure.

(3) Prior to making an advance to a member under an open end revolving credit loan, the credit union shall have on file an application for the advance:

(a) Stating the purpose for the advance.

(b) Signed by or at the direction of the member seeking the advance.

(c) Approved by a loan officer.

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974.

R 490.41 Overdrafts.

Rule 41. A credit union shall not issue a check on a bank in excess of the balance of its demand deposit account in that bank then shown on the books of the credit union unless:

(a) The excess is not greater than the unused portion of a current line of credit agreement between the credit union and the bank.

(b) The line of credit agreement expressly provides that it will apply to cover overdrafts by the credit union.

(c) The line of credit agreement has been approved by the board of directors of the credit union.

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974.

R 490.51 Delinquent loans.

Rule 51. (1) "Delinquent loan" means that the aggregate of payments made on the loan by the borrower is less than the aggregate of principal and interest which has become due under the terms of the loan.

(2) "Months delinquent" means the number of whole months that have elapsed since a payment or partial payment has become due and remains unpaid. All payments or partial payments made shall apply successively to the first occurring payment that has become due and remains unpaid.

(3) The application of proceeds from a liquidation of collateral to a delinquent loan by a credit union shall reduce the balance due, but not the months delinquent, of that loan.

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974.

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R 490.52 Special reserve for delinquent loans.

Rule 52. (1) The regular reserve of each credit union shall be supplemented by a special reserve to be known as the special reserve for delinquent loans, which shall be equal to the excess of the sum of 10% of the unpaid balances of loans delinquent more than 2 months and less than 6 months, plus 25% of the unpaid balances of loans delinquent from 6 months to less than 12 months, and plus 80% of the unpaid balances of loans delinquent 12 months or more over the balance in the regular reserve. In the event it is necessary to supplement the regular reserve by a special reserve for delinquent loans, the transfer to the special reserve for delinquent loans shall be made as of the last day of any dividend period from undivided earnings before any distribution of dividends. The maintenance of a special reserve for delinquent loans shall not eliminate the necessity for transferring net earnings as of the end of each dividend period to the regular reserve as required by section 17a of the act. In the event the required transfer exceeds the balance of undivided earnings, only the balance of undivided earnings shall be transferred to the special reserve for delinquent loans.

(2) When, as of the end of any dividend period, the amount in the special reserve for delinquent loans exceeds the amount required by subrule (1), the board of directors of the credit union may authorize the transfer of the excess to undivided earnings.

(3) Upon written application by the board of directors of a credit union, the commissioner may waive for cause in whole or in part, the requirement for the maintenance of the special reserve for delinquent loans contained in subrule (1).

History: 1954 ACS 78, p. 121, Eff. Jan. 4, 1974.

R 490.81 Access to records.

Rule 81. A credit union may not purchase or receive recordkeeping services from an outside party unless both the credit union and the outside party, including any subcontractor, furnish the commissioner with an assurance in writing that the performance of these services will be subject to examination and regulation to the same extent as if the services were performed by the credit union on its own premises.

History: 1954 ACS 78, p. 122, Eff. Jan. 4, 1974.

R 490.82 Availability of records.

Rule 82. The books and records of a credit union shall be available for examination by the commissioner or his appointed agent. Every credit union shall:

(a) Notify and keep the commissioner current on the hours it is open.

(b) Designate a person who can provide prompt access to the credit union records.

(c) Furnish and keep current with the commissioner the names, addresses, and telephone numbers of the persons designated under subdivision (b) and of substitutes during vacations or absences.

History: 1954 ACS 78, p. 122, Eff. Jan. 4, 1974.

INSURANCE BUREAU

ELECTRONIC DATA PROCESSING EQUIPMENT DEFINITION

(By authority of section 933 of Act No. 218 of the Public Acts of 1956, being §500.933 of the Michigan Compiled Laws)

R 500.401 "Electronic data processing equipment" defined.

Rule 401. "Electronic data processing equipment," within the meaning of

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section 933 of Act No. 218 of the Public Acts of 1956, as added by Act No. 117 of the Public Acts of 1961, is defined as equipment of an electronic system comprised of 1 or more components, which utilize storage and processing mechanization and which has a direct automatic means of input and output.

The admitted asset value of such equipment, provided it is purchased by an insurance company for use regularly in the normal course of business, shall be the original cost of the equipment, not exceeding 2% of the admitted assets of the company and such cost shall be amortized in full over a period not to exceed 10 calendar years.

History: 1954 ACS 34, p 15, Eff. May 15, 1963.

GENERAL RULES

(By authority conferred on the commissioner of insurance by sections 210, 901, 925, 2047, 4000, 4424, and 5289 of Act No. 218 of the Public Acts of 1956, as amended, being §§500.210, 500.901, 500.925, 500.2047, 500.4000, 500.4424, and 500.5289 of the Michigan Compiled Laws)

R 500.402 Admission of balances due from reinsurers.

Rule 402. (1) Balances due from reinsurers and credits for reinsurance shall be admitted in determining the financial condition of a ceding insurer other than a life insurer only to the extent such balances and credits:

(a) Have been verified in statements filed by reinsurers authorized to transact insurance in this state as being available for the payment of claims.

(b) Are offset by deposits by or funds withheld from the reinsurers and are determined to be available for the payment of claims.

(c) Have been otherwise verified to the satisfaction of the commissioner, and further, that insurers owing such balances are determined to be financially solvent based on the standards used for authorized insurers.

(2) In determining the amount of deposits by or funds withheld from reinsurance to be allowed as an offset to balances due from the reinsurers to a ceding insurer other than a life insurer, no credit shall be allowed for a letter of credit except a letter of credit which:

(a) Is issued by a banking institution, not affiliated with either insurer, of financial standing satisfactory to the commissioner.

(b) Is designated as a clean and irrevocable credit for a given amount under which the bank, solely in its own name, agrees to honor the insurer's sight draft if received at the bank's office before 1 year from the date of the issuance of the letter of credit.

(c) Contains a clear expression to the effect that it is not subject to any condition or qualification whatsoever, except as stated therein, and the only condition stated therein is the limitation of time within which a draft is to be honored.

(d) Is reported in schedule F, part 2, column 5 of the insurer's annual statement as a separate item bearing a footnote that includes the expiration date of the letter of credit and states that the deposit represents the unused balance of a letter of credit meeting the requirements of this rule.

(3) For purposes of determining compliance with the requirements of section 901 of the insurance code of 1956, an insurer authorized to transact life insurance in this state may reduce the reserves required by sections 830, 831, 832, 834, and 8055 of the insurance code of 1956 by an amount equal to a reasonable actuarial reserve calculation for the reinsurance ceded to an insurer authorized to transact life insurance in any state or the District of Columbia, if the assumption of the

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reinsurance has been verified to the satisfaction of the commissioner, and if he determines the reinsurer to be financially solvent based on standards used for insurers authorized to transact life insurance in this state.

History: 1954 ACS 60, p. 79, Eff. Nov. 14, 1969; 1954 ACS 67, p. 69, Eff. Mar. 28, 1971.

PROXIES, CONSENTS, AND AUTHORIZATIONS OF DOMESTIC STOCK COMPANIES

R 500.451 Applicability of rules.

Rule 451. R 500.451 to R 500.466 apply to each domestic stock insurer which has any class of equity security held of record by 100 or more persons. They do not apply to any insurer if 95% or more of its equity securities is owned or controlled by a parent or an affiliated insurer and the remaining securities are held of record by less than 500 persons. A domestic stock insurer which files with the securities and exchange commission forms of proxies, consents, and authorizations complying with the requirements of the securities and exchange act of 1934, as amended, and the applicable regulations promulgated thereunder, is exempt from the provisions of R 500.451 to R 500.466 with respect to any class of securities subject to securities and exchange commission jurisdiction.

History: 1954 ACS 47, p. 29, Eff. Aug. 14, 1966; 1954 ACS 65, p. 45, Eff. Dec. 1, 1970.

R 500.452 Proxies, consents, and authorizations.

Rule 452. No domestic stock insurer, or any director, officer or employee of such insurer subject to R 500.451, or any other person, shall solicit, or permit the use of his name to solicit, by mail or otherwise, any proxy, consent, or authorization in respect of any class of equity security of such insurer held of record by 100 or more persons in contravention of R 500.451 to R 500.466 and schedules A and B hereto annexed and made a part of R 500.451 to R 500.466.

History: 1954 ACS 47, p. 29, Eff. Aug. 14, 1966; 1954 ACS 65, p. 45, Eff. Dec. 1, 1970.

R 500.453 Disclosure of equivalent information.

Rule 453. Unless proxies, consents, or authorizations in respect of any class of equity security of a domestic insurer subject to R 500.451 are solicited by or on behalf of the management of the insurer from the holders of record of such security prior to any annual meeting of such security holders, the insurer, in accordance with R 500.451 to R 500.466 and such further rules as the commissioner may adopt, shall file with the commissioner and transmit to all security holders of record information substantially equivalent to the information which would be required to be transmitted if a solicitation were made. The insurer shall transmit a written information statement containing the information specified in R 500.455(4) to every security holder who is entitled to vote in regard to any matter to be acted upon at the meeting and from whom a proxy is not solicited on behalf of the management of the insurer. In the case of a class of securities in unregistered or bearer form such statement need be transmitted only to those security holders whose names and addresses are known to the insurer.

History: 1954 ACS 47, p. 29, Eff. Aug. 14, 1966; 1954 ACS 65, p. 46, Eff. Dec. 1, 1970.

R 500.454 Definitions of "solicit" and "solicitation."

Rule 454. (1) The terms "solicit" and "solicitation" include:

(a) Any request for a proxy, whether or not accompanied by or included in a form of proxy.

(b) Any request to execute or not to execute, or to revoke, a proxy.

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(c) The furnishing of a proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy.

(2) The terms "solicit" and "solicitation" do not include:

(a) Any solicitation by a person in respect of securities of which he is the beneficial owner.

(b) Action by a broker or other person in respect to securities carried in his name or in the name of his nominee in forwarding to the beneficial owner of the securities soliciting material received from the company, or impartially instructing the beneficial owner to forward a proxy to the person, if any, to whom the beneficial owner desires to give a proxy, or impartially requesting instructions from the beneficial owner with respect to the authority to be conferred by the proxy and stating that a proxy will be given if the instructions are received by a certain date.

(c) The furnishing of a form of proxy to a security holder upon the unsolicited request of the security holder or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

History: 1954 ACS 47, p. 30, Eff. Aug. 14, 1966; 1954 ACS 65, p. 46, Eff. Dec. 1, 1970.

R 500.455 Information to be furnished security holders.

Rule 455. (1) No solicitation subject to R 500.451 to R 500.466 shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in schedule A.

(2) If the solicitation is made on behalf of the management of the insurer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement shall be accompanied or preceded by an annual report, in preliminary or final form, to the security holders containing such financial statements for the last fiscal year as are referred to in schedule SIS under the heading "financial reporting to stockholders." Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(3) Two copies of each report sent to the security holders pursuant to this rule shall be mailed to the commissioner not later than the date on which the report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the commissioner pursuant to R 500.457(1), whichever date is later.

(4) If no solicitation is being made by management of the insurer with respect to any annual or other meeting, the insurer shall mail to every security holder of record at least 20 days prior to the meeting date, an information statement as required by subrule (3), containing the information called for by all of the items of schedule A, other than items 1, 3, and 4, which would be applicable to any matter to be acted upon at the meeting if proxies were to be solicited in connection with the meeting. If the information statement relates to an annual meeting at which directors are to be elected, it shall be accompanied by an annual report to the security holders in the form provided in subrule (2).

History: 1954 ACS 47, p. 30, Eff. Aug. 14, 1966; 1954 ACS 65, p. 46, Eff. Dec. 1, 1970.

Departmental note: SIS is the stockholders information supplement to the annual statement of domestic stock insurance companies required to be filed with the commissioner of insurance.

R 500.456 Proxy and information statement contents.

Rule 456. (1) The form of proxy (a) shall indicate in boldface type whether or not the proxy is solicited on behalf of the management, (b) shall provide a

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specifically designated blank space for dating the proxy, and (c) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or security holders. No reference need be made to proposals as to which discretionary authority is conferred pursuant to subrule (3).

(2) Means shall be provided in the proxy for the person solicited to specify by ballot a choice between approval or disapproval for each matter or group of related matters referred to therein, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of the proxy states in boldface type how it is intended to vote the shares or authorization represented by the proxy in each such case.

(3) A form of proxy which provides both for elections to office and for action on other specified matters shall be prepared so as to clearly provide, by a box or otherwise, means by which the security holder may withhold authority to vote for elections to office. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for elections to office shall be deemed to grant such authority if the form of proxy so states in boldface type.

(4) A proxy may confer discretionary authority with respect to other matters which may come before the meeting if the persons on whose behalf the solicitation is made are not aware a reasonable time prior to the time the solicitation is made that any other matters are to be presented for action at the meeting and a specific statement to that effect is made in the proxy statement or in the form of proxy.

(5) No proxy shall confer authority (a) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (b) to vote at any annual meeting other than the next annual meeting, or any adjournment thereof, to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the proxy will be voted and that where the person solicited specifies by means of ballot provided pursuant to subrule (2) or (3) a choice with respect to any matter to be acted upon, the vote will be in accordance with the specifications so made.

(7) The information included in the proxy statement or information statement shall be clearly presented and the statements made shall be divided into groups according to subject matter, with appropriate headings. All printed proxy statements shall be clearly and legibly presented.

History: 1954 ACS 47, p. 30, Eff. Aug. 14, 1968; 1954 ACS 65, p. 47, Eff. Dec. 1, 1970.

R 500.457 Material to be filed.

Rule 457. (1) Two preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the commissioner at least 10 days prior to the date definitive copies of the material are first sent or given to security holders or such shorter period prior to that date as the commissioner may authorize upon a showing of good cause therefor.

(2) Two preliminary copies of any additional soliciting material relating to the same meeting or subject matter to be furnished to security holders subsequent to the proxy statements shall be filed with the commissioner at least 2 days exclusive of Saturdays, Sundays or holidays prior to the date copies of this material are first sent or given to security holders or a shorter period prior to that date as the commissioner may authorize upon a showing of good cause therefor.

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(3) Two definitive copies of the proxy statement, form of proxy and all other soliciting material, in the form in which this material is furnished to security holders shall be filed with, or mailed for filing to, the commissioner not later than the date the material is first sent or given to the security holders.

(4) Where any proxy statement, form of proxy or other material filed pursuant to these rules is amended or revised, 2 of the copies shall be marked to clearly show such changes.

(5) Copies of replies to inquiries from security holders requesting further information and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this rule.

(6) Notwithstanding the provisions of subrules (1) and (2) and of R 500.465, copies of soliciting material in the form of speeches, press releases and radio or television scripts may, but need not, be filed with the commissioner prior to use or publication. Definitive copies shall be filed with or mailed for filing to the commissioner as required by subrule (3) not later than the date the material is used or published. The provisions of subrules (1) and (2) shall apply to any reprints or reproductions of all or any part of such material.

History: 1954 ACS 47, p. 31, Eff. Aug. 14, 1966; 1954 ACS 65, p. 47, Eff. Dec. 1, 1970.

R 500.459 False or misleading statements.

Rule 459. No proxy statement, form of proxy, notice of meeting, information statement, or other communication, written or oral, subject to R 500.451 to R 500.466 shall contain any statement, which at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

History: 1954 ACS 47, p. 31, Eff. Aug. 14, 1966; 1954 ACS 65, p. 48, Eff. Dec. 1, 1970.

R 500.460 Undated, postdated and subsequent dated proxies.

Rule 460. No person making a solicitation which is subject to R 500.451 to R 500.466 shall solicit any undated or postdated proxy or any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holders.

History: 1954 ACS 47, p. 31, Eff. Aug. 14, 1966; 1954 ACS 65, p. 48, Eff. Dec. 1, 1970.

R 500.461 Special provisions applicable to election contests.

Rule 461. R 500.461 to R 500.466 apply to any solicitation subject to R 500.451 to R 500.466 by any person or group for the purpose of opposing a solicitation subject to R 500.451 to R 500.466 by any other person or group with respect to the election or removal of directors at any annual or special meeting of security holders.

History: 1954 ACS 47, p. 32, Eff. Aug. 14, 1966; 1954 ACS 65, p. 48, Eff. Dec. 1, 1970.

R 500.462 Definitions of "participant" and "participant in a solicitation."

Rule 462. (1) For purposes of R 500.461 to R 500.466 the terms "participant" and "participant in a solicitation" include (a) the insurer; (b) any director of the insurer, and any nominee for whose election as a director proxies are solicited; or (c) any other person, acting alone or with 1 or more other persons, committees or groups, in organizing, directing or financing the solicitation.

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(2) For the purposes of R 500.461 to R 500.466 the terms "participant" and "participant in a solicitation" do not include (a) a bank, broker or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant; (b) any person or organization retained or employed by a participant to solicit security holders or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties; (c) any person employed in the capacity of attorney, accountant, or advertising, public relations or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment; (d) any person regularly employed as an officer or employee of the insurer or any of its subsidiaries or affiliates who is not otherwise a participant; or (e) any officer or director of, or any person regularly employed by, any other participant, if such officer, director or employee is not otherwise a participant.

History: 1954 ACS 47, p. 32, Eff. Aug. 14, 1966; 1954 ACS 65, p. 48, Eff. Dec. 1, 1970.

R 500.463 Filing of information specified by schedule B.

Rule 463. (1) No solicitation subject to R 500.461 to R 500.466 shall be made by any person other than the management of an insurer unless at least 5 business days prior thereto, or such shorter period as the commissioner authorized upon a showing of good cause therefor, there has been filed, with the commissioner by or on behalf of each participant in the solicitation, a statement in duplicate containing the information specified by schedule B and a copy of any material proposed to be distributed to security holders in furtherance of the solicitation. Where preliminary copies of any materials are filed, distribution to security holders shall be deferred until the commissioner's comments have been received and complied with.

(2) Within 5 business days after a solicitation subject to R 500.461 to R 500.466 is made by the management of an insurer, or such longer period as the commissioner may authorize upon a showing of good cause therefor, there shall be filed with the commissioner by or on behalf of each participant in the solicitation, other than the insurer, and by or on behalf of each management nominee for director, a statement in duplicate containing the information specified by schedule B.

(3) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to R 500.461 to R 500.466 in opposition thereto, a statement in duplicate containing the information specified in schedule B shall be filed with the commissioner by or on behalf of each participant in the prior solicitation, other than the insurer, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto.

(4) If, subsequent to the filing of the statements required by subrules (1), (2) and (3), additional persons become the participants in a solicitation subject to R 500.461 to R 500.466, there shall be filed with the commissioner by or on behalf of each such person, a statement in duplicate containing the information specified by schedule B, within 3 business days after the person becomes a participant, or such longer period as the commissioner may authorize upon a showing of good cause therefor.

(5) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to the statement shall be filed promptly with the commissioner.

(6) Each statement and amendment thereto filed pursuant to this rule shall be part of the public files of the commissioner.

History: 1954 ACS 47, p. 32, Eff. Aug. 14, 1966; 1954 ACS 65, p. 48, Eff. Dec. 1, 1970.

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R 500.464 Solicitations before furnishing proxy statements.

Rule 464. Notwithstanding the provisions of R 500.455(1), a solicitation subject to R 500.461 to R 500.466 may be made prior to furnishing security holders a written proxy statement containing the information specified in schedule A with respect to such solicitation, if:

(a) The statements required by R 500.463 are filed by or on behalf of each participant in the solicitation.

(b) No form of proxy is furnished to security holders prior to the time the written proxy statement required by R 500.455(1) is furnished to such persons. This paragraph shall not apply where a proxy statement then meeting the requirements of schedule A has been furnished to security holders.

(c) At least the information specified in subrules (2) and (3) of the statements required by R 500.463 to be filed by each participant, or an appropriate summary thereof, are included in each communication sent or given to security holders in connection with the solicitation.

(d) A written proxy statement containing the information specified in schedule A with respect to a solicitation is sent or given security holders at the earliest practicable date.

History: 1954 ACS 47, p. 33, Eff. Aug. 14, 1966; 1954 ACS 65, p. 49, Eff. Dec. 1, 1970.

R 500.465 Solicitations before furnishing proxy statements; filing.

Rule 465. Two copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by R 500.455(1) shall be filed with the commissioner in preliminary form at least 5 business days prior to the date definitive copies of the material are first sent or given to such persons, or such shorter period as the commissioner may authorize upon a showing of good cause therefor.

History: 1954 ACS 47, p. 33, Eff. Aug. 14, 1966; 1954 ACS 65, p. 49, Eff. Dec. 1, 1970.

R 500.466 Solicitation comments and references in annual reports; filing.

Rule 466. Notwithstanding the provisions of R 500.455(2) and (3), 2 copies of any portion of the report referred to in R 500.455(2) which comments upon or refers to any solicitation subject to R 500.461 to R 500.466, or to any participant in the solicitation, other than the solicitation by the management, shall be filed with the commissioner as proxy material subject to R 500.451 to R 500.466. Such portion of the report shall be filed with the commissioner in preliminary form at least 5 business days prior to the date copies of the report are first sent or given to security holders.

History: 1954 ACS 47, p. 33, Eff. Aug. 14, 1966; 1954 ACS 65, p. 49, Eff. Dec. 1, 1970.

SCHEDULE A

Information Required in Proxy Statements

Item 1. Revocability of proxy.

State whether or not the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited, or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2. Dissenters' rights of appraisal.

Outline briefly the rights of appraisal or similar rights of dissenting security holders with respect to any matter to be acted upon and indicate any statutory

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procedure required to be followed by such security holders in order to perfect their rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment, or other similar act, state whether the person solicited will be notified of such date.

Item 3. Persons making solicitations not subject to R 500.461 to R 500.466.

(1) If the solicitation is made by the management of the insurer, so state. Give the name of any director of the insurer who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the insurer, state the names and addresses of the persons by whom and on whose behalf it is made and the names and addresses of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(3) If the solicitation is to be made by specially engaged employees or paid solicitors, state: (a) the material features of any contract or arrangement for such solicitation and identify the parties; (b) the cost or anticipated cost thereof.

Item 4. Interest of certain persons in matters to be acted upon.

Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of any director, nominee for election for director, officer and, if the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made, in any matter to be acted upon other than elections to office.

Item 5. Voting securities.

(1) State, as to each class of voting securities of the insurer entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(2) Give the date as of which the record list of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(3) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

Item 6. Nominees and directors.

If action is to be taken with respect to the election of directors, furnish the following information in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(a) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the insurer presently held by him, and indicate which persons are nominees for election as directors at the meeting.

(b) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last 5 years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting for which proxies were solicited under this regulation.

(c) If he is or has previously been a director of the insurer, state the period or periods during which he has served as such.

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(d) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the insurer or any of its parents, subsidiaries or affiliates other than directors' qualifying shares, beneficially owned directly or indirectly by him. If he is not the beneficial owner of any such securities make a statement to that effect.

Item 7. Remuneration and transactions with management and others.

Furnish the information reported or required in item 1 of schedule SIS under the heading "Information Regarding Management and Directors" if action is to be taken with respect to: (a) the election of directors; (b) any remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the insurer will participate; (c) any pension or retirement plan in which any such person will participate; or (d) the granting of extension to any such person of any options, warrants or rights to purchase any securities other than warrants or rights issued to security holders as such, on a pro rata basis. If the solicitation is made on behalf of persons other than the management, information shall be furnished only as to item IA of the aforesaid heading of schedule SIS.

Departmental note: SIS is the stockholders information supplement to the annual statement of domestic stock insurance companies required to be filed with the commissioner of insurance.

Item 8. Bonus, profit sharing, and other remuneration plans.

If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan of the insurer, furnish the following information:

(a) A brief description of the material features of the plan, each class of persons who will participate therein, the approximate number of persons in each such class, and the basis of such participation.

(b) The amounts which would have been distributable under the plan during the last calendar year to: (1) each person named in item 7 of this schedule; (2) directors and officers as a group; and (3) to all other employees as a group, if the plan had been in effect.

(c) If the plan to be acted upon may be amended (other than by a vote of stockholders) in a manner which would materially increase the cost thereof to the insurer or materially alter the allocation of the benefits as between the groups specified in paragraph (b) of this item, the nature of such amendments should be specified.

Item 9. Pension and retirement plans.

If action is to be taken with respect to any pension or retirement plan of the insurer, furnish the following information:

(a) A brief description of the material features of the plan, each class of persons who will participate therein, the approximate number of persons in each such class, and the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period; (2) the estimated annual payment to be made with respect to current services; and (3) the amount of such annual payments to be made for the benefit of (i) each person named in item 7 of this schedule, (ii) directors and officers as a group, and (iii) employees as a group.

(c) If the plan to be acted upon may be amended (other than by a vote of security holders) in a manner which would materially increase the cost thereof to the insurer or to materially alter the allocation of the benefits as between the groups specified in subparagraph (b)(3) of this item, the nature of such amendments should be specified.

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Item 10. Options, warrants, or rights.

If action is to be taken with respect to the granting or extension of any options, warrants, or rights (all referred to herein as "warrants") to purchase securities of the insurer or any subsidiary or affiliate other than warrants issued to all security holders on a pro rata basis, furnish the following information:

(a) The title and amount of securities called for or to be called for, the prices, expiration dates and other material conditions upon which the warrants may be exercised, the consideration received or to be received by the insurer, subsidiary or affiliate for the granting or extension of the warrants, and the market value of the securities called for or to be called for by the warrants as of the latest practicable date.

(b) If known, state separately the amount of securities called for or to be called for by warrants received or to be received by the following persons, naming each such person: (1) each person named in item 7 of this schedule and (2) each other person who will be entitled to acquire 5% or more of the securities called for or to be called for by such warrants.

(c) If known, state also the total amount of securities called for or to be called for by such warrants, received or to be received by all directors and officers of the company as a group and all employees, without naming them.

Item 11. Authorization or issuance of securities.

(1) If action is to be taken with respect to the authorization or issuance of any securities of the insurer, furnish the title, amount and description of the securities to be authorized or issued.

(2) If the securities are other than additional shares of common stock of a class outstanding, furnish a brief summary of the following, if applicable: dividend, voting, liquidation, pre-emptive and conversion rights, redemption and sinking fund provisions, interest rate and date of maturity.

(3) If the securities to be authorized or issued are other than additional shares of common stock of a class outstanding, the commissioner may require financial statements comparable to those contained in the annual report.

Item 12. Mergers, consolidations, acquisitions, and similar matters.

(1) If action is to be taken with respect to a merger, consolidation, acquisition, or similar matter, furnish in brief outline the following information:

(a) The rights of appraisal or similar rights of dissenters with respect to any matters to be acted upon. Indicate any procedure required to be followed by dissenting security holders in order to perfect such rights.

(b) The material features of the plan or agreement.

(c) The business done by the company to be acquired or whose assets are being acquired.

(d) If available, the high and low sales prices for each quarterly period within 2 years.

(e) The percentage of outstanding shares which must approve the transaction before it is consummated.

(2) For each company involved in a merger, consolidation or acquisition, the following financial statements should be furnished:

(a) A comparative balance sheet as of the close of the last 2 fiscal years.

(b) A comparative statement of operating income and expenses for each of the last 2 fiscal years and, as a continuation of each statement, a statement of earnings per share after related taxes and cash dividends paid per share.

(c) A pro forma combined balance sheet and income and expenses statement for the last fiscal year giving effect to the necessary adjustments with respect to the resulting company.

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Item 13. Restatement of accounts.

If action is to be taken with respect to the restatement of any asset, capital, or surplus of the insurer, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account affected by the restatement and the effect of the restatement thereon.

Item 14. Matters not required to be submitted to security holders.

If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reason for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 15. Amendments of charter, bylaws, or other documents.

If action is to be taken with respect to any amendment of the insurer's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment and the vote needed for its approval.

SCHEDULE B

Information To Be Included in Statements Filed By or On Behalf of a Participant (Other Than the Insured) in a Proxy Solicitation in an Election Contest

Item 1. Insurer.

State the name and address of the insurer.

Item 2. Identity and background.

(a) State the following:

(1) Your name and business address.

(2) Your present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

(1) Your residence address.

(2) Information as to all material occupations, positions, offices or employments during the last 10 years, giving starting and ending dates of each and the name, principal business and address of any business, corporation or other business organization in which each such occupation, position, office or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving this company or other companies within the past 10 years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this sub-item need not be included in the proxy statement or other proxy soliciting material.

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Item 3. Interest in securities of the insurer.

(a) State the amount of each class of securities of the insurer which you own beneficially, directly or indirectly.

(b) State the amount of each class of securities of the insurer which you own of record but not beneficially.

(c) State with respect to all securities of the insurer purchased or sold within the past 2 years, the dates on which they were purchased or sold and the amount purchased or sold on each date.

(d) If any part of the purchase price or market value of any of the securities specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the insurer, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements or understandings exist and give the details thereof.

(f) State the amount of securities of the insurer owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent, subsidiary or affiliate of the insurer which you own beneficially, directly or indirectly.

Item 4. Interest in solicitation and transactions.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of yourself and of each of your associates in any material transactions since the beginning of the company's last fiscal year, or in any material proposed transactions, to which the company or any of its subsidiaries or affiliates was or is to be a party.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person:

(1) With respect to any future employment by the insurer or its subsidiaries or affiliates; or

(2) With respect to any future transactions to which the insurer or any of its subsidiaries or affiliates will or may be a party.

If so, describe such arrangement or understanding and state the names of the parties thereto.

Item 5. Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete and correct, to the best of my knowledge and belief.

(Date) (Signature of participant or authorized representative)

History: 1954 ACS 47, p. 33, Eff. Aug. 14, 1966; 1954 ACS 65, p. 50, Eff. Dec. 1, 1970.

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INSIDER TRADING OF EQUITY SECURITIES OF DOMESTIC STOCK INSURANCE COMPANIES

GENERAL PROVISIONS

R 500.501 Definitions.

Rule 501. As used in these rules:

(a) "Act" means Act No. 218 of the Public Acts of 1956, as amended.

(b) "Insurer" means any domestic stock insurance company, with an equity security subject to the provisions of sections 5282 to 5289 of the act and not exempt thereunder.

(c) "Officer" means a president, vice president, treasurer, actuary, secretary, controller and any other person who performs for the insurer functions corresponding to those performed by the foregoing officers.

(d) "Equity security" means any stock or similar security; or any voting trust certificate or certificate of deposit for such a security; or any security convertible, with or without consideration into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(e) "Class" means all securities of an insurer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges.

History: 1954 ACS 47, p. 38, Eff. Aug. 14, 1966

R 500.502 Securities "held of record."

Rule 502. (1) For the purpose of determining whether the equity securities of an insurer are held of record by 100 or more persons, securities shall be deemed to be "held of record" by each person who is identified as the owner of the securities on records of security holders maintained by or on behalf of the insurer, subject to the following:

(a) Where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as an owner on the records if they had been maintained in accordance with accepted practice shall be included as a holder of record.

(b) Securities identified as held of record by a corporation, a partnership, a trust, whether or not the trustees are named, or other organization shall be included as so held by 1 person.

(c) Securities identified as held of record by 1 or more persons as trustees, executors, guardians, custodians or in other fiduciary capacities with respect to a single trust, estate or account shall be included as held of record by 1 person.

(d) Securities held by 2 or more persons as co-owners shall be included as held by 1 person.

(e) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the insurer can establish that, if such securities were registered, they would be held of record, under the provisions of this rule, by a lesser number of persons.

(f) Securities registered in substantially similar names where the insurer has reason to believe because of the address or other indications that the names represent the same person, may be included as held of record by 1 person.

(2) Notwithstanding subrule (1):

(a) Securities held, to the knowledge of the insurer, subject to a voting trust, deposit agreement or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts or similar evidences of interest in such securities. The insurer may rely in good

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faith on such information as is received in response to its request from a nonaffiliated insurer of the certificates or evidences of interest.

(b) If the insurer knows or has reason to know that the form of holding securities of record is used primarily to circumvent the provisions of the act, the beneficial owners of such securities shall be deemed to be the record owners thereof.

History: 1954 ACS 47, p. 38, Eff. Aug. 14, 1966.

R 500.505 Transactions exempt from section 5283 of the act.

Rule 505. Any acquisition or disposition of any equity security by a director or officer of an insurer within 6 months prior to the date on which the act shall first become applicable with respect to the equity securities of such insurer is not subject to the operation of section 5283 of the act.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966.

REGULATIONS UNDER SECTION 5282 OF THE ACT

R 500.511 Filing of statements.

Rule 511. Initial statements of beneficial ownership of equity securities required by section 5282 of the act shall be filed on forms as prescribed by the commissioner. Statements of changes in such beneficial ownership required by section 5282 shall be filed on forms as prescribed by the commissioner. All statements shall be prepared and filed in accordance with the requirements of the applicable form.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966.

REGULATIONS UNDER SECTION 5282 OF THE ACT

R 500.512 Ownership of more than 10% of an equity security.

Rule 512. (1) In determining, for the purpose of section 5282 of the act, whether a person is the beneficial owner, directly or indirectly, of more than 10% of any class of any equity security, the class shall be deemed to consist of the total amount of the class outstanding, exclusive of any securities of the class held by or for the account of the insurer or a subsidiary of the insurer; except that for the purpose of determining percentage ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the amount of voting trust certificates or certificates of deposit issuable with respect to the total amount of outstanding equity securities of the class which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such outstanding securities have been so deposited. For the purpose of this section a person acting in good faith may rely on the information contained in the latest convention form statement filed with the commissioner with respect to the amount of securities of a class outstanding or in the case of voting trust certificates or certificates of deposit the amount thereof issuable.

(2) In determining, for the purpose of section 5282 of the act, whether a person is the beneficial owner, directly or indirectly, of more than 10% of any class of equity securities, such person shall be deemed to be the beneficial owner of securities of the class which the person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities. The securities subject to options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing, in accordance with subrule (1), the

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percentage of outstanding securities of the class owned by the person but shall not be deemed outstanding for the purpose of computing the percentage of the class owned by any other person. This subrule shall not be construed to relieve any person of any duty to comply with section 5282 of the act with respect to any equity securities consisting of options, warrants, rights or convertible securities which are otherwise subject as a class to section 5282 of the act.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966. 1954 ACS 65, p. 54, Eff. Dec. 1, 1970.

R 500.513 Disclaimer of beneficial ownership.

Rule 513. Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that the person is, for the purpose of the act, the beneficial owner of any equity securities covered by the statement.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966.

R 500.514 Exemptions from sections 5282 and 5283 of the act.

Rule 514. (1) During the period of 12 months following their appointment and qualification, securities held by the following persons are exempt from sections 5282 and 5283 of the act:

(a) Executors or administrators of the estate of a decedent.

(b) Guardians or committees for an incompetent.

(c) Receivers, trustees in bankruptcy, assignees for benefit of creditors, conservators, liquidating agents, and other similar persons duly authorized by law to administer the estate or assets of other persons.

(2) After the 12-month period following their appointment or qualification the foregoing persons shall be required to file reports under section 5282 of the act with respect to the securities held by the estates which they administer and shall be liable for profits realized from trading in such securities pursuant to section 5283 of the act only when the estate being administered is a beneficial owner of more than 10% of any class of equity security of an insurer subject to the act.

(3) Securities reacquired by or for the account of an insurer and held by it for its account are exempt from sections 5282 and 5283 during the time they are held by the insurer.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966.

R 500.515 Exemption of securities purchased or sold by odd-lot dealers.

Rule 515. Securities purchased or sold by an odd-lot dealer in odd lots so far as reasonably necessary to carry on odd-lot transactions or in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, are exempt from the provisions of the act with respect to participation by such odd-lot dealer in such transactions.

History: 1954 ACS 47, p. 39, Eff. Aug. 14, 1966.

R 500.516 Transactions subject to section 5282 of the act.

Rule 516. The acquisition or disposition of any transferable option, put, call, spread or straddle shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this rule exempts any person from filing the statements required upon the exercise of such option, put, call, spread or straddle.

History: 1954 ACS 47, p. 40, Eff. Aug. 14, 1966.

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R 500.517 Ownership of securities held in trust.

Rule 517. (1) Beneficial ownership of a security for the purpose of section 5282 includes:

(a) The ownership of securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust.

(b) The ownership of a vested beneficial interest in a trust.

(c) The ownership of securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all the beneficiaries.

(2) Except as provided in subrule (1), beneficial ownership of securities solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 5282 where less than 20% in market value of the securities having a readily ascertainable market value held by such trust determined as of the end of the preceding fiscal year of the trust, consists of equity securities with respect to which reports would otherwise be required. Exemption is likewise accorded from section 5282 with respect to any obligation which would otherwise be imposed solely by reason of ownership as settlor or beneficiary of securities held in trust, where the ownership, acquisition or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subrule shall be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 5282.

(3) If 10% of any class of any equity security of an insurer is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 5282.

(4) Not more than 1 report need be filed to report any holdings or with respect to any transaction in securities held by a trust, regardless of the number of officers, directors or 10% stockholders who are either trustees, settlors or beneficiaries of a trust, if the report filed discloses the names of all trustees, settlors and beneficiaries who are officers, directors or 10% stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of the trust will file whatever reports might otherwise be required of the beneficiary.

(5) As used in this rule the "immediate family" of a trustee means:

(a) A son or daughter of the trustee, or a descendant of either.

(b) A stepson or stepdaughter of the trustee.

(c) The father or mother of the trustee, or an ancestor of either.

(d) A stepfather or stepmother of the trustee.

(e) A spouse of the trustee.

For the purpose of determining whether any of the foregoing relations exist, a legally adopted child of a person shall be considered a child of such person by blood.

(6) In determining, for the purposes of section 5282, whether a person is the beneficial owner directly or indirectly, of more than 10% of any class of any equity security, the interest of such person in the remainder of the trust shall be excluded from the computation.

(7) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 5282, with respect to his indirect interest in portfolio securities held by a pension or retirement plan holding

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securities of an insurer whose employees generally are the beneficiaries of the plan or a business trust with over 25 beneficiaries.

(8) Nothing in this rule imposes any duties or liabilities with respect to reporting any transaction or holding prior to its effective date.

History: 1954 ACS 47, p. 40, Eff. Aug. 14, 1966.

R 500.518 Exemption for small transactions.

Rule 518. (1) Any acquisition of securities is exempt from section 5282 where the person effecting the acquisition does not within 6 months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and the person effecting the acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000.00 for any 6 months' period during which the acquisition occurs.

(2) Any acquisition or disposition of securities by way of gift, where the total amount of such gifts does not exceed $3,000.00 in market value for any 6 months' period, is exempt from section 5282 and may be excluded from the computations prescribed in subrule (1).

(3) Any person exempted by subrule (1) or (2) shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each 6 months' period or portion thereof which has elapsed since his last filing.

History: 1954 ACS 47, p. 41, Eff. Aug. 14, 1966.

R 500.519 Exemption of certain transactions.

Rule 519. Any transaction which is exempt from the requirements of section 5282 of the act, insofar as it is otherwise subject to the provisions of section 5283, is exempt from section 5283.

History: 1954 ACS 47, p. 41, Eff. Aug. 14, 1966.

REGULATIONS UNDER SECTION 5283 OF THE ACT

R 500.521 Exemption of transactions in connection with a distribution.

Rule 521. (1) Any transaction of purchase and sale, or sale and purchase of a security which is effected in connection with the distribution of a substantial block of securities is exempt from the provisions of section 5283 of the act to the extent specified in this rule as not comprehended within the purpose of section 5283, upon the following conditions:

(a) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities.

(b) The security involved in the transaction is a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the insurer or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities or a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an over-allotment or other short position created in connection with such distribution.

(c) Other persons not within the purview of section 5283 of the act are participating in the distribution of such block of securities on terms at least as favorable as those on which the person is participating and to an extent at least

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equal to the aggregate participation of all persons exempted from the provisions of section 5283 of the act by this rule. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption which would otherwise be available under this rule.

(2) The exemption of a transaction pursuant to this rule with respect to the participation therein of 1 party thereto shall not render the transaction exempt with respect to participation of any other party therein unless the other party also meets the conditions of this rule.

History: 1954 ACS 47, p. 41, Eff. Aug. 14, 1966.

R 500.522 Exemption of acquisition under certain stock plans.

Rule 522. Any acquisition of shares of stock, other than stock acquired upon the exercise of an option, warrant or right, pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan, or any acquisition of a qualified or a restricted stock option pursuant to a qualified or a restricted stock option plan, or a stock option pursuant to an employee stock purchase plan, by a director or officer of an insurer issuing the stock or stock option is exempt from the operation of section 5283 of the act if the plan meets the conditions of R 500.523 and R 500.526.

History: 1954 ACS 47, p. 41, Eff. Aug. 14, 1966.

R 500.523 Approval of plans; proxies.

Rule 523. The plan has been approved, directly or indirectly, by the affirmative votes of the holders of a majority of the securities of such insurer present, or represented, and entitled to a vote at a meeting duly held in accordance with the applicable laws of the state or by the written consent of the holders of a majority of the securities of the insurer entitled to vote. If the vote or written consent was not solicited substantially in accordance with the proxy rules and regulations prescribed by the commissioner in effect at the time of the vote or written consent, the insurer shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by such rules and regulations in effect at the time the information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of the date the act first applies to the insurer, or the acquisition of an equity security for which exemption is claimed. The written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Four copies of the written information shall be filed with the commissioner not later than the date on which it is first sent or given to security holders of the insurer. For the purposes of this rule, the term "insurer" includes a predecessor corporation if the plan or obligations to participate thereunder were assumed by the insurer in connection with the succession.

History: 1954 ACS 47, p. 42, Eff. Aug. 14, 1966.

R 500.524 Selection of participants in plan.

Rule 524. (1) If the selection of any director or officer of the insurer to whom stock may be allocated or to whom qualified, restricted or employee stock purchase plan stock options may be granted pursuant to the plan, or the determination of the number or maximum number of shares of stock which may be allocated to any director or officer or which may be covered by qualified,

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restricted or employee stock purchase plan stock options granted to any director or officer, is subject to the discretion of any person, then such discretion shall be exercised only as prescribed in this rule.

(2) With respect to the participation of directors:

(a) By the board of directors of the insurer, a majority of which board and a majority of the directors acting in the matter are disinterested persons.

(b) By, or only in accordance with the recommendations of, a committee of 3 or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

(c) In accordance with the plan, if it specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to qualified, restricted or employee stock purchase plan stock options granted to directors and the terms upon which, and the times at which, or the periods within which, such stock may be acquired or such options may be acquired and exercised; or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the insurer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors.

(3) With respect to the participation of officers who are not directors:

(a) By the board of directors of the insurer or a committee of 3 or more directors.

(b) By, or only in accordance with the recommendations of, a committee of 3 or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

(4) For the purpose of this rule, a director or committee member shall be deemed to be a disinterested person only if he is not eligible at the time the discretion is exercised and has not been eligible at any time within 1 year prior thereto for selection as a person to whom stock may be allocated or to whom qualified, restricted or employee stock purchase plan stock options may be granted pursuant to the plan or any other plan of the insurer or any of its affiliates entitling the participants therein to acquire stock or qualified, restricted or employee stock purchase plan stock options of the insurer or any of its affiliates.

(5) The provisions of this rule shall not apply with respect to any option granted, or other equity security acquired, prior to the date that sections 5282, 5283 and 5284 of the act first become applicable with respect to any class of equity securities of any insurer.

History: 1954 ACS 47, p. 42, Eff. Aug. 14, 1966.

R 500.525 Limitations required in plans.

Rule 525. As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock which may be allocated or which may be subject to qualified, restricted or employee stock purchase plan stock options granted pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date; and may be determined either by fixed or maximum dollar amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the insurer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock

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allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

History: 1954 ACS 47, p. 43, Eff. Aug. 14, 1966.

REGULATIONS UNDER SECTION 5283 OF THE ACT

R 500.526 Definitions for R 500.522 to R 500.526.

Rule 526. Unless the context otherwise requires, all terms used in R 500.522 to R 500.526 shall have the same meaning as in the act or elsewhere in these rules. In addition, the following definitions apply:

(a) "Plan" includes any plan, whether or not set forth in any formal written document or documents and whether or not approved in its entirety at 1 time.

(b) The definition of the terms "qualified stock option" and "employee stock purchase plan" that are set forth in sections 422 and 423 of the internal revenue code of 1954, as amended, are to be applied to those terms where used in R 500.523 to R 500.526. The term "restricted stock option" as defined in section 424(b) of the internal revenue code of 1954, as amended, shall be applied to that term as used in R 500.523 to R 500.526, but an option which meets all of the conditions of section 424(b), other than the date of issuance shall be deemed to be a "restricted stock option."

(c) The term "exercise of an option, warrant or right" contained in R 500.522 shall not include (i) the making of any election to receive under any plan and award of compensation in the form of stock or credits therefor if the election is made prior to the making of the award and if the election is irrevocable until at least 6 months after termination of employment; (ii) the subsequent crediting of the stock; (iii) the making of any election as to time for delivery of the stock after termination of employment if the election is made at least 6 months prior to any delivery; (iv) the fulfillment of any condition to the absolute right to receive stock; or (v) the acceptance of certificates for shares of stock.

History: 1954 ACS 47, p. 43, Eff. Aug. 14, 1966, 1954 ACS 65, p. 55, Eff. Dec. 1, 1970.

R 500.527 Exemption of transactions in which securities are received by redemption.

Rule 527. Any acquisition of an equity security, other than a convertible security or right to purchase a security, by a director or officer of the insurer issuing such security is exempt from the operation of section 5283 of the act upon condition that:

(a) The equity security is acquired by way of redemption of another security of an insurer substantially all of whose assets other than cash or government bonds consist of securities of the insurer issuing the equity security so acquired, and which:

(i) Represented substantially and in practical effect a stated or readily ascertainable amount of the equity security;

(ii) Had a value which was substantially determined by the value of such equity security; and

(iii) Conferred upon the holder the right to receive such equity security without the payment of any consideration other than the security redeemed.

(b) No security of the same class as the security redeemed was acquired by the director or officer within 6 months prior to the redemption or is acquired within 6 months after the redemption.

(c) The insurer issuing the equity security acquired has recognized the applicability of subdivision (a) of this rule by appropriate corporate action.

History: 1954 ACS 47, p. 43, Eff. Aug. 14, 1966.

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R 500.528 Exemption of long-term profits incident to sales within 6 months of the exercise of an option.

Rule 528. (1) To the extent specified in subrule (2) of this rule, the commissioner exempts as not comprehended within the purposes of section 5283 of the act any transaction or transactions involving the purchase and sale, or sale and purchase, of any equity security where such purchase is pursuant to the exercise of an option or similar right either acquired more than 6 months before its exercise, or acquired pursuant to the terms of an employment contract entered into more than 6 months before its exercise.

(2) In respect of transactions specified in subrule (1) the profits inuring to the insurer shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within 6 months before or after the date of sale. Nothing in this section shall be deemed to enlarge the amount of profit which would inure to the insurer in the absence of this rule.

(3) The commissioner also exempts, as not comprehended within the purposes of section 5283 of the act, the disposition of a security, purchased in a transaction specified in subrule (1) of this rule, pursuant to a plan or agreement for merger or consolidation, or reclassification of the insurer's securities, or for the exchange of its securities for the securities of another person which has acquired its assets, or which is in control, as defined in section 368(c) of the internal revenue code of 1954, of a person which has acquired its assets, where the terms of the plan or agreement are binding upon all stockholders of the insurer except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this rule shall not apply to any transaction made unlawful by section 5284 of the act or by any rules thereunder.

(5) The burden of establishing market price of a security for the purpose of this rule rests upon the person claiming the exemption.

History: 1954 ACS 47, p. 43, Eff. Aug. 14, 1966.

R 500.529 Exemption of transactions pursuant to mergers or consolidations.

Rule 529. (1) The following transactions are exempt from the provisions of section 5283 of the act as not comprehended within the purpose of the section:

(a) The acquisition of a security of an insurer, pursuant to a merger or consolidation, in exchange for a security of a company which, prior to the merger or consolidation, owned 85% or more of the equity securities of all other companies involved in the merger or consolidation except, in the case of consolidation, the resulting company.

(b) The disposition of a security, pursuant to a merger or consolidation of an insurer which, prior to the merger or consolidation, owned 85% or more of the equity securities of all other companies involved in the merger or consolidation except, in the case of consolidation, the resulting company.

(c) The acquisition of a security of an insurer, pursuant to a merger or consolidation, in exchange for a security of a company which, prior to the merger or consolidation, held over 85% of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values prior to the merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation.

(d) The disposition of a security, pursuant to a merger or consolidation, of an insurer which, prior to the merger or consolidation, held over 85% of the combined

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assets of all the companies undergoing merger or consolidation, computed according to their book values prior to merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation.

(2) A merger within the meaning of this rule includes the sale or purchase of substantially all the assets of 1 insurer by another in exchange for stock which is then distributed to the security holders of the insurer which sold its assets.

(3) Notwithstanding the provisions of subrules (1) and (2), if an officer, director or stockholder makes any purchase, other than a purchase exempted by this rule, of a security in any company involved in the merger or consolidation and any sale, other than a sale exempted by this rule, of a security in any other company involved in the merger or consolidation within any period of less than 6 months during which the merger or consolidation took place, the exemption provided by this rule is unavailable to the officer, director or stockholder to the extent of the purchase and sale.

History: 1954 ACS 47, p. 44, Eff. Aug. 14, 1966; 1954 ACS 65, p. 55, Eff. Dec. 1, 1970.

R 500.530 Exemption of transactions in securities under voting trusts or deposit agreements.

Rule 530. Any acquisition or disposition of an equity security involved in the deposit of the security under, or the withdrawal of the security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing the security, is exempt from the operation of section 5283 of the act if substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal, consisted of equity securities of the same class as the security deposited or withdrawn. This rule shall not apply to the extent that there have been either (a) a purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of that class, or (b) a sale of an equity security of the class deposited and purchase of any certificate representing an equity security of that class, otherwise than in a transaction involved in the deposit or withdrawal or in a transaction exempted by any other provision of R 500.521 to R 500.531, within a period of less than 6 months which includes the date of the deposit or withdrawal.

History: 1954 ACS 47, p. 44, Eff. Aug. 14, 1966; 1954 ACS 65, p. 56, Eff. Dec. 1, 1970.

R 500.531 Exemption of transactions involving conversion of equity securities.

Rule 531. (1) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the insurer's charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same insurer, is exempt from the operation of section 5283 of the act. This rule shall not apply to the extent that there shall have been either (a) a purchase of any equity security of the class convertible, including any acquisition of or change in a conversion privilege, and a sale of any equity security of the class issuable upon conversion, or (b) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion, otherwise than in a transaction involved in the conversion or in a transaction exempted by any other provision of R 500.521 to R 500.531, within a period of less than 6 months which includes the date of conversion.

(2) For the purpose of this rule, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the

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equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property other than equity securities involved in the conversion, equal in value at the time of conversion to more than 15% of the value of the equity security issued upon conversion.

(3) For the purpose of this rule, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or the governing instruments.

History: 1954 ACS 47, p. 45, Eff. Aug. 14, 1966; 1954 ACS 65, p. 56, Eff. Dec. 1, 1970.

R 500.532 Exemption of transactions involving sale of subscription rights.

Rule 532. (1) Any sale of a subscription right to acquire any subject security of the same insurer is exempt from the provisions of section 5283 of the act, to the extent prescribed in this rule, as not comprehended within the purpose of section 5283 of the act, if all the following occur:

(a) The subscription right is acquired, directly or indirectly, from the insurer without the payment of consideration.

(b) The subscription right by its terms expires within 45 days after the issuance thereof.

(c) The subscription right by its terms is issued on a pro rata basis to all holders of the beneficiary security of the insurer.

(d) A registration statement under the securities act of 1933 is in effect as to each subject security or the applicable terms of any exemption from such registration have been met in respect to each subject security.

(2) When used in this rule:

(a) "Subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security.

(b) "Beneficiary security" means a security registered pursuant to section 12 of the securities exchange act, to the holders of which a subscription right is granted.

(c) "Subject security" means a security which is the subject of a subscription right.

(3) Notwithstanding any provision of this rule, if a person purchases subscription rights for cash or other consideration, a sale by that person of subscription rights otherwise exempted by this rule will not be so exempted to the extent of such purchases within the 6-month period preceding or following the sale.

History: 1954 ACS 65, p. 56, Eff. Dec. 1, 1970.

REGULATIONS UNDER SECTION 5284 OF THE ACT

R 500.541 Exemption of certain securities.

Rule 541. Any security is exempt from the operation of section 5284 of the act to the extent necessary to render lawful under section 5284 the execution by a broker of an order for an account in which he has no direct or indirect interest.

History: 1954 ACS 47, p. 45, Eff. Aug. 14, 1966.

R 500.542 Exemption of transactions in connection with a distribution.

Rule 542. Any security is exempt from the operation of section 5284 of the act to the extent necessary to render lawful under section 5284 any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of securities, upon the following conditions:

(a) The sale is represented by an over-allotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be

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acquired by or on behalf of the dealer as a participant in an underwriting, selling or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(b) Other persons not within the purview of section 5284 of the act are participating in the distribution of the block of securities on terms at least as favorable as those on which the dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 5284 of the act by this rule. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption which would otherwise be available under this rule.

History: 1954 ACS 47, p. 45, Eff. Aug. 14, 1966

R 500.543 Exemption of sales of securities to be acquired.

Rule 543. (1) Whenever any person is entitled, as an incident to his ownership of an issued security and without the payment of consideration, to receive another security "when issued" or "when distributed," the security to be acquired is exempt from the operation of section 5284 if:

(a) The sale is made subject to the same conditions as those attaching to the right of acquisition; and

(b) The person exercises reasonable diligence to deliver the security to the purchaser promptly after his right of acquisition matures; and

(c) The person reports the sale on the appropriate form for reporting transactions by persons subject to section 5282 of the act.

(2) This rule shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the 2 transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

History: 1954 ACS 47, p. 46, Eff. Aug. 14, 1966.

REGULATION UNDER SECTION 5286 OF THE ACT

R 500.545 Arbitrage transactions.

Rule 545. It is unlawful for any director or officer of an insurer to effect any foreign or domestic arbitrage transaction in any equity security of the insurer, unless he includes the transaction in the statements required by section 5282 of the act and accounts to the insurer for the profits arising from the transaction, as provided in section 5283. The provisions of section 5284 do not apply to such arbitrage transactions. The provisions of the act do not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than a director or officer of the insurer.

History: 1954 ACS 47, p. 46, Eff. Aug. 14, 1966

REPLACEMENT OF LIFE INSURANCE POLICIES

R 500.601 Definitions.

Rule 601. (1) In R 500.601 to R 500.606, "life insurance" does not include fixed or variable annuity contracts or contracts of variable life insurance.

(2) In R 500.601 to R 500.606, "replacement of life insurance" includes any transaction in which life insurance is to be purchased and, as part of the transaction, existing life insurance has been or is to be:

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(a) Lapsed or surrendered.

(b) Converted into paid-up insurance, or continued as extended term insurance or under another form of nonforfeiture benefit.

(c) Converted so as to effect a reduction in the amount of existing life insurance or a reduction in the period of time the existing life insurance will continue in force.

(d) Reissued with such a reduction in amount that substantial cash values are released. Substantial cash values are released if an amount in excess of 50% of the tabular cash value is released on 1 or more of the existing policies.

(e) Assigned as collateral for a loan.

(f) Subjected to substantial borrowing of loan values whether in a single loan or under a schedule of borrowing over a period of time. Substantial borrowing occurs if an amount in excess of 50% of the tabular cash value is borrowed on 1 or more existing policies.

History: 1954 ACS 67, p. 70, Eff. June 1, 1971

R 500.602 Duties of agents.

Rule 602. (1) A life insurance agent shall obtain with or as a part of each application for life insurance a statement signed by the applicant as to whether the insurance for which application is made will replace existing life insurance.

(2) A life insurance agent shall submit to the insurer, in connection with each application for life insurance, a statement as to whether, to the best of his knowledge, replacement is involved in the transaction.

(3) If replacement is involved in a transaction, the life insurance agent shall do all of the following:

(a) Obtain with or as a part of each application a list of all existing life insurance policies proposed to be replaced.

(b) Present to the applicant, not later than at the time of taking the application, a completed "information statement" signed by the agent and a "notice to applicants regarding replacement of life insurance," in such forms as are prescribed by the commissioner and leave the forms with the applicant for his records.

(c) Have the applicant acknowledge receipt of the completed "information statement" and the "notice to applicants regarding replacement of life insurance."

(d) Submit with the application to the insurer a copy of any proposal used, the completed "information statement" and the name of each insurer which issued any life insurance proposed to be replaced.

History: 1954 ACS 67, p. 70, Eff. June 1, 1971.

R 500.603 Duties of insurers.

Rule 603. (1) A life insurer shall inform its field representatives of the requirements of R 500.601 to R 500.606.

(2) A life insurer shall require with or as a part of each application for life insurance a statement signed by the applicant as to whether the insurance for which application is made will replace existing life insurance.

(3) A life insurer shall require in connection with each application for life insurance a statement signed by the agent as to whether, to the best of his knowledge, replacement is involved in the transaction.

History: 1954 ACS 67, p. 70, Eff. June 1, 1971.

R 500.604 Duties where replacement involved; notice; filing.

Rule 604. (1) If a replacement is involved in a transaction, the life insurer shall:

(a) Require with or as a part of each application a list prepared by the agent

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representing, to the best of his knowledge, all of the existing life insurance policies proposed to be replaced.

(b) Obtain a copy of any proposal used, the completed "information statement," proof of the receipt by the applicant of the "information statement" and the "notice to applicants regarding replacement of life insurance," and the name of each insurer which issued any life insurance being replaced.

(c) Immediately notify an insurer which issued any life insurance being replaced and upon request promptly furnish a copy of any proposal used and a copy of the completed "information statement."

(d) Examine any proposal used and the completed "information statement" and ascertain that the "information statement" meets the requirements of R 500.601 to R 500.606.

(e) Maintain copies of any proposal used, the completed "information statement," proof of receipt by the applicant of the "information statement" and the "notice to applicants regarding replacement of life insurance," and the applicant's signed statement with respect to replacement, in its home office for at least 3 years or until the conclusion of the next succeeding regular examination by the insurance regulatory authority of its state of domicile, whichever is later.

(2) A life insurer which receives notice that its existing life insurance may be replaced shall maintain a copy of the notification on its premises, indexed by insurer notifying it of such replacement, for 3 years or until the conclusion of the next regular examination conducted by the insurance regulatory authority of its state of domicile, whichever is later.

History: 1954 ACS 67, p. 70, Eff. June 1, 1971.

R 500.605 Exceptions.

Rule 605. (1) R 500.602, R 500.603, and R 500.604 do not apply to transactions in which the application for the new life insurance is made to the same insurer that issued the existing life insurance, if a contractual policy change or a conversion privilege is being exercised.

(2) R 500.602, R 500.603, and R 500.604 do not apply to transactions in which the new life insurance is to be provided under any of the following plans, if full and complete disclosure of all material facts is made to the administrator of any plan to be replaced:

(a) A group term life insurance policy.

(b) Policies covering employees of an employer, debtors of a creditor or members of an association or other eligible organization, which policies are distributed on a mass merchandising basis and which do not involve direct contact between the covered person and the agent.

(c) Life insurance policies issued in connection with a pension, profit sharing or other benefit plan qualifying for tax-deductibility of premiums.

(3) R 500.602, R 500.603, and R 500.604 do not apply to transactions in which the existing life insurance is a nonconvertible term policy which cannot be renewed and which would expire within 5 years after the initiation of the transaction.

History: 1954 ACS 67, p. 71, Eff. June 1, 1971.

R 500.606 Penalties.

Rule 606. An agent who fails to comply with R 500.601, R 500.602, and R 500.605 is rebuttably presumed to have given cause for revocation or suspension of his license or for imposition of a civil penalty for each such failure within the meaning of section 1448 of the insurance code of 1956.

History: 1954 ACS 67, p. 71, Eff. June 1, 1971.

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DISCRETIONARY GROUP LIFE INSURANCE AND GROUP LIFE INSURANCE

R 500.611 Discretionary group life insurance; procedures.

Rule 611. (1) A group life insurance policy shall not be issued under section 4424 of the insurance code of 1956 until the commissioner has issued a certificate of authority to purchase discretionary group life insurance to the applicant group and has given written notice of issuance of the certificate of authority to the insurer which is to provide the group life insurance.

(2) Application for a certificate of authority shall be made to the commissioner on forms prescribed by the commissioner by the person who is to serve as policyholder for the proposed discretionary group. If a trustee is to serve as policyholder, he shall submit with the application written evidence of his authority to act as trustee. If the applicant group is party to or results from a trust agreement or a bargaining agreement, a copy of the agreement shall be submitted with the application. If the applicant group has a constitution or bylaws, or both, a certified copy of each such document shall be submitted with the application.

(3) If the commissioner determines, based upon representations made in the application and in the documents accompanying it, that granting permission to the group to purchase group life insurance would be consonant with the dictates of public policy as expressed in section 4424, he shall issue a preliminary certificate of eligibility, which certificate indicates that the group is qualified to negotiate with insurers for group life insurance coverage.

(4) The policies, certificates and schedule of rates which an insurer proposes to use in providing insurance coverage for a group holding a certificate of eligibility shall be submitted to the commissioner by the insurer. If the commissioner determines, after review of the materials submitted, that the proposed plan of insurance meets the requirements of the insurance code of 1956, he shall issue a certificate of authority to the group and notify the insurer in writing that the certificate has been issued.

(5) A group holding a certificate of authority shall not make any material change in the composition or size of the group nor shall any material change be made in the plan of insurance approved by the commissioner, until the commissioner has approved the changes in writing. If a change is made without the prior written approval of the commissioner, the certificate of authority may be terminated.

(6) The commissioner may require that each discretionary group holding a certificate of authority file a report with the commissioner at the conclusion of each policy year, on a form prescribed by the commissioner.

History: 1954 ACS 67, p. 71, Eff. Mar. 26, 1971.

R 500.612 Grounds of eligibility.

Rule 612. (1) In determining whether to issue a certificate of eligibility, the commissioner shall view section 4424 as a remedial measure designed to permit group life insurance only for those groups which are logically analogous in character and composition to the groups authorized by sections 4404, 4408, 4412, 4416, 4418, and 4420 but which because of special circumstances do not qualify under those sections.

(2) The commissioner shall not issue a certificate of eligibility to a group having no logical reason for existence except to fraction or partition a risk.

(3) The commissioner shall not issue a certificate of authority in the following instances:

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(a) If the insurance is not to be offered to all members of the group or, where the premium is to be paid in full by the policyholder, if all eligible members of the group are not to be insured.

(b) If the insurance is to be for the benefit of the policyholder.

(c) If the benefits provided by the policy are not equitably graded.

History: 1954 ACS 67, p. 72, Eff. Mar. 26, 1971.

R 500.615 Group term life insurance; contributions of certificate holders.

Rule 615. Whenever the insurance code of 1956 or a rule issued pursuant thereto requires that premiums on group term life insurance be paid jointly by the certificate holder and some other person, the contract of insurance shall limit the contributions of the certificate holders so that the contributions do not exceed 75% of the total premium for the coverage, and do not exceed the amounts specified in the following schedule:

Rate at Which Policy Is Written	Maximum Contribution to Life Premium From Certificate Holder Per Thousand of Life Insurance	
	Monthly	Weekly
Standard	60¢	14¢
Standard plus $1.00	70¢	16¢
Standard plus $2.00	75¢	17¢
Standard plus $3.00 or more	80¢	18¢

History: 1954 ACS 67, p. 72, Eff. Mar. 26, 1971.

VARIABLE CONTRACTS

R 500.621 Contracts on a variable basis; authorization.

Rule 621. A contract on a variable basis authorized by section 925 of the insurance code of 1956 shall not be delivered or issued for delivery in this state unless the insurer is acting under a certificate of authority which specifically provides for issuance of contracts on a variable basis, and the insurer has filed with the commissioner, within 30 days after adoption, the latest resolution of its board of directors governing the separate account which is to be used in connection with the contract on a variable basis.

History: 1954 ACS 67, p. 72, Eff. Mar. 26, 1971.

R 500.622 Certificates of authority; applications.

Rule 622. Application for a certificate of authority which specifically provides for issuance of contracts on a variable basis shall be made to the commissioner in writing and shall be accompanied by all of the following:

(a) A certified copy of the resolution of the insurer's board of directors establishing the separate account.

(b) A written general description of the kinds of variable contracts the insurer intends to issue.

(c) A written general description of the program the insurer intends to use to market the contracts.

History: 1954 ACS 67, p. 73, Eff. Mar. 26, 1971.

R 500.623 Certificates of authority; issuance.

Rule 623. (1) The commissioner shall not issue a certificate of authority which specifically provides for issuance of contracts on a variable basis to an insurer unless all of the following are true:

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(a) The insurer possesses capital and surplus, if a stock insurer, or surplus, if a mutual insurer, of at least $1,500,000.00.

(b) The insurer, if an alien insurer, has established a separate trust account for contracts on a variable basis under a trust indenture approved by the commissioner.

(c) The commissioner is satisfied that the insurer's condition or method of operation in connection with the issuance of contracts on a variable basis will not render its operation hazardous to its policyholders or the public.

(2) In determining whether to issue a certificate of authority which specifically provides for issuance of contracts on a variable basis, the commissioner will consider, among other relevant matters, the history and financial condition of the insurer; the character, responsibility and fitness of the officers, directors and employees of the insurer and any affiliation by common management or ownership of the insurer with an insurer authorized to transact life insurance in this state.

History: 1954 ACS 67, p. 73, Eff. Mar. 26, 1971

R 500.624 Separate accounts.

Rule 624. (1) An insurer issuing contracts on a variable basis shall not use the same separate account for both annuity contracts on a variable basis and contracts of life insurance on a variable basis.

(2) An insurer issuing contracts on a variable basis shall maintain in each separate account assets having a value equal to the reserves and other reasonable liabilities and obligations with respect to the account. If the securities and exchange commission requires that an account have a minimum balance before solicitation is permitted, the insurer may participate in the separate account in order to comply with the requirement but the initial value of the amount so invested shall not exceed by more than 25% the amount required by the securities and exchange commission, and the insurer shall redeem the units so purchased within 6 months after the account acquires other assets sufficient to satisfy the requirements of the securities and exchange commission. Any surplus or deficit which occurs in a separate account because of mortality experience guaranteed by the insurer shall be adjusted at least annually at the end of each calendar year by withdrawals from or additions to the separate account so that the assets of the account equal the liabilities.

(3) A separate account shall not be charged with liabilities arising out of other separate accounts or out of other business of the insurer unless the liabilities have a specific and determinable relation to or dependence upon the separate account.

(4) Assets allocated to a separate account shall be valued at their market value on the date of valuation. Where possible, market values of common stocks shall be established by quotations of securities exchanges located in the United States or Canada or by credible over-the-counter market quotations. Where such quotations are not available, the assets shall be valued in accordance with reasonable rules applicable to the separate account or if there are no reasonable rules to be applicable, in accordance with reasonable valuation procedures prescribed by the commissioner.

History: 1954 ACS 67, p. 73, Eff. Mar. 26, 1971.

R 500.625 Separate account committees.

Rule 625. Any provisions of the insurance code of 1956 or of rules promulgated pursuant thereto which concern conflicts of interest of officers or directors of insurers are equally applicable to members of any separate account's committee,

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board or other similar body. An officer, director or trustee of an insurer or any member of the board of managers, board of trustees, or board of directors of a separate account shall not receive, either directly or indirectly, any commission or other forms of emolument which is related to the purchase or disposal of assets of the insurer or of any of its separate accounts.

History: 1954 ACS 67, p. 73, Eff. Mar. 26, 1971.

R 500.626 Insurance law applicable.

Rule 626. Provisions of the insurance code of 1956 which apply to contracts of life insurance or to annuity contracts also apply to similar contracts on a variable basis but computation of reserves and cash values and other nonforfeiture benefits shall be in accordance with actuarial procedures that recognize the variable nature of the contract. Section 4070 of the insurance code of 1956 does not apply to contracts for annuities on a variable basis.

History: 1954 ACS 67, p. 74, Eff. Mar. 26, 1971.

R 500.627 Approvals required.

Rule 627. A contract on a variable basis shall not be delivered or issued for delivery in this state and an application for such a contract or a group certificate in connection with any such contract shall not be delivered or issued for delivery in this state, unless it has been approved by the commissioner pursuant to section 2236 of the insurance code of 1956.

History: 1954 ACS 67, p. 74, Eff. Mar. 26, 1971.

R 500.628 Contracts and certificates; contents.

Rule 628. A contract on a variable basis shall not be delivered or issued for delivery in this state and a group certificate in connection with any such contract shall not be delivered or issued for delivery in this state, unless:

(a) It contains a statement of the essential procedures to be followed by the insurer in determining the dollar amount of variable benefits or other contractual payments or values under the contract.

(b) It contains on its first page, in a prominent position, a clear statement that the benefits or other contractual payments of values are on a variable basis and will decrease or increase to reflect investment experience.

History: 1954 ACS 67, p. 74, Eff. Mar. 26, 1971.

R 500.629 Variable annuity; contract requirements.

Rule 629. (1) A contract for an annuity on a variable basis shall not be delivered in this state unless it stipulates the investment increment factors to be used in computing the dollar amount of variable benefits or other variable contractual payments or values thereunder. An individual contract for an annuity on a variable basis shall not be delivered or issued for delivery in this state, unless:

(a) It contains a provision specifying the options available in the event of default in a periodic stipulated payment which options may include an option to surrender the contract for a cash value as determined by the contract and shall include an option to receive a paid-up annuity if the contract is not surrendered for cash.

(b) It stipulates the expense and mortality components used in determining the factor which is used in calculating the first annuity payment. Expense may exclude some or all taxes as may be provided by the contract.

(c) The annual net investment increment assumption does not exceed 5%, except with the approval of the commissioner.

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(d) The mortality factor is determined from an annuity mortality table authorized by section 835 of the insurance code of 1956, as amended, being §500.835 of the Michigan Compiled Laws, or any modification of that table approved by the commissioner, or any other table so approved.

(2) The charges against variable annuity contracts for investment management expenses, other than reasonable investment management expenses relating to real estate or mortgage investments under group annuity contracts, including internal costs attributable to the investment management of assets of the separate account, shall not exceed the following percentages, on an annual basis, of the average net asset value of the separate account:

(a) Seventy-five hundredths of 1% of that portion of separate account assets valued at or under $75,000,000.00;

(b) One-half of 1% of that portion of separate account assets valued in excess of $75,000,000.00 but less than $150,000,000.00;

(c) Four-tenths of 1% of that portion of separate account assets valued in excess of $150,000,000.00 but less than $400,000,000.00;

(d) Thirty-five hundredths of 1% of that portion of separate account assets valued in excess of $400,000,000.00 but less than $800,000,000.00; and

(e) Three-tenths of 1% of that portion of separate account assets valued in excess of $800,000,000.00.

History: 1954 ACS 67, p. 74, Eff. Mar. 26, 1971; 1954 ACS 98, p. 132, Eff. Dec. 23, 1978.

R 500.630 Rescinded.

History: 1954 ACS 67, p. 74, Eff. Mar. 26, 1971; rescinded 1954 ACS 98, p. 132, Eff. Dec. 23, 1978.

R 500.631 Advertising and illustrations.

Rule 631. (1) Except as exempted in writing by the commissioner, an insurer which delivers or issues for delivery contracts on a variable basis shall file with the commissioner at least 30 days prior to use copies of advertising, illustrations and other printed materials to be used in connection with the sale of individual contracts on a variable basis in this state.

(2) Advertising, illustrations, and other disseminations of information concerning contracts on a variable basis are subject to the provisions of sections 2005 and 2007 of the insurance code of 1956. An illustration of benefits under a contract on a variable basis violates those provisions if it includes projections of past investment experience into the future or attempted predictions of future investment experience. However, those provisions do not prohibit the use of hypothetical assumed rates of interest to illustrate possible levels of benefits.

(3) Advertising, illustrations, and other disseminations of information concerning group variable annuity contracts on a variable basis satisfy the provisions of sections 2005 and 2007 of the insurance code of 1956 if they are subject to review by the securities and exchange commission of the United States government or by the national association of securities dealers and the review has not resulted in disapproval.

History: 1954 ACS 67, p. 75, Eff. Mar. 26, 1971; 1954 ACS 98, p. 133, Eff. Dec. 23, 1978.

R 500.632 Statements.

Rule 632. (1) An insurer shall mail to each of its holders of an annuity contract on a variable basis, at least once in each contract year after the first at his last address known to the insurer, a statement reporting the investments held in the separate annuity account (S), in a form acceptable to the commissioner.

(2) An insurer shall mail to each of its holders of an annuity contract on a variable basis under which payments have not yet begun, at least once in each

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contract year after the first at his last address known to the insurer, a statement reporting the number of accumulation units credited to the contract and the dollar value of a unit or a statement reporting the value of the contract holder's account, as of a date not more than 4 months prior to the date of mailing.

(3) Annually an insurer issuing contracts on a variable basis shall submit to the commissioner a statement of the business of its separate accounts in the form prescribed by the commissioner.

History: 1954 ACS 67, p. 75, Eff. Mar. 26, 1971; 1954 ACS 98, p. 133, Eff. Dec. 23, 1978.

R 500.633 Licensing of agents.

Rule 633. (1) A person shall not act as an agent in the solicitations or sale of contracts on a variable basis unless he is a licensed agent of a life insurer whose certificate of authority specifically provides for the issuance of contracts on a variable basis and unless his life insurance agent's license has been extended to permit him to solicit and sell variable contracts. A licensed agent of a life insurer may solicit and sell contracts on a variable basis without extension of his life insurance agent's license if the contract is based on an account which is excluded from the definition of investment company by section 3(c)11 of the investment company act of 1940.

(2) A licensed agent of a life insurer whose certificate of authority specifically provides for the issuance of contracts on a variable basis may apply for extension of his license to permit the solicitation and sale of variable contracts by a letter request directed to the commissioner through the home office of the life insurer. Letter requests may be for 1 or more of the life insurer's licensed agents.

(3) The licensing procedures prescribed by R 500.633 to R 500.636 shall not apply to the solicitation or sale of life insurance contracts on a variable basis as defined by R 500.841.

History: 1954 ACS 67, p. 76, Eff. Mar. 26, 1971; 1954 ACS 69, p. 55, Eff. June 22, 1971; 1954 ACS 98, p. 134, Eff. Dec. 23, 1978.

R 500.634 Examinations for agents.

Rule 634. (1) The commissioner shall schedule an examination and notify the agent of the date, time and place of the examination. The examination fee may be submitted with the letter request or may be paid at the time of examination.

(2) The examination has 2 parts. Part 1 deals with securities in general. Part 2 deals with the history, purpose, regulation and sale of variable contracts. An examinee shall achieve a grade of at least 70% in each part in order to pass the examination. Certain sales supervisory and home office employees shall achieve a grade of at least 80% in part 1.

History: 1954 ACS 67, p. 76, Eff. Mar. 26, 1971.

R 500.635 Waiver of examination; alternatives; nonresidents.

Rule 635. (1) The commissioner shall waive part 1 of the examination for any agent who applies for extension of his license if the letter request from the insurer is accompanied by evidence that the agent has passed an acceptable alternative examination, that the agent currently is registered with the securities and exchange commission as a broker-dealer or that the agent currently is associated with a broker-dealer and has met the qualification requirements for such association. The following examinations are acceptable alternative examinations:

(a) Any state securities sales examination accepted by the securities and exchange commission.

(b) The national association of securities dealers' examination for principals, or its examination for qualification as a registered representative.

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(c) The various securities examinations required by the New York stock exchange, the American stock exchange, the Pacific stock exchange, or any other registered national securities exchange.

(d) The securities and exchange commission test given pursuant to section 15(b)(8) of the securities and exchange act of 1934.

(e) The examination recommended for the testing of variable contract agents by the national association of insurance commissioners, when adopted by the insurance department of any state or territory of the United States and approved for use by such department by the securities and exchange commission.

(2) The commissioner shall waive the examination for a licensed nonresident agent if the insurance regulatory authority in the state in which the agent resides certifies to the commissioner that the agent is licensed to solicit and sell contracts on a variable basis in that state.

History: 1954 ACS 67, p. 76, Eff. Mar. 26, 1971.

R 500.636 Rewriting and passing examinations; termination of agents' authority.

Rule 636. (1) An agent who fails to pass part 1 of the examination may rewrite it after a waiting period in accordance with securities and exchange commission requirements but the waiting period shall be not less than 20 days. An agent who fails to pass part 2 of the examination may rewrite it after a waiting period of not less than 20 days.

(2) When an agent successfully completes the examination, the commissioner shall notify the sponsoring insurer and instruct the insurer to return the agent's license to be amended. Amending a license consists of adding the designation including variable contracts to the license and making the appropriate notations on the agent's control card in the commissioner's files. There is no additional charge to the sponsoring insurer for amending a license.

(3) If an insurer terminates the authority of an agent to solicit and sell contracts on a variable basis but maintains the agent's authority to act as a life insurance agent for the company, the insurer shall notify the commissioner immediately and return the license to the commissioner for deletion of the including variable contracts designation.

History: 1954 ACS 67, p. 76, Eff. Mar. 26, 1971.

R 500.637 Waivers of compliance with rules.

Rule 637. (1) If the statutes or rules of the place of domicile of an insurer prevent compliance with part of these rules, the insurer may advise the commissioner in writing. If the insurer demonstrates that the statute or rules of the place of domicile provide protection to the policyholders and the public which is substantially equal to that provided by these rules, the commissioner may waive compliance with these rules to the extent necessary to remove the conflict.

(2) If an insurer domiciled in this state or an alien insurer entered in this state is prohibited from transacting a variable contract business in another jurisdiction because a conflict exists between these rules and the rules or laws or both of that jurisdiction, the insurer may advise the commissioner in writing. The commissioner may waive compliance with these rules to the extent necessary to remove the conflict if he determines that the waiver will not substantially reduce the protection to the policyholders and the public provided by these rules.

History: 1954 ACS 67, p. 77, Eff. Mar. 26, 1971.

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ACCIDENT AND SICKNESS INSURANCE ADVERTISING

(By authority conferred on the commissioner of insurance by sections 210 and 2007 of Act No. 218 of the Public Acts of 1956, being §§500.210 and 500.2007 of the Michigan Compiled Laws)

R 500.651 Definitions.

Rule 1. (1) "Accident and sickness insurance" means disability insurance as defined in section 606 of the code and credit accident and health insurance as defined in section 3 of Act No. 173 of the Public Acts of 1958, being §550.603 of the Michigan Compiled Laws.

(2) "Advertisement" means all of the following:

(a) Printed and published material, audiovisual material, and descriptive literature of an insurer used in direct mail, newspaper, magazines, radio scripts, television scripts, billboards, and similar displays.

(b) Descriptive literature and sales aids of all kinds issued by an insurer or agent for presentation to members of the insurance buying public, including circulars, leaflets, booklets, depictions, illustrations, and form letters.

(c) Prepared sales talks, presentations, and material for use by agents and solicitors.

(3) "Bureau" means the insurance bureau of the department of commerce.

(4) "Code" means Act No. 218 of the Public Acts of 1956, as amended, being §500.101 et seq. of the Michigan Compiled Laws.

(5) "Exception" means a provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

(6) "Institutional advertisement" means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of accident and sickness insurance or the promotion of the insurer.

(7) "Insurer" means an entity which is defined as an insurer in the code and is engaged in the advertisement of a policy.

(8) "Invitation to contract" means an advertisement which is neither an invitation to inquire nor an institutional advertisement.

(9) "Invitation to inquire" means an advertisement having as its objective the creation of a desire to inquire further about the product and which is limited to a brief description of the loss for which the benefit is payable, and which may contain either or both the dollar amount of benefit payable or the period of time during which the benefit is payable, but does not refer to cost. An advertisement which specifies either the dollar amount of benefit payable or the period of time during which the benefit is payable shall contain a provision in effect as follows:

> "For costs and further details of the coverage, including exclusions, any reductions or limitations and the terms under which the policy may be continued in force, see your agent or write to the company."

The manner in which a company will respond to an inquiry shall be evident in the advertisement.

(10) "Limitation" means a provision which restricts coverage under the policy other than an exception or a reduction.

(11) "Policy" means a policy, plan, certificate, contract, agreement, statement of coverage, rider, or endorsement which provides accident or sickness benefits or medical, surgical, or hospital expense benefits, whether on an indemnity or reimbursement basis, except when issued in connection with another kind of insurance other than life and except disability, waiver of premium, and double indemnity benefits included in life and annuity contracts.

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(12) "Reduction" means a provision which reduces the amount of the benefit; a risk of loss is assumed but payments upon the occurrence of the loss are limited to some amount or period less than would be otherwise payable had the reduction not been used.

History: 1954 ACS 84, p. 76, Eff. Aug. 22, 1975.

R 500.652 Purpose and applicability.

Rule 2. (1) These rules shall be construed to assure truthful and adequate disclosure of all material and relevant information in the advertising of accident and sickness insurance.

(2) Unless otherwise specified, these rules apply to any accident and sickness insurance advertisement intended for presentation, distribution, or dissemination in this state, either directly or indirectly by or on behalf of an insurer, agent, or solicitor as defined in the code and these rules.

(3) Every advertisement covered by these rules shall be presumed to have been caused, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public by the insurer whose policy or policies are the subject of the advertisement, except that advertisements written, created, or designed by an agent shall be the responsibility of the insurer only if the agent has acted within the scope of the agency authority.

History: 1954 ACS 84, p. 77, Eff. Aug. 22, 1975.

R 500.653 Method of disclosure of required information.

Rule 3. Information required to be disclosed by these rules shall be set out conspicuously and in close conjunction with the statements to which the information relates or under appropriate captions of such prominence that it shall not be minimized, rendered obscure, presented in an ambiguous fashion, or intermingled with the context of the advertisement so as to be confusing or misleading.

History: 1954 ACS 84, p. 77, Eff. Aug. 22, 1975.

R 500.654 Form and content of advertisements.

Rule 4. (1) The format and content of an advertisement of an accident or sickness insurance policy shall be sufficiently complete and clear to avoid deception or the capacity or tendency to mislead or deceive. Whether an advertisement has a capacity or tendency to mislead or deceive shall be determined by the commissioner from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence, within the segment of the public to which it is directed.

(2) An advertisement shall be truthful and not misleading in fact or in implication. Words or phrases, the meaning of which is clear only by implication or by familiarity with insurance terminology, shall not be used.

History: 1954 ACS 84, p. 77, Eff. Aug. 22, 1975.

R 500.655 Deceptive words, phrases, or illustrations prohibited.

Rule 5. (1) An advertisement shall not omit information or use words, phrases, statements, references, or illustrations if the omission of the information or use of the words, phrases, statements, references, or illustrations has the capacity, tendency, or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of a policy benefit payable, loss covered, or premium payable. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.

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(2) An advertisement shall not contain or use words or phrases in a manner which exaggerates benefits beyond the terms of the policy. As an example, the description of a policy as "comprehensive," "complete," or "unlimited" when the policy gives limited coverage would be misleading.

(3) An advertisement shall not contain a description of a policy limitation, exception, or reduction, worded in a positive manner to imply that it is a benefit, such as describing a waiting period as a "benefit builder," or stating "even preexisting conditions are covered after 2 years." Words and phrases used in an advertisement to describe these policy limitations, exceptions, and reductions shall fairly and accurately describe the negative features of the limitations, exceptions, and reduction of the policy offered.

(4) An advertisement of a benefit for which payment is conditional upon confinement in a hospital or similar facility shall not use language which has the tendency or capacity to lead a potential insured to believe that the policy's purpose is to enable him to make a net profit from being hospitalized or confined.

(5) An advertisement of a hospital or other similar facility confinement benefit shall not advertise that the amount of the benefit is payable on a monthly or weekly basis when, in fact, the amount of the benefit payable is based upon a daily pro rata basis relating to the number of days of confinement, unless the daily amount is emphasized and precedes the weekly or monthly benefit amounts. When the policy contains a limit on the number of days of coverage provided, the limit shall appear in the advertisement.

(6) An advertisement of a policy covering only 1 disease or a list of specified diseases shall not imply coverage beyond the terms of the policy. Synonymous terms shall not be used to refer to any single disease so as to imply broader coverage than is the fact.

(7) An advertisement for a policy providing benefits for specified illnesses only, such as cancer or for specified accidents only, such as automobile accidents, shall clearly and in type which is at least 2 points larger than the type in the body of the advertisement, state the limited nature of the policy. The statement shall be worded in language identical to, or substantially similar to, the following: "THIS IS A LIMITED POLICY," "THIS IS A CANCER ONLY POLICY," "THIS IS AN AUTOMOBILE ACCIDENT ONLY POLICY."

(8) An advertisement may not contain a claim stating or implying that acquisition and servicing costs for the plan advertised are lower than equivalent costs for other generally used means of marketing similar insurance, unless that is the fact. An example of a misleading phrase is: "We deal directly with you so our costs are lower," when the acquisition and servicing costs for the advertised plan are actually not lower than equivalent costs for other similar plans.

History: 1954 ACS 84, p. 77, Eff. Aug. 22, 1975.

R 500.656 Exceptions, reductions, and limitations.

Rule 6. (1) When an advertisement which is an invitation to contract refers to a dollar amount, a period of time for which a benefit is payable, the cost of the policy, specific policy benefit, or the loss for which the benefit is payable, it shall also disclose those exceptions, reductions, and limitations affecting the basic provisions of the policy without which the advertisement would have the capacity or tendency to mislead or deceive.

(2) When a policy contains a waiting, elimination, probationary, or similar time period between the effective date of the policy and the effective date of coverage under the policy at a time period between the date a loss occurs and the date

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benefits begin to accrue for the loss, an advertisement which is subject to the requirements of subrule (1) shall disclose the existence of the periods.

(3) The use of words or phrases in a context which understates the extent of the policy's exceptions, reductions, or limitations is considered misleading.

History: 1954 ACS 84, p. 78, Eff. Aug. 22, 1975.

R 500.657 Preexisting conditions.

Rule 7. (1) An advertisement which is subject to the requirements of R 500.656 shall disclose, in negative terms, the extent to which a loss is not covered if the cause of the loss is traceable to a condition existing prior to the effective date of the policy. The term "preexisting condition," without an appropriate definition or description, shall not be used.

(2) When a policy does not cover losses resulting from a preexisting condition, it is considered misleading if an advertisement of the policy states or implies that the applicant's physical condition or medical history will not affect the issuance of the policy or payment of a claim thereunder. Within this context the use of the phrase "no medical examination required" and phrases of similar import are considered misleading. This rule does not prohibit explaining "automatic issue." If an insurer requires a medical examination for a specified policy, the advertisement, if it is an invitation to contract, shall disclose that a medical examination is required.

(3) When an advertisement contains an application form to be completed by the applicant and returned by mail for a direct response insurance product, the application form shall contain a question or statement appearing in upper case type or contrasting color which reflects the preexisting condition provisions of the policy immediately preceding the blank space for the applicant's signature. An application form shall contain a question or statement substantially as follows:

> Do you understand that this policy will not pay benefits during the first _____ year(s) after the issue date for a disease or physical condition which you now have or have had in the past? ☐ YES

Or substantially the following statement:

> I understand that the policy applied for will not pay benefits for any loss incurred during the first _____ year(s) after the issue date on account of disease or physical condition which I now have or have had in the past.

History: 1954 ACS 84, p. 78, Eff. Aug. 22, 1975.

R 500.658 Disclosure of renewability, cancellability, and termination.

Rule 8. When an advertisement which is an invitation to contract refers to either a dollar amount or a period of time for which a benefit is payable, or the cost of the policy or specific policy benefit, or the loss for which the benefit is payable, it shall disclose the provisions relating to renewability, cancellability, termination and a modification of benefits, losses covered, or premiums because of age or for other reasons, in a manner which shall not minimize or render obscure the qualifying conditions.

History: 1954 ACS 84, p. 79, Eff. Aug. 22, 1975.

R 500.659 Testimonials or endorsements by third parties.

Rule 9. (1) Testimonials used in advertisements shall be applicable to the policy advertised and be accurately reproduced. The insurer, in using a testimo-

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nial, makes as its own all of the statements contained therein, and the advertisement, including the statement, is subject to these rules.

(2) If the person making a testimonial, an endorsement, and an appraisal is being compensated or has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee, or otherwise, this fact shall be disclosed in the advertisement by language substantially as follows: "Paid Endorsement." This rule does not require disclosure of union scale wages required by union rules if the payment is actually for the scale for television or radio performances. The payment of substantial amounts, directly or indirectly, for travel and entertainment for filming or recording of television or radio advertisements remove the filing or recording from the category of an unsolicited testimonial and require disclosure of the compensation.

(3) An advertisement shall not state or imply that an insurer or a policy has been approved or indorsed by an individual group of individuals, society, association, or other organizations, unless that is the fact, and unless any proprietary relationship between an organization and the insurer is disclosed. If the entity making the indorsement or testimonial has been formed or is owned or controlled by the insurer of the person or persons who own or control the insurer, the fact shall be disclosed in the advertisement.

(4) When a testimonial refers to benefits received under a policy, the specific claim data, including claim number, date of loss, and other pertinent information shall be retained by the insurer for inspection until the filing of the next regular report on examination of the insurer.

History: 1954 ACS 84, p. 79, Eff. Aug. 22, 1975.

R 500.660 Use of statistics.

Rule 10. (1) An advertisement relating to the dollar amounts of claims paid, the number of persons insured, or similar statistical information relating to an insurer or policy shall not be used unless it accurately reflects all material facts necessary to fairly apprise potential purchasers of the significance of the statistics. An advertisement shall not imply that statistics are derived solely from the policy advertised unless that is the fact, and when applicable to other policies or plans shall specifically so state.

(2) An advertisement shall not represent or imply that a claim settlement by the insurer is "liberal" or "generous" or use words of similar import, or that a claim settlement is or will be beyond the actual terms of the contract. An unusual amount paid for a unique claim for the policy advertised is misleading and shall not be used.

(3) The source of statistics used in an advertisement shall be identified in the advertisement.

History: 1954 ACS 84, p. 79, Eff. Aug. 22, 1975.

R 500.661 Identification of plan or number of policies.

Rule 11. (1) When a choice of the amount of benefits is referred to, an advertisement which is an invitation to contract shall disclose that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of the benefits selected.

(2) When an advertisement which is an invitation to contract refers to various benefits which may be contained in 2 or more policies, other than group master policies, the advertisement shall disclose that the benefits are provided only through a combination of the policies.

History: 1954 ACS 84, p. 79, Eff. Aug. 22, 1975.

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R 500.662 Disparaging comparisons and statements.

Rule 12. An advertisement shall not directly or indirectly make unfair or incomplete comparisons of policies or benefits or comparisons of noncomparable policies of other insurers, and shall not disparage competitors, their policies, services, or business methods, and shall not disparage or unfairly minimize competing methods of marketing business.

History: 1954 ACS 84, p. 80, Eff. Aug. 22, 1975.

R 500.663 Jurisdictional licensing and status of insurer.

Rule 13. (1) An advertisement which is intended to be seen or heard beyond the limits of the jurisdiction in which the insurer is licensed shall not imply licensing beyond those limits.

(2) An advertisement shall not create the impression directly or indirectly that the insurer, its financial condition or status, or the payment of its claims, or the merits, desirability, or advisability of its policy forms or kinds or plans of insurance are approved, endorsed or accredited by a division or agency of this state or the federal government.

History: 1954 ACS 84, p. 80, Eff. Aug. 22, 1975.

R 500.664 Identity of insurer.

Rule 14. (1) The name of the actual insurer shall be stated in all of its advertisements. The form number of the policy advertised shall be stated in an advertisement which is an invitation to contract. An advertisement shall not use a trade name, an insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol, or other device which without disclosing the name of the actual insurer would have the capacity and tendency to mislead or deceive as to the true identity of the insurer.

(2) An advertisement shall not use a combination of words, symbols, or physical material which by their content, phraseology, shape, color, or other characteristics are so similar to combinations of words, symbols or physical materials used by agencies of the federal government or of this state, or otherwise appear to be of such a nature that it tends to confuse or mislead prospective insureds into believing that the solicitation is in some manner connected with an agency of the municipal, state, or federal government.

History: 1954 ACS 84, p. 80, Eff. Aug. 22, 1975.

R 500.665 Group or quasi-group implications.

Rule 15. An advertisement of a particular policy shall not state or imply that prospective insureds become group or quasi-group members covered under a group policy and as such enjoy special rates or underwriting privileges, unless that is the fact.

History: 1954 ACS 84, p. 80, Eff. Aug. 22, 1975.

R 500.666 Introductory, initial, or special offers.

Rule 16. (1) An advertisement of an individual policy shall not directly or by implication represent that a contract or combination of contracts is an introductory, initial, or special offer, or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless that is the fact. An advertisement shall not contain phrases describing an enrollment period as "special," "limited," or similar words or phrases when the insurer uses the enrollment periods as the usual method

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of advertising accident and sickness insurance. These phrases are permissible if the enrollment periods for a policy are separated by not less than 3 months.

(2) An enrollment period during which a particular insurance product may be purchased on an individual basis shall not be offered within this state unless there has been a lapse of not less than 3 months between the close of the immediately preceding enrollment period for the same product and the opening of the new enrollment period with not more than 2 enrollment periods in 1 calendar year for a particular insurance product. The advertisement shall indicate the date by which the applicant shall mail the application, which shall be not less than 10 days and not more than 40 days from the date that the enrollment period is advertised for the first time. This rule applies to all advertising media by any insurer. It is inapplicable to solicitations of employees or members of a particular group or association which otherwise would be eligible under specific provisions of the code for group, blanket, or franchise insurance. The phrase "any insurer" includes all the affiliated companies of a group of insurance companies under common management or control.

(3) This rule prohibits a statement or implication to the effect that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy, unless that is the fact.

(4) The phrase "a particular insurance product" in subrule (2) means an insurance policy which provides substantially different benefits than those contained in any other policy. Different terms of renewability; an increase or decrease in the dollar amounts of benefits; an increase or decrease in an elimination period or waiting period from those available during an enrollment period for another policy shall not be sufficient to constitute the product being offered as a different product eligible for concurrent or overlapping enrollment periods.

(5) Special awards, such as a "safe drivers' award," shall not be used in connection with advertisements of accident or accident and sickness insurance unless all material facts, including methods and probability of selection, relating to the awards are disclosed.

History: 1954 ACS 84, p. 80, Eff. Aug. 22, 1975.

R 500.667 Statements about insurer.

Rule 17. An advertisement shall not contain a statement which is untrue, in fact, or by implication misleading with respect to the assets, corporate structure, financial standing, age, or relative position of the insurer in the insurance business. An advertisement shall not contain a recommendation of a commercial rating organization unless the limitations of the scope and extent of the recommendation are fully explained.

History: 1954 ACS 84, p. 81, Eff. Aug. 22, 1975.

R 500.668 Enforcement.

Rule 18. (1) Each insurer shall maintain at its home or principal office a complete file containing every printed, published, or prepared advertisement of its individual policies and typical printed, published, or prepared advertisements of its blanket, franchise, and group policies hereafter disseminated in this state, with a notation attached to each advertisement which indicates the manner and the extent of distribution, and the form number of any policy advertised. The files shall be made available for periodic inspection by the bureau. All advertisements shall be maintained in the file for a period from the previous regular report on

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examination through the next report on examination. Following the completion of a regular report on examination, noncurrent advertising material may be removed from the file.

(2) Each insurer required to file an annual statement which is now or which hereafter becomes subject to these rules shall file with the bureau, with its annual statement, a certificate of compliance executed by an authorized officer of the insurer wherein it is stated that, to the best of his knowledge, information, and belief, the advertisements which were disseminated by the insurer during the preceding statement year complied or were made to comply in all respects with these rules and the insurance laws of this state.

(3) National advertising intended for use in this state which does not meet the standards of these rules, shall contain a disclaimer for the state.

History: 1954 ACS 84, p. 81, Eff. Aug. 22, 1975.

R 500.669 Filing for prior review.

Rule 19. After written notification to the insurer, the commissioner may require the filing with the bureau of accident and health insurance advertising material. The advertising material shall be filed by the insurer not less than 45 days before the date the insurer desires to use the advertising.

History: 1954 ACS 84, p. 81, Eff. Aug. 22, 1975.

HOLDING COMPANIES

(By authority conferred on the commissioner of insurance by sections 210 and 1361 of Act No. 218 of the Public Acts of 1956, as amended, being §§500.210 and 500.1361 of the Michigan Compiled Laws)

R 500.701 Definitions.

Rule 701. As used in these rules:

(a) "Code" means the insurance code of 1956, Act No. 218 of the Public Acts of 1956, as amended, being §500.100 et seq. of the Michigan Compiled Laws.

(b) "Dividend or distribution," as used in section 1343 of the code, includes sums paid by an insurer for the purchase or redemption of its own stock.

(c) "Domicile," as used in section 1324 of the code, means the state of entry of an alien insurer.

(d) "Executive officer" means an individual charged with the active executive management and control of a person, whether incorporated or not.

(e) "Ultimate controlling person" means a controlling person who is not controlled by any other person.

(f) Unless the context otherwise requires, other terms found in these rules are used as defined in section 1301 of the code.

History: 1954 ACS 84, p. 82, Eff. July 18, 1975.

R 500.710 Acquisition of control; form 1311; contents.

Rule 710. A statement filed pursuant to section 1311 of the code shall be prepared according to form 1311 and the instructions attached thereto. The bureau shall supply form 1311 and the instructions upon request. Form 1311 shall contain the items detailed in R 500.711 to R 500.723.

History: 1954 ACS 84, p. 82, Eff. July 18, 1975.

R 500.711 Insurer and method of acquisition.

Rule 711. The statement shall contain the name and address of the domestic insurer to be acquired and a brief description of how control is to be acquired.

History: 1954 ACS 84, p. 82, Eff. July 18, 1975.

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R 500.712 Identity and background of applicant.

Rule 712. (1) The statement shall contain the name and address of the applicant seeking to acquire control of the insurer.

(2) If the applicant is not an individual, the statement shall state the nature of its business operations for the past 5 years or for the lesser period which the person and any predecessors thereof shall have been in existence.

(3) The statement shall contain a chart or listing clearly presenting the identities of and interrelationships among the applicant and its affiliates. An affiliate need not be identified if its total assets are equal to less than ½ of 1% of the total assets of the ultimate controlling person affiliated with the applicant. The chart or listing shall indicate the percentage of voting securities of each such person which is owned or controlled by the applicant or by another such person. If control of a person is maintained other than by the ownership or control of voting securities the chart or listing shall indicate the basis of the control. The chart or listing shall indicate the type of organization including but not limited to corporation, trust, partnership, and the state or other jurisdiction of domicile or each person specified. If court proceedings which may result in a reorganization or liquidation are pending with respect to such a person, the chart or listing shall indicate which person, and set forth the title of the court, nature of proceedings and the date when commenced.

History: 1954 ACS 84, p. 82. Eff. July 18, 1975

R 500.713 Identity and background of individuals associated with applicant.

Rule 713. The statement shall state the following with respect to the applicant, if he is an individual, or all persons who are directors, executive officers or owners of 10% or more of the voting securities of the applicant, if the applicant is not an individual:

(a) Name and business address.

(b) Present principal business activity, occupation or employment including position and office held, and the name, principal business and address of any corporation or other organization in which the employment is carried on.

(c) Material occupations, positions, offices or employments during the last 5 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, the statement shall indicate such fact, the current status of the licensing or registration and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection therewith.

(d) Whether or not the person has ever been convicted in a criminal proceeding, excluding minor traffic violations, during the last 10 years and the date, the nature of conviction, the name and location of the court and the penalty imposed or other disposition of the case.

History: 1954 ACS 84, p. 82. Eff. July 18, 1975

R 500.714 Nature, source, and amount of consideration.

Rule 714. (1) The statement shall describe the nature, source, and amount of funds or other consideration used or to be used in effecting the merger or other acquisition of control. If a part is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading securities, the statement shall furnish a description of the transaction, the names of the parties thereto, the relationship between the

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borrower and the lender, the amounts borrowed or to be borrowed and copies of all agreements, promissory notes and security arrangements relating thereto.

(2) The statement shall explain the criteria used in determining the nature and amount of the consideration.

(3) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity to remain confidential, he shall specifically request that the identity be kept confidential.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.715 Future plans for insurer.

Rule 715. The statement shall describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate the insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.716 Voting securities to be acquired.

Rule 716. The statement shall state the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in R 500.713 plan to acquire, the terms of or proposed terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.717 Ownership of voting securities.

Rule 717. The statement shall state the amount of each class of a voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates, or any person listed in R 500.713.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.718 Agreements with respect to insurer's voting securities.

Rule 718. The statement shall give a full description of any contracts, arrangements or understandings with respect to a voting security of the insurer in which the applicant, its affiliates, or any person listed in R 500.713 is involved, including but not limited to the transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. This description shall identify the persons with whom the contracts, arrangements or understandings have been entered into.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.719 Recent purchases of voting securities.

Rule 719. The statement shall describe the purchase of any voting securities of the insurer by the applicant, its affiliates, or any person listed in R 500.713 during the 12 calendar months preceding the filing of this statement. The description shall include the dates of purchase, the names of the purchasers, the consideration paid or agreed to be paid therefor, and whether any shares so purchased are hypothecated.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

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R 500.720 Recent recommendations to purchase.

Rule 720. The statement shall describe any recommendations to purchase a voting security of the insurer made by the applicant, its affiliates, or any person listed in R 500.713, or by another based upon interviews or at the suggestion of the applicant, its affiliates, or any person listed in R 500.713 during the 12 calendar months preceding the filing of this statement.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.721 Agreements with broker-dealers.

Rule 721. The statement shall describe the terms of any agreement, contract or understanding made with a broker-dealer as to solicitation of voting securities of the insurer for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard thereto.

History: 1954 ACS 84, p. 83, Eff. July 18, 1975.

R 500.722 Financial statements and exhibits.

Rule 722. (1) Financial statements and exhibits shall be attached to the statement as an appendix. The applicant shall list under this item the financial statements and exhibits so attached.

(2) The financial statements shall include the annual financial statements of the persons identified in subrule (4) of R 500.712 for the preceding 5 fiscal years, or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence, and similar information covering the period from the end of the person's last fiscal year to a date not earlier than 90 days before the filing of the statement. These statements may be prepared on either an individual basis, or, unless the commissioner otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

(3) The annual financial statements of the applicant shall be accompanied by an independent public accountant's certificate that the statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer actively engaged in the business of insurance, the financial statements need not be certified if they are based on the annual statement of the person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of the state.

(4) Copies shall be attached to the statement of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and, if distributed, of additional soliciting material relating thereto; proposed employment, consultation, or advisory or management contracts concerning the insurer; and annual reports to the stockholders of the insurer and the applicant for the last 2 fiscal years. Any additional documents or papers required by form 1311 or the instructions thereto shall be filed as exhibits.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.724 Additional information and exhibits.

Rule 724. In addition to the information expressly required in form 1311, the applicant shall add any further material information necessary to prevent the statement from being misleading. The applicant may also file exhibits in addition

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to those expressly required by the statement. These exhibits shall be marked to indicate clearly the subject matters to which they refer.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.725 Amendments of information.

Rule 725. The applicant shall promptly advise the commissioner of any changes in the information included in form 1311 arising after the date of filing but before the commissioner's disposition of the application.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.740 Registration of insurers; form 1325; contents.

Rule 740. A statement filed pursuant to section 1325 of the code shall be prepared according to form 1325 and the instructions attached thereto. The bureau shall supply form 1325 and the instructions upon request detailed in R 500.741 to R 500.748.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.741 Identity and control of registrant.

Rule 741. The statement shall furnish the exact name of each insurer registering or being registered, hereinafter called "the registrant," the home office address and principal executive offices of each; the date on which each registrant became part of the insurance holding company system; and the method by which control of each registrant was acquired and is maintained.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.742 Organizational chart.

Rule 742. The statement shall furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons within the insurance holding company system. An affiliate need not be shown if its total assets are equal to less than ½ of 1% of the total assets of the ultimate controlling person within the insurance holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of a person within the system is maintained other than by the ownership or control of voting securities, the basis of such control shall be indicated. The statement shall indicate the type of organization of each person specified, including but not limited to corporation, trust, partnership, and the state or other jurisdiction of domicile.

History: 1954 ACS 84, p. 84, Eff. July 18, 1975.

R 500.743 Ultimate controlling person.

Rule 743. The statement shall furnish the following information on the ultimate controlling person in the insurance holding company system:

(a) Name.

(b) Home office address.

(c) Principal executive office address.

(d) The organizational structure of the person; that is, if a corporation, partnership, individual, trust, or otherwise.

(e) The principal business of the person.

(f) The name and address of each person who holds or owns 10% or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned.

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(g) If court proceedings which may result in a reorganization or liquidation are pending, the statement shall indicate the title and location of the court, the nature of proceedings, and the date when commenced.

History: 1954 ACS 84, p. 85, Eff. July 18, 1975.

R 500.744 Biographical information.

Rule 744. The statement shall furnish the following information on the directors and executive officers of the ultimate controlling person:

(a) The individual's name and address.

(b) His principal occupation and all offices and positions held during the past 5 years.

(c) Any conviction of crime other than minor traffic violations during the past 10 years.

History: 1954 ACS 84, p. 85, Eff. July 18, 1975.

R 500.745 Transactions, relationships, and agreements.

Rule 745. (1) The statement shall briefly describe the following agreements in force, relationships subsisting, and transactions currently outstanding between the registrant and its affiliates:

(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates.

(b) Purchases, sales, or exchanges of assets.

(c) Transactions not in the ordinary course of business.

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business.

(e) Management and service contracts and cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles.

(f) Reinsurance agreements covering all or substantially all of 1 or more lines of insurance of the ceding company.

(2) Information need not be disclosed if it is not material. Sales, purchases, exchanges, loans or extensions or credit or investments involving ½ of 1% or less of the registrant's admitted assets as of December 31 next preceding shall not be deemed material.

(3) The description shall be in a manner to permit its proper evaluation by the commissioner, and shall include at least the following:

(a) The nature and purpose of the transaction.

(b) The nature and amounts of any payments or transfers of assets between the parties.

(c) The identity of all parties to the transaction.

(d) The relationship of the affiliated parties to the registrant.

History: 1954 ACS 84, p. 85, Eff. July 18, 1975.

R 500.746 Litigation or administrative proceedings.

Rule 746. The statement shall contain:

(1) A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject:

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(a) Criminal prosecutions or administrative proceedings by a government agency or authority which may be relevant to the trustworthiness of a party thereto.

(b) Proceedings which may have a material effect upon the solvency of capital structure of the ultimate holding company, including but not limited to bankruptcy, receivership or corporate reorganizations.

(2) The names of the parties and the court or agency in which the litigation or proceeding is or was pending.

History: 1954 ACS 84, p. 85, Eff. July 18, 1975.

R 500.747 Financial statements and exhibits.

Rule 747. (1) Financial statements and exhibits should be attached to this statement as an appendix. The registrant shall list under this item the financial statements and exhibits so attached.

(2) The registrant shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

(3) If the annual financial statements for the latest fiscal year are not available at the time of the initial registration, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent the information is available. These financial statements may be prepared on either an individual basis, or unless the commissioner otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

(4) Unless the commissioner otherwise permits, the annual financial statements shall be accompanied by an independent public accountant's certificate that the statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer actively engaged in the business of insurance, the annual financial statements need not be certified, if they are based on the annual statement of the insurer filed with the insurance department of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of the state.

(5) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy material used by the ultimate controlling person. Additional documents or papers required by form 1325 or the instructions thereto shall be filed as exhibits.

History: 1954 ACS 84, p. 86, Eff. July 18, 1975.

R 500.748 Additional information and exhibits.

Rule 748. In addition to the information expressly required in form 1325, the registrant shall add further material information necessary to prevent the statement from being misleading. The registrant may also file exhibits in addition to those expressly required by the statement. These exhibits shall be marked to indicate clearly the subject matters to which they refer.

History: 1954 ACS 84, p. 86, Eff. July 18, 1975.

R 500.751 Initial registration.

Rule 751. The initial registration filed by an insurer may be dated as of the end of the most recent calendar year or as of the end of the most recent fiscal year of

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the ultimate controlling person of the insurance holding company system, if amendments are simultaneously filed for any intervening changes for which an amendment would have been required under R 500.740.

History: 1954 ACS 84, p. 86, Eff. July 18, 1975.

R 500.752 Amendments.

Rule 752. (1) An amendment to form 1325 shall be filed within 15 days after the end of any month in which 1 of the following occurs:

(a) There is a change in the control of the registrant, in which case the entire form 1325 shall be made current.

(b) There is a material change in the information given in item 5 or item 6.

(2) An amendment to form 1325 shall be filed within 120 days after the end of each fiscal year of the ultimate controlling person of the insurance holding company system. This amendment shall make current all information in form 1325.

History: 1954 ACS 84, p. 86, Eff. July 18, 1975.

R 500.755 Consolidated registration statements; section 1329.

Rule 755. An affiliated insurer may file the consolidated statement and reports provided in section 1329 of the code without the prior approval of the commissioner, except as the commissioner may otherwise require under R 500.762.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.761 Filing on behalf of affiliated insurer.

Rule 761. (1) Except as the commissioner may otherwise require under R 500.762, an authorized insurer may file a registration statement on behalf of an affiliated insurer or insurers which are required to register under section 1324 of the code. A registration statement may include information regarding any insurer in the insurance holding company system even if that insurer is not authorized to do business in this state.

(2) In lieu of filing a registration statement on form 1325, the authorized insurer may file a copy of the registration statement or similar report which it is required to file in its state of domicile, if:

(a) The statement or report contains information substantially similar to that required to be furnished on form 1325.

(b) The filing insurer is the principal insurance company in the insurance holding company system.

(c) Insurers domiciled in this state are not required to register in the registrant's state of domicile or are permitted to satisfy the registration requirements by filing copies of materials required to be filed in this state under the code.

(3) The question whether the statement or report filed in the state of domicile contains substantially the same information required on form 1325 shall be determined by the commissioner. The commissioner may require the filing of form 1325 if he determines that the information is not substantially the same.

(4) The question whether the filing insurer is the principal insurance company in the insurance holding company system is a question of fact and an insurer filing a registration statement or report in lieu of form 1325 on behalf of an affiliated insurer shall set forth a simple statement of facts which will substantiate the filing insurer's claim that it is the principal insurer in the insurance holding company system.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

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R 500.762 Individual filings.

Rule 762. Notwithstanding R 500.755 and R 500.761, the commissioner may require individual filings if he finds it necessary for the sake of clarity, ease of administration or the public good.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.781 Exemption; filing by unauthorized insurer.

Rule 781. With the prior approval of the commissioner, an unauthorized insurer may follow any of the procedures which could be done by an authorized insurer pursuant to R 500.761.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.782 Exemption; foreign insurers.

Rule 782. A foreign insurer otherwise subject to section 1324 of the code is not required to register until July 1, 1971.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.783 Applications for exemptions.

Rule 783. An insurer not otherwise exempted from section 1324 may apply for an exemption by submitting a statement to the commissioner setting forth its reasons for claiming exemption.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.787 Disclaimers of registration.

Rule 787. A disclaimer of affiliation or a request for termination of registration claiming that a person does not, or will not, upon the taking of some proposed action, control another person, hereinafter referred to as the "subject," shall contain the following information:

(a) The number of authorized, issued, and outstanding voting securities of the subject.

(b) With respect to the person whose control is denied and all affiliates of the person, the number and percentage of shares of the subject's voting securities which are held of record or known to be beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly.

(c) All material relationships and bases for affiliation between the subject and the person whose control is denied and all affiliates of the person.

(d) An explanation why the person should not be deemed to control the subject.

History: 1954 ACS 84, p. 87, Eff. July 18, 1975.

R 500.791 Extraordinary dividends and other distributions.

Rule 791. (1) Notices of extraordinary dividends or extraordinary distributions to shareholders, or requests for the approval of such dividends or distributions, shall include the following:

(a) The date established for payment of the dividend.

(b) A statement as to whether the dividend is to be in cash or other property and, if in property, a description of its cost, and its fair market value together with an explanation of the basis for valuation.

(c) The amounts and dates of all dividends, including regular dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the last preceding year.

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(d) A balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted.

(e) A brief statement of the effect of the proposed dividend upon the insurer's surplus and the reasonableness of the surplus in relation to the insurer's outstanding liabilities and the adequacy of the surplus relative to the insurer's financial needs.

(2) The payment of an extraordinary dividend by an insurer whose total liabilities, as calculated for annual statement purposes, are less than 10% of its assets both before and after payment thereof is deemed automatically approved. The insurer shall give written notice to the commissioner of the declaration pursuant to section 1327 of the code.

History: 1954 ACS 84, p. 88, Eff. July 18, 1975.

LOSS RATIOS APPLICABLE TO INDIVIDUAL OR FAMILY EXPENSE COVERAGE

(By authority conferred on the commissioner of insurance by sections 210 and 2242 of Act No. 218 of the Public Acts of 1956, as amended, being §§500.210 and 500.2242 of the Michigan Compiled Laws)

R 500.801 Applicability.

Rule 1. These rules apply to individual policies of disability insurance as defined in section 3400 of the act and family expense insurance policies as defined in section 3620 of the act. These rules do not apply to credit accident and health policies as defined in section 3 of Act No. 173 of the Public Acts of 1958, being §550.603 of the Michigan Compiled Laws, or a policy of insurance with an annual premium of $7.50 or less. Where a policy covers a contingency for a period of coverage less than a year, the premium for that period is considered the annual premium.

History: 1954 ACS 80, p. 75, Eff. Aug. 16, 1974.

R 500.802 Definitions.

Rule 2. (1) "Act" means Act No. 218 of the Public Acts of 1956, as amended, being §§500.100 to 500.8302 of the Michigan Compiled Laws.

(2) "Anticipated loss ratio" means the ratio at the time of policy filing, or at a time of subsequent rate revisions, of the present value of all expected future benefits, excluding dividends, to the present value of all future premiums, less dividends, based on a credible premium volume over a reasonable period of time with proper weight given to trends and other relevant factors. Statistical data relating to expected future benefits shall be obtained from policies of insurance sold or to be sold in this state when available.

(3) "Collectively renewable insurance" means all insurance which is made available on an individual basis under mass enrollment procedures to groups of persons under a plan sponsored by an employer, an association or a union or affiliated associations or unions or a group of individuals supplying materials to a central point of collection or handling a common product or commodity, under which the insurer has agreed that renewal will not be refused, subject to any specified age limit, while the insured remains a member of the group specified in the agreement unless the insurer simultaneously refuses renewal to all other policies in the same group, or all policies bearing the same form number.

(4) "Guaranteed renewable insurance" means all individual insurance which grants an insured the right to continue the policy in force by the timely payment of premiums until at least age 50, or in the case of a policy issued after age 44, for at

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least 5 years from the date of issue of the policy, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the insurer may make changes in premium rates by classes.

(5) "Individual accident insurance" means all insurance which covers such losses as are due to accident only.

(6) "Noncancellable insurance" or "noncancellable and guaranteed renewable insurance" means all insurance which gives the insured the right to continue the insurance in force by the timely payment of premiums set forth in the policy until at least age 50, or in the case of a policy issued after age 44, for at least 5 years from its date of issue, during which period the insurer has no right to make unilaterally any change in any provision of the policy while it is in force.

(7) "Nonrenewable for stated reasons only insurance" means all individual insurance which limits the insurer's right of nonrenewal to stated reasons other than deterioration of health.

(8) "Optionally renewable insurance" means all individual insurance which allows the insurer unhampered right of nonrenewal.

(9) "Rated by age insurance" means all individual insurance where the issue age is 65 years or more.

History: 1954 ACS 80, p. 76, Eff. Aug. 16, 1974.

R 500.803 Benefits unreasonable in relation to premiums.

Rule 3. (1) The policy or rate filings shall include an actuarial certification that the benefits provided are reasonable in relation to the premium charged and shall show the anticipated loss ratio. The benefits provided are presumed unreasonable in relation to the premiums charged if the anticipated loss ratio does not equal or exceed the following standards:

(a) Sixty-five percent for rated by age insurance.

(b) Sixty percent for collectively renewable insurance or optionally renewable insurance.

(c) Fifty-five percent for guaranteed renewable insurance or nonrenewable for stated reasons only insurance.

(d) Fifty percent for noncancellable insurance, noncancellable and guaranteed renewable insurance or individual accident insurance.

(e) Fifty-five percent for all other insurance.

(2) The presumption of unreasonableness which exists where anticipated loss ratios are lower than those indicated in subrule (1) may be rebutted pursuant to the provisions of R 500.805.

History: 1954 ACS 80, p. 76, Eff. Aug. 16, 1974.

R 500.804 Actuarial certification.

Rule 4. The actuarial certification shall include a description of the gross premiums, the anticipated loss ratios and certification that, to the best of the actuary's knowledge and belief, the benefits provided are reasonable in relation to the premiums charged. The information used to support the certification should include the following and shall be available on request:

(a) The specific formula and assumptions used in calculating gross premiums.

(b) The expected claim costs.

(c) Identification of morbidity and mortality tables or experience studies used, sufficient explanation for evaluation of their validity, including copies of such tables if they are not currently published.

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(d) The experience of the insurer on similar coverages or on the same policy if the policy is in effect on the date these rules take effect.

(e) The applicability of the filing to in-force business on substantially similar forms.

(f) Lapse rate experience.

History: 1954 ACS 80, p. 77, Eff. Aug. 16, 1974.

R 500.805 Withdrawal and withholding of approval.

Rule 5. (1) Approval is withdrawn on September 30, 1974, from policies of individual insurance which bear an approval date prior to the effective date of these rules, where the anticipated loss ratio percentage of such insurance policies does not satisfy requirements stated in R 500.804 or where the anticipated loss ratio percentage of such insurance policies satisfy the requirement stated in R 500.804 but the loss ratio experience indicates to the insurance bureau that the minimum anticipated loss ratio required by R 500.804 will not be achieved.

(2) Approval will not be granted for new policies of individual insurance which are submitted to the insurance bureau for approval after the effective date of these rules where the anticipated loss ratio percentage of the policies is not at least equal to the minimum loss ratio percentage stated in R 500.804.

(3) Approval shall be withdrawn from such policies of insurance which are submitted to the insurance bureau for approval after the effective date of these rules where experience data show the insurance does not appear capable of developing the anticipated loss ratio projected in the actuarial certification filed.

(4) Approval shall not be withdrawn or withheld where it has been demonstrated to the satisfaction of the insurance bureau that the benefits of the insurance are reasonable in relation to the premiums charged even though the anticipated loss ratio for the insurance does not equal the minimum loss ratio percentage stated in R 500.804. The insurance bureau's decision to withdraw or withhold approval may be contested pursuant to the administrative procedures act, being Act No. 306 of the Public Acts of 1969, as amended, being §§24.201 to 24.315 of the Michigan Compiled Laws.

History: 1954 ACS 80, p. 77, Eff. Aug. 16, 1974.

R 500.806 Identification of policies.

Rule 6. To record whether or not approval has been withdrawn by these rules each insurer shall identify for the insurance bureau before September 30, 1974, all policies of individual insurance which have been previously approved by the insurance bureau and which meet the standards set forth in R 500.804 and shall furnish the bureau with an actuarial certification and experience data for all such policies. Experience data shall relate to policies of insurance in force in this state when possible.

History: 1954 ACS 80, p. 77, Eff. Aug. 16, 1974.

PERSONAL PROTECTION INSURANCE

(By authority conferred on the commissioner of insurance by section 3107 of Act No. 218 of the Public Acts of 1956, as amended, being §500.3107 of the Michigan Compiled Laws)

R 500.811 Work loss benefit; annual adjustment.

Rule 1. Annually the commissioner shall adjust the maximum work loss benefit prescribed in subdivision (b) of section 3107 of the insurance code by the ratio of

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the national consumer price index as calculated by the United States department of labor for all items for June of each year to the corresponding consumer price index 1 year earlier, rounded to the nearest dollar. If the index is unavailable, the commissioner shall make a reasonable approximation. The effective date of the adjustment is October 1 of each year. The commissioner shall notify all interested parties of the adjustment.

History: 1954 ACS 84, p. 88, Eff. July 18, 1975.

SALVAGE AND SUBROGATION RECOVERIES

(By authority conferred on the commissioner of insurance by section 210 of Act No. 218 of the Public Acts of 1956, as amended, being §500.210 of the Michigan Compiled Laws)

R 500.831 Salvage and subrogation recoveries.

Rule 1. In confirmation of the longstanding policy of the Michigan insurance bureau, no insurer in any annual statement or interim statement filed with the commissioner pursuant to section 438 of Act No. 218 of the Public Acts of 1956, as amended, being §500.438 of the Michigan Compiled Laws and known as the insurance code of 1956, shall take credit for salvage or subrogation recoveries until such recoveries are reduced to cash or its equivalent. Salvage or subrogation recoveries reduced to cash or its equivalent shall be accounted for as an offset to losses paid, in accordance with existing practices.

History: 1954 ACS 98, p. 134, Eff. Jan. 11, 1979.

LIFE INSURANCE CONTRACTS ON VARIABLE BASIS

(By authority conferred on the commissioner of insurance by sections 210, 925, and 4000 of Act No. 218 of the Public Acts of 1956, as amended, being §§500.210, 500.925, and 500.4000 of the Michigan Compiled Laws)

R 500.841 Definitions.

Rule 1. As used in these rules:

(a) "Affiliate" of an insurer means either of the following:

(i) Any person, directly or indirectly, controlling, controlled by, or under common control with, such insurer.

(ii) Any person who regularly furnishes investment advice to an insurer with respect to its variable life insurance separate accounts for which a specific fee or commission is charged.

(iii) Any person who is a director, officer, partner or employee, or a member of the immediate family of any person who is a director, officer, partner or employee of any person described in (i) or (ii).

(b) "Agent" means any person, corporation, partnership, or other legal entity which is licensed by this state as a life insurance agent.

(c) "Assumed investment rate" means the rate of investment return which would be required to be credited to a variable life insurance policy, after deduction of charges for taxes, investment expenses, and mortality and expense guarantees, to maintain the variable death benefit equal, at all times, to the amount of the death benefit, other than incidental insurance benefits, which would be payable under the plan of insurance if the death benefit did not vary according to the investment experience of the separate account.

(d) "Benefit base" means the amount, not less than the amount specified under subdivision (b) of R 500.855, specified by the terms of the variable life insurance

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policy to which the difference between the net investment return and the assumed investment rate is applied in determining the variable benefits of the policy.

(e) "Control," including the terms "controlled by" and "under common control with," means the possession, direct or indirect, of the power to direct, or cause the direction of, the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with, or corporate office held by, the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing more than 10% of the voting securities of any other person. This presumption may be rebutted by a showing made to the satisfaction of the commissioner that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(f) "General account" means all assets of the insurer other than assets in separate accounts established pursuant to section 925 of the insurance code of 1956, as amended, being §500.925 of the Michigan Compiled Laws, or pursuant to the corresponding section of the insurance law of the state of domicile of a foreign or alien insurer, whether or not for variable life insurance.

(g) "Incidental insurance benefit" means all insurance benefits in a variable life insurance policy, other than the variable death benefit and the minimum death benefit, including, but not limited to, accidental death and dismemberment benefits, disability income benefits, guaranteed insurability options, family income, or fixed benefit term riders.

(h) "Minimum death benefit" means the amount of the guaranteed death benefit, other than incidental insurance benefits, payable under a variable life insurance policy regardless of the investment performance of the separate account.

(i) "Net investment return" means the rate of investment return actually credited to a variable life insurance policy, after deduction of charges for taxes, investment expenses, and mortality and expense guarantees in accordance with the terms of the policy.

(j) "Separate account" means a separate account for variable life insurance established under section 925 of the insurance code of 1956, as amended, being §500.925 of the Michigan Compiled Laws, or pursuant to the corresponding section of the insurance law of the state of domicile of a foreign or alien insurer.

(k) "Variable death benefit" means the amount of the death benefit, other than incidental insurance benefits, payable under a variable life insurance policy dependent on the investment performance of the separate account, which the insurer would have to pay in the absence of the minimum death benefit.

(l) "Variable life insurance policy" means any individual policy which provides for life insurance which varies according to the investment experience of any separate account or accounts established and maintained by the insurer as to such policy, as provided for in section 925 of the insurance code of 1956, as amended, being §500.925 of the Michigan Compiled Laws, or pursuant to the corresponding section of the insurance law of the state of domicile of a foreign or alien insurer.

History: 1954 ACS 95, p. 94, Eff. Apr. 18, 1978.

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R 500.843 Qualification of insurer to issue life insurance contracts on variable basis.

Rule 3. The following requirements are applicable to all insurers either seeking authority to issue variable life insurance in this state or which have authority to issue variable life insurance in this state:

(a) An insurer shall not deliver or issue for delivery in this state any variable life insurance policy unless both of the following requirements are satisfied:

(i) The insurer has a certificate of authority to engage in the life insurance business in this state.

(ii) The insurer has obtained the written approval of the commissioner for the issuance of variable life insurance policies in this state.

(b) The commissioner shall grant written approval for the issuance of variable life insurance only after he has found that all of the following requirements are satisfied:

(i) The plan of operation for the issuance of variable life insurance policies is not unsound.

(ii) The general character, reputation, and experience of the management and those persons or firms proposed to supply consulting, investment, administrative, or custodial services to the insurer are such as to reasonably assure competent operation of the variable life insurance business of the insurer in this state.

(iii) The present and foreseeable future financial condition of the insurer and its method of operation in connection with the issuance of such policies are not likely to render its operation hazardous to the public or its policyholders in this state. The commissioner shall consider all of the following:

(A) The history of operation and financial condition of the insurer.

(B) The qualifications, fitness, character, responsibility, reputation, and experience of the officers and directors and other management of the insurer and those persons or firms proposed to supply consulting, investment, administrative, or custodial services to the insurer.

(C) The applicable law and regulations under which the insurer is authorized in its state of domicile to issue variable life insurance policies. The state of entry of an alien insurer shall be deemed its state of domicile for this purpose.

(D) If the insurer is a subsidiary of, or is affiliated by common management or ownership with, another company, its relationship to such other company and the degree to which the requesting insurer, as well as the other company, meet these standards.

(E) Other relevant information.

(c) Before any insurer shall deliver or issue for delivery any variable life insurance policy in this state, it shall submit the following information for the consideration of the commissioner in making the determination required by subdivision (b) of R 500.843:

(i) Copies of, and a general description of, the variable life insurance policies it intends to issue.

(ii) A general description of the methods of operation of the variable life insurance business of the insurer, including the names of those persons or firms proposed to supply consulting, investment, administrative, or custodial services to the insurer.

(iii) With respect to any separate account maintained by an insurer for any variable life insurance policy, a statement of the investment policy the insurer intends to follow for the investment of the assets held in such separate account. The statement shall include a description of the investment objective and orientation intended for the separate account.

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(iv) A description of any investment advisory services contemplated as required by R 500.862.

(v) If requested by the commissioner, a copy of the statutes and regulations of the state of domicile of the insurer under which it is authorized to issue variable life insurance policies.

(vi) A certification by the domiciliary regulatory authority that the insurer is in compliance with the laws and regulations applicable to variable life insurance.

(vii) If requested by the commissioner, biographical data, with respect to officers and directors of the insurer, on the national association of insurance commissioners uniform biographical data form.

(viii) A statement describing the procedures for changing the investment policy of any separate account maintained by an insurer for any variable life insurance policy.

(d) After the commissioner finds that the law or regulation in the place of domicile of a foreign company provides protection to the policyholders and the public which is substantially equal to that provided by these rules, the commissioner may determine that compliance with such law or regulation of the domiciliary constitutes compliance with these rules.

History: 1954 ACS 95, p. 95, Eff. Apr. 18, 1978.

R 500.844 Standards of suitability.

Rule 4. (1) Every insurer seeking approval to enter into the variable life insurance business in this state shall adopt by resolution of its board of directors and file with the commissioner a written statement specifying the standards of suitability to be used by the insurer and applicable to its officers, directors, employees, affiliates, and agents with respect to the suitability of variable life insurance for the applicant. Such standards of suitability shall be binding on the insurer, and those to whom it refers, and shall specify that no recommendation shall be made to an applicant to purchase a variable life insurance policy and that no variable life insurance policy shall be issued in the absence of reasonable grounds to believe that the purchase of such policy is suitable for such applicant on the basis of information furnished after reasonable inquiry of such applicant concerning the applicant's insurance and investment objectives, financial situation and needs, and any other information known to the insurer or to the agent making the recommendation.

(2) Lapse rates for variable life insurance within the first 2 policy years which are significantly higher than both those encountered by the insurer or an affiliate thereof for corresponding fixed benefit life insurance policies and lapse rates of other insurers issuing variable life insurance policies shall be considered by the commissioner in determining whether the standards of suitability adopted by the insurer are reasonable and also whether the insurer and its agents are engaging, as a general business practice, in the sale of variable life insurance to persons for whom it is unsuitable. For purposes of this subrule, conversions from variable life insurance to fixed benefit life insurance policies pursuant to this rule shall not be considered lapses.

History: 1954 ACS 95, p. 96, Eff. Apr. 18, 1978.

R 500.845 Sales and advertising material.

Rule 5. (1) An insurer authorized to transact variable life insurance business in this state shall not use any sales material, advertising material, or descriptive literature or other materials of any kind in connection with its variable life insurance business in this state which is false, misleading, deceptive, or inaccurate.

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(2) All variable life insurance sales material, advertising material, and descriptive literature shall be filed 45 days prior to use with the commissioner who shall require an insurer not to use, or to cease the use of, any such materials upon finding that any such materials are false, misleading, deceptive, or inaccurate. Revised versions of such materials containing changes of substantial import from versions on file with the commissioner shall be filed with the commissioner.

(3) For purposes of this rule, variable life insurance sales material, advertising material, or descriptive literature shall include, but is not limited to, all of the following:

(a) Printed and published material, audiovisual material, and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio scripts, television and film scripts, billboards, and similar displays for variable life insurance.

(b) Descriptive literature and sales aids of all kinds used to sell variable life insurance by, or on behalf of, an insurer or any person authorized to sell variable life insurance for presentation to members of the insurance-buying public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, and form letters.

(c) Prepared sales talks, presentations, and material for use in the sale of variable life insurance by any person authorized to sell variable life insurance.

History: 1954 ACS 95, p. 97, Eff. Apr. 18, 1978.

R 500.846 Service contracts between insurer and supplier; requirements.

Rule 6. Any contract between an insurer and suppliers of consulting, investment, administrative, sales, marketing, custodial, or other services which are material with respect to variable life insurance operations shall be in writing and provide that the supplier of such services shall furnish the commissioner with any information or reports in connection with such services which the commissioner may request in order to ascertain whether the variable life insurance operations of the insurer are being conducted in a manner consistent with these rules and any other applicable law or regulations; shall be fair and equitable to all policyholders of the insurer in this state; shall not relieve the insurer from any responsibilities or obligations imposed upon the operations of its variable life insurance business by this rule or any law or regulation.

History: 1954 ACS 95, p. 97, Eff. Apr. 18, 1978.

R 500.847 Reports to the commissioner.

Rule 7. (1) Any insurer authorized to transact the business of variable life insurance in this state shall submit to the commissioner, in addition to any other materials which may be required by this rule or any other applicable laws or regulations, all of the following:

(a) An annual statement of the business of its variable life insurance separate account or accounts in such form as shall be prescribed by the commissioner.

(b) Prior to the use in this state, a copy of any information furnished to applicants as provided for in R 500.863.

(c) Prior to the use in this state, a copy of any of the forms required by subdivision (a) of R 500.865 and a copy of any of the reports to policyholders as used to satisfy subdivision (b) of R 500.865.

(d) Such additional information concerning its variable life insurance operations or its variable life insurance separate accounts as the commissioner shall deem necessary.

(2) Any material submitted to the commissioner under this rule shall be disapproved if it is found to be false, misleading, incomplete, deceptive, or

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inaccurate in any material respect and, if previously distributed, the commissioner shall require the distribution of an amended report, which shall previously have been approved after submission pursuant to this subrule.

(3) Any material required to be filed with the commissioner, or approved by him, shall be subject to disapproval if at any time it is found by him not to comply with the standards established by this rule.

History: 1954 ACS 95, p. 97, Eff. Apr. 18, 1975.

R 500.848 Variable life insurance policies and related documents; forms; filing and approval; exception.

Rule 8. (1) All forms of variable life insurance policies, riders, endorsements, applications, and other related documents which are to be attached to, and made a part of, the policy shall be filed with the commissioner and approved by him in writing prior to delivery or issuance for delivery in this state. The procedures and requirements for filing and approval shall be, to the extent appropriate and not inconsistent with this rule, the same as those otherwise applicable to other life insurance policies.

(2) The commissioner may approve variable life insurance policies and related forms with provisions the commissioner deems to be not less favorable to the policyholder and the beneficiary than those required by this rule.

(3) The requirements of subdivision (a) of R 500.849 do not apply to variable life insurance policies and related forms issued in connection with corporate pension and profit-sharing plans and retirement income plans which are exempt pursuant to section 3(c)(11) of the investment company act of 1940, 15 U.S.C. §80a-3(c)(11), and, where applicable, other provisions of the federal securities laws because of their tax qualified status.

History: 1954 ACS 95, p. 98, Eff. Apr. 18, 1975.

R 500.849 Variable life insurance policy; benefit and design requirements.

Rule 9. Variable life insurance policies delivered or issued for delivery in this state shall comply with the following minimum requirements:

(a) The mortality and expense risk shall be borne by the insurer.

(b) Gross premiums for death benefits shall be a level amount for the duration of the premium payment period, but this subdivision shall not be construed to prohibit temporary or permanent additional premiums for incidental insurance benefits or substandard risks. This subdivision shall not be deemed to prohibit the use of fixed benefit preliminary term insurance for a period not to exceed 120 days from the date of the application for a variable life insurance policy. The premium rate for such preliminary term insurance shall be stated separately in the application or receipt.

(c) A minimum death benefit is provided in an amount at least equal to the initial face amount of the policy so long as premiums are paid when due, subject to the provisions of subdivision (b) of R 500.851.

(d) The policy shall provide that the variable death benefit shall reflect the investment experience of the variable life insurance separate account established and maintained by the insurer and that the excess, positive or negative, of the net investment return over the assumed investment rate, as applied to the benefit base of each variable life insurance policy, shall be used to provide 1 of the following:

(i) Fully paid-up variable life insurance providing coverage for the same period as the basic insurance under the policy or fully paid-up fixed benefit term insurance amounts, positive or negative, as the case may be, or a combination thereof.

(ii) Variable life insurance amounts, positive or negative, as the case may be, so that the reserve maintains the same percentage relationship to the variable death benefit as it would have on a corresponding fixed benefit policy.

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(iii) Subject to the prior written approval of the commissioner, any other form of insurance benefit provided that the result is not materially less beneficial to the policyholders as (i) and (ii).

(e) Each variable life insurance policy shall be credited with the full amount of the net investment return applied to the benefit base. In determining the net investment return to be applied to the benefit base the insurer may deduct only the charges described in subdivisions (a)(i), (ii), (iv), and (v) of R 500.860.

(f) Changes in variable death benefits of each variable life insurance policy shall be determined at least annually.

(g) The cash value of each variable life insurance policy shall be determined at least monthly. The method of computation of cash values and other nonforfeiture benefits, as described either in the policy or in a statement filed with the commissioner, shall be in accordance with actuarial procedures that recognize the variable nature of the policy. The method of computation shall be such that, if the net investment return credited to the policy at all times from the date of issue should be equal to the assumed investment rate with premiums and benefits determined accordingly under the terms of the policy, then the resulting cash values and other nonforfeiture benefits shall be at least equal to the minimum values required by section 4060 of the insurance code of 1956, as amended, being §500.4060 of the Michigan Compiled Laws, for a fixed benefit policy with such premiums and benefits. The assumed investment rate shall not exceed the maximum interest rate permitted under the standard nonforfeiture law of this state. The method of computation may disregard incidental minimum guarantees as to the dollar amounts payable. Incidental minimum guarantees include, for example, but are not to be limited to, a guarantee that the amount payable at death or maturity shall be at least equal to the amount that otherwise would have been payable if the net investment return credited to the policy at all times from the date of issue had been equal to the assumed investment rate.

(i) If the gross premiums for any variable life insurance policy delivered or issued for delivery in this state produce an excess of A over B, as defined in (ii) below, the present value as of the date of issue of the adjusted premiums used in determining the minimum cash values required by subdivision (g) of R 500.849 shall be decreased by such excess by decreasing each adjusted premium by a uniform percentage.

(ii) The excess of A over B referred to in subparagraph (i) above shall be determined as of the date of issue on the basis of the mortality table and maximum rate of interest permitted by section 4060 of the insurance code of 1956, as amended, being §500.4060 of the Michigan Compiled Laws; and A is the present value of the gross premiums for the policy, decreased by $1.00 per $1,000.00 of equivalent uniform amount for policies with an equivalent uniform amount of less than $10,000.00 payable on an annual basis, exclusive of those portions of the gross premiums allocable to any incidental insurance benefits, by a person who meets standard underwriting requirements; and B is the product of (1) times (2), where (1) is the present value of the maximum premium rates per $1,000.00 of insurance payable at the beginning of each policy year to attained age 65 of the insured for issue ages below age 51, for 15 years for issue ages 51 to 70 and for life for issue ages above age 70 as shown in the table entitled "Table of Maximum Premium Rates" in subdivision (i) below; and (2) is the ratio of (A) the present value of the benefits under the policy to (B) the present value of a $1,000.00 life benefit.

(iii) For purposes of this subdivision (g), any portion of the premium set aside to support a guarantee that any surrender value shall not be less than a specified amount, or for any other benefit that the commissioner shall deem to be excludable, shall not be included.

(h) The computation of values required for each variable life insurance policy may be based upon such reasonable and necessary approximations as are

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approved by the commissioner.

(i) The table of maximum premium rates is as follows:

Table of Maximum Premium Rates

Age at Issue	Premium Rate	Age at Issue	Premium Rate
0	11.50	41	38.65
1	11.60	42	40.45
2	11.76	43	42.51
3	11.97	44	44.89
4	12.22	45	47.62
5	12.50	46	50.71
6	12.80	47	54.17
7	13.11	48	58.00
8	13.43	49	62.18
9	13.75	50	66.67
10	14.08	51	68.58
11	14.42	52	70.54
12	14.77	53	72.57
13	15.13	54	74.69
14	15.49	55	76.92
15	15.87	56	79.29
16	16.27	57	81.84
17	16.70	58	84.61
18	17.16	59	87.63
19	17.65	60	90.91
20	18.18	61	94.45
21	18.74	62	98.25
22	19.34	63	102.31
23	19.97	64	106.61
24	20.62	65	111.11
25	21.28	66	115.48
26	21.95	67	119.39
27	22.64	68	122.51
28	23.37	69	124.50
29	24.15	70	125.00
30	25.00	71	118.86
31	25.92	72	123.96
32	26.91	73	129.66
33	27.97	74	135.96
34	29.10	75	142.86
35	30.30	76	150.36
36	31.55	77	158.46
37	32.84	78	167.16
38	34.17	79	176.46
39	35.56	80	186.36
40	37.04		

History: 1954 ACS 95, p. 98, Eff. Apr. 18, 1978.

R 500.850 Variable life insurance policy; mandatory provisions.

Rule 10. Every variable life insurance policy filed for approval in this state shall contain at least the following:

(a) The cover page or pages corresponding to the cover page of each policy shall contain all of the following:

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(i) A prominent statement either in contrasting color or in boldface type not less than 4 points larger than the type size of the largest type used in the text of any provision on that page, that (A), the death benefit, may be variable or fixed under specified conditions; and that (B), cash values, may increase or decrease in accordance with the experience of the separate account, subject to any specified minimum guarantees.

(ii) A statement that the minimum death benefit shall be at least equal to the initial face amount at the date of issue if premiums are duly paid and if there are no outstanding policy loans, partial withdrawals, or partial surrenders.

(iii) The rule, or a reference to the policy provision, which describes the method for determining the variable amount of insurance payable at death.

(iv) A captioned provision which provides that the policyholder may return the variable life insurance policy to the insurer or agent within 45 days of the date of the execution of the application or within 10 days of receipt of the policy by the policyholder, whichever is later, and receive a refund of all premium payments for such policy.

(v) Such other items as are currently required for fixed benefit life insurance policies and which are not inconsistent with this rule.

(b) A provision for a grace period of not less than 31 days from the premium due date which shall provide that when the premium is paid within the grace period, policy values shall be the same, except for the deduction of any overdue premium, as if the premium were paid on or before the due date.

(c) A provision that the policy shall be reinstated at any time within 2 years from the date of default, unless the cash surrender value has been paid or the period of extended insurance has expired, upon the written application of the insured with evidence of insurability, including good health, satisfactory to the insurer, upon the payment of any outstanding indebtedness arising subsequent to the end of the grace period following the date of default together with accrued interest thereon to the date of reinstatement and payment of an amount not exceeding the greater of:

(i) All overdue premiums and any other indebtedness in effect at the end of the grace period following the date of default with interest at a rate not exceeding the rate charged on comparable fixed benefit policies; or

(ii) One hundred and ten percent of the increase in cash surrender value resulting from reinstatement.

(d) A full description of the benefit base and of the method of calculation and application of any factors used to adjust variable benefits under the policy.

(e) A provision designating the separate account to be used and stating the following:

(i) Such separate account shall be used to fund only variable life insurance benefits, except to the extent permitted by subdivision (c)(vi) of R 500.852.

(ii) The assets of such separate account shall be available to cover the liabilities of the general account of the insurer only to the extent that the assets of the separate account exceed the liabilities of the separate account arising under the variable life insurance policies supported by the separate account.

(iii) The assets of such separate account shall be valued as often as any policy benefits vary, but at least monthly.

(f) A provision that at any time during the first 18 months of the variable life insurance policy, so long as premiums are duly paid, the owner may exchange the policy for a policy of permanent fixed benefit life insurance on the life of the insured for the same initial amount of insurance as the variable life insurance policy, provided that the new policy:

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(i) Shall bear the same date of issue and age as the original variable life insurance policy.

(ii) Is issued on a substantially comparable plan of permanent insurance offered in the state by the insurer or an affiliate on the date of issue and at the premium rates in effect on that date for the same class of insureds.

(iii) Includes such riders and incidental insurance benefits as were included in the original policy if such riders and incidental insurance benefits are issued with the fixed benefit policy.

(iv) Shall be issued subject to an equitable premium or cash value adjustment that takes appropriate account of the premiums and cash values under the original and new policies. A detailed statement of the method of computing such adjustment shall be filed with, and subject to the approval of, the commissioner.

(v) The insurer shall not require evidence of insurability for this exchange.

(g) A provision that the policy and any papers attached thereto by the insurer, including the application, if attached, constitute the entire insurance contract.

(h) A designation of the officers of the insurer who are empowered to make an agreement or representation on behalf of the insurer and an indication that statements by the insured, or on his behalf, shall be considered as representations and not as warranties.

(i) An identification of the owner of the insurance contract.

(j) A provision setting forth conditions or requirements as to the designation, or change of designation, of a beneficiary, and a provision for disbursement of benefits in the absence of a beneficiary designation.

(k) A statement of any conditions or requirements concerning the assignment of the policy.

(l) A description of any adjustments in policy values to be made in the event of misstatement of age or sex of the insured.

(m) A provision that the policy shall be incontestable by the insurer after it has been in force for 2 years during the lifetime of the insured.

(n) A provision stating that in the event of a material change of investment policy of the separate account, any policyholder who objects to such change shall have the option to convert, without providing evidence of insurability, to a fixed benefit life insurance policy, and that the insurer shall give proper notification of the options available to such objecting policyholder. The conversion options shall be equivalent to those provided by subdivision (f)(ii) of R 500.859.

(o) A provision that payment of variable death benefits in excess of the minimum death benefits, cash values, policy loans, or partial withdrawals, except when used to pay premiums, or partial surrenders may be deferred:

(i) For up to 6 months from the date of request if such payments are based on policy values which do not depend on the performance of the separate account; or otherwise.

(ii) For any period during which the New York stock exchange is closed for trading, except for normal holiday closing, or when the securities and exchange commission has determined that a state of emergency exists which may make such payment impractical.

(p) A description of the basis for computing the cash surrender value under the policy. Such surrender value may be expressed as either:

(i) A schedule of cash value amounts per $1,000.00 of variable face amount at each attained age or policy year for not less than 20 years from issue, or for the premium paying period, if less than 20 years; or

(ii) One cash value schedule, as described in subdivision (p)(i), for the death benefit, or for each $1,000.00 of death benefit, which would be in effect if the net

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investment return is always equal to the assumed investment rate, and a second schedule applicable to any adjustments to the death benefit, disregarding the minimum death benefit guarantee and term insurance amounts, if the net investment return does not equal the assumed investment rate at each age for not less than 20 years from issue, or for the premium paying period if it is less than 20 years.

(q) Premiums for incidental insurance benefits shall be stated separately.

(r) Any other required provisions, including other items currently required for fixed benefit life insurance policies which are not inconsistent with this rule.

History: 1954 ACS 95, p. 100, Eff. Apr. 18, 1978.

R 500.851 Variable life insurance policy; nonforfeiture, partial withdrawal, policy loan, and partial surrender provisions.

Rule 11. Every variable life insurance policy delivered or issued for delivery in this state shall contain provisions which are not less favorable to the policyholder than the following:

(a) A provision for nonforfeiture insurance benefits, so that at least 1 such benefit is offered on a fixed basis from the due date of the premium in default. Variable extended term insurance may not be offered. A given nonforfeiture option need not be offered on both a fixed and a variable basis. The insurer may establish a reasonable minimum cash surrender value below which any nonforfeiture insurance options will not be available.

(b) A provision for policy loans, after 3 full years' premiums have been paid, which may, at the option of the insurer, be entitled and referred to as a partial withdrawal provision, not less favorable to the policyholder than the following:

(i) The policyholder may borrow up to 75% of the cash value if borrowed from the separate account, but if the loan is made from the general account not more than 90% of the policy's cash value may be borrowed.

(ii) The amount borrowed, or any repayment thereof, shall not affect the amount of the premium payable under the policy.

(iii) The amount borrowed shall bear interest at a rate not to exceed the rate charged on comparable fixed benefit policies.

(iv) Any indebtedness shall be deducted from the proceeds payable on death.

(v) Any indebtedness shall be deducted from the cash value upon surrender or in determining any nonforfeiture benefit.

(vi) Whenever the indebtedness exceeds the cash value, the insurer shall give notice of intent to cancel the policy if the excess indebtedness is not repaid within 31 days after the date of mailing of such notice by registered mail, return receipt requested, to the last known address of the policyholder.

(vii) The policy may provide that if, at any time, so long as premiums are duly paid, the variable death benefit is less than it would have been if no loan or withdrawal had ever been made, the policyholder may increase such variable death benefit up to what it would have been if there had been no loan or withdrawal by paying an amount not exceeding 110% of the corresponding increase in cash value and by furnishing such evidence of insurability as the insurer may request.

(viii) The policy may specify a reasonable minimum amount which may be borrowed at any time but such minimum shall not apply to any automatic premium loan provision.

(ix) No policy loan provision is required if the policy is under the extended insurance nonforfeiture option.

(x) In addition to the foregoing, the policy may contain a partial surrender provision; however, any such provision shall provide that the policyholder may

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request part of the cash value and both the variable and minimum death benefits shall be reduced in proportion to the percentage of the cash value received by the policyholder and the premium for the remaining amount of insurance shall also be reduced to the appropriate rates for the reduced amount of insurance. The policy may provide that a partial surrender provision shall not require the insurer to reduce the amount of the minimum death benefit to less than the lowest amount of minimum death benefit which would have been issued to the insured under the insurance plans of the insurer at the time the policy was issued. The policy shall clearly provide that the policyholder has the option of electing to exercise the cash value privileges of the policy loan or partial withdrawal provision rather than the partial surrender provision.

(xi) All policy loan, partial withdrawal, or partial surrender provisions shall be constructed so that variable life insurance policyholders who have not exercised such provision are not disadvantaged by the exercise thereof.

(xii) Monies paid to the policyholders upon the exercise of any policy loan, partial withdrawal, or partial surrender provision shall be withdrawn from the separate account and shall be returned to the separate account upon repayment, except that a stock insurer may provide the monies for policy loans from the general account.

History: 1954 ACS 95, p. 102, Eff. Apr. 18, 1978.

R 500.852 Variable life insurance policy; suicide exclusion; incidental insurance benefits on fixed basis; dividends; election of automatic premium loan.

Rule 12. The following provisions may in substance be included in a variable life insurance policy or related form delivered or issued for delivery in this state:

(a) An exclusion for suicide committed within 2 years of the policy issue date.

(b) Incidental insurance benefits may be offered on a fixed basis only.

(c) Policies issued on a participating basis shall offer to pay dividend amounts in cash. In addition, such policies may offer the following dividend options:

(i) The amount of the dividend may be credited against premium payments.

(ii) The amount of the dividend may be applied to provide paid-up amounts of additional fixed benefit whole life insurance.

(iii) The amount of the dividend may be applied to provide paid-up amounts of additional variable life insurance.

(iv) The amount of the dividend may be deposited in the general account at a specified minimum rate of interest.

(v) The amount of the dividend may be applied to provide paid-up amounts of fixed benefit 1-year term insurance.

(vi) The amount of the dividend may be deposited as a variable deposit in the separate account if the separate account is exempt pursuant to section 3(c)(11) of the investment company act of 1940, 15 U.S.C. §80a-3(c)(11).

(d) A provision allowing the policyholder to elect, in writing, in the application for the policy, or thereafter, an automatic premium loan on a basis not less favorable than that required of policy loans or partial withdrawals under R 500.851, except that a restriction that no more than 2 consecutive premiums shall be paid under this provision may be imposed.

History: 1954 ACS 95, p. 103, Eff. April 18, 1978.

R 500.853 Reserve liabilities.

Rule 13. The following are applicable to reserve liabilities for variable life insurance:

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(a) Reserve liabilities for variable life insurance policies shall be established pursuant to section 834 of the insurance code of 1956, as amended, being §500.834 of the Michigan Compiled Laws, in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

(b) Reserve liabilities for the guaranteed minimum death benefit shall be the reserve needed to provide for the contingency of death occurring when the guaranteed minimum death benefit exceeds the death benefit that would be paid in the absence of the guarantee, and shall be maintained in the general account of the insurer and shall be not less than the greater of the following minimum reserves:

(i) The aggregate total of the term costs, if any, covering a period of 1 full year from the valuation date, of the guarantee on each variable life insurance contract, assuming an immediate ⅓ depreciation in the current value of the assets of the separate account followed by a net investment return equal to the assumed investment rate; or

(ii) The aggregate total of the attained age level reserves on each variable life insurance contract. The attained age level reserve on each variable life insurance contract shall not be less than zero and shall equal the residue, as described in subparagraph (A), of the prior year's attained age level reserve on the contract, with any such residue increased or decreased by a payment computed on an attained age basis as described in subparagraph (B) below.

(A) The residue of the prior year's attained age level reserve on each variable life insurance contract shall not be less than zero and shall be determined by adding interest at the valuation interest rate to such prior year's reserve, deducting the tabular claims based on the excess, if any, of the guaranteed minimum death benefit over the death benefit that would be payable in the absence of such guarantee, and dividing the net result by the tabular probability of survival. The excess referred to in the preceding sentence shall be based on the actual level of death benefits that would have been in effect during the preceding year in the absence of the guarantee, taking appropriate account of the reserve assumptions regarding the distribution of death claim payments over the year.

(B) The payment referred to in subdivision (b)(ii) of R 500.853 shall be computed so that the present value of a level payment of that amount each year over the future premium paying period of the contract is equal to A minus B minus C, where A is the present value of the future guaranteed minimum death benefits, B is the present value of the future death benefits that would be payable in the absence of such guarantee, and C is any residue, as described in subdivision (A), of the prior year's attained age level reserve on such variable life insurance contract. The amounts of future death benefits referred to in B shall be computed assuming a net investment return of the separate account, which may differ from the assumed investment rate or the valuation interest rate, or both, but in no event may exceed the maximum interest rate permitted for the valuation of life insurance contracts; provided, however, that if the contract is paid-up, the payment shall equal A minus B minus C.

(C) The valuation interest rate and mortality table used in computing the 2 minimum reserves described in subdivisions (b)(i) and (b)(ii) shall conform to permissible standards for the valuation of life insurance contracts. In determining such minimum reserve, the company may employ approximations and estimates acceptable to the commissioner, including, but not limited to, groupings and averages.

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(D) Reserve liabilities for all fixed incidental insurance benefits shall be maintained in the general account in amounts determined in accordance with the actuarial procedures appropriate to such benefit.

History: 1954 ACS 95, p. 103, Eff. Apr. 18, 1978.

R 500.854 Separate accounts generally.

Rule 14. The following apply to separate accounts for variable life insurance:

(a) An insurer issuing variable life insurance in this state shall establish 1 or more separate accounts pursuant to section 925 of the insurance code of 1956, as amended, being §500.925 of the Michigan Compiled Laws.

(b) An insurer shall not, without the prior written approval of the commissioner, employ, in any material connection with the handling of separate account assets, any person, who:

(i) Within the last 10 years, has been convicted of any felony or a misdemeanor arising out of such person's conduct involving embezzlement, fraudulent conversion, or misappropriation of funds or securities or involving violation of 18 U.S.C. §§1341, 1342, or 1343; or

(ii) Within the last 10 years, has been found by any state regulatory authority to have violated, or has acknowledged violation of, any provision of any state insurance law involving fraud, deceit, or knowing misrepresentation; or

(iii) Within the last 10 years, has been found by federal or state regulatory authorities to have violated, or has acknowledged violation of, any provision of federal or state securities laws involving fraud, deceit, or knowing misrepresentation.

(c) If the commissioner determines not to grant prior written approval to any person described in subdivisions (b)(i), (ii), and (iii), that decision may be considered a decision not to license an individual, and a person so affected may exercise his right for an appropriate hearing pursuant to Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(d) All persons with access to the cash, securities, or other assets of the separate account shall be under bond in an amount of not less than $250,000.00 or ½ of 1% of assets, whichever is greater, but in any event not more than 100% of assets.

(e) If an insurer establishes more than 1 separate account for variable life insurance, justification for the establishment of each additional separate account shall also be filed with the commissioner and shall be subject to his approval. The creation of additional separate accounts to avoid lower maximum charges against the separate account is prohibited.

(f) The assets of separate accounts established for variable life insurance policies shall be valued as often as variable benefits are determined, but in any event at least monthly.

(g) A separate account exempt pursuant to section 3(c)(11) of the investment company act of 1940 because of the tax qualified status of the policies funded thereby shall not be used to fund other variable life insurance policies.

(h) Except for separate accounts exempt pursuant to section 3(c)(11) of the investment company act of 1940, variable life insurance separate accounts shall not be used for variable annuities or for the investment of funds corresponding to dividend accumulations or other policyholder liabilities not involving life contingencies.

History: 1954 ACS 95, p. 104, Eff. Apr. 18, 1978.

R 500.855 Separate accounts; assets.

Rule 15. The following apply to assets of separate accounts for variable life insurance:

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(a) The insurer shall maintain in each variable life insurance separate account assets with a fair market value at least equal to the greater of the valuation reserves for the variable portion of the variable life insurance policies or the benefit base for such policies.

(b) The benefit base of any variable life insurance policy, as of the beginning of any valuation period, shall not be less than the sum of the following factors after deducting amounts of any indebtedness pursuant to subdivision (b) of R 500.851:

(i) The valuation net premium for such period for the variable portion of the policy minus the discounted cost of term insurance for such period, based on the tabular mortality and interest rates used in determining valuation reserves.

(ii) The valuation terminal reserve, for the variable portion of the policy, at the end of the immediately preceding valuation period adjusted for the net investment return of such preceding period.

(c) In lieu of the minimum benefit base requirement specified in (b) above, an insurer may otherwise qualify under R 500.855 if it can be demonstrated, to the satisfaction of the commissioner, that the policy benefits obtained over a 20-year period from the date of issue by the use of the insurer's benefit base are at least substantially equivalent in value to the benefits obtained by the use of the minimum benefit base specified above. The commissioner may specify the range of net investment return to be used in this demonstration.

(d) Notwithstanding the actual reserve basis used for policies that do not meet standard underwriting requirements, the benefit base for such policies may be the same as for corresponding policies which do meet standard underwriting requirements.

History: 1954 ACS 95, p. 105, Eff. Apr. 18, 1978.

R 500.856 Separate accounts; investments.

Rule 16. The following apply to investments of separate accounts of variable life insurance:

(a) No sale, exchange, or other transfer of assets shall be made by an insurer, or any of its affiliates, between any of its separate accounts, or between any other investment account and 1 or more of its separate accounts, unless:

(i) In case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the policies with respect to the separate account to which the transfer is made.

(ii) Such transfer, whether into or from a separate account, is made by a transfer of cash; but other assets may be transferred if approved by the commissioner in advance.

(b) Assets allocated to a variable life insurance separate account shall be held in cash or investments having a reasonably ascertainable market price. For purposes of this subdivision, only the following shall be considered investments having a reasonably ascertainable market price:

(i) Liens in favor of the insurer against separate account policy reserves resulting from use by policyholders of cash values.

(ii) Securities listed and traded on the New York stock exchange, the American stock exchange, or regional stock exchanges or successors to such exchanges having the same or similar qualifications.

(iii) Securities listed on the NASDAQ system.

(iv) Shares of an investment company registered pursuant to the investment company act of 1940. Where such an investment company issues book shares in lieu of share certificates, such book shares shall be deemed to be adequate evidence of ownership.

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(v) Obligations of, or guaranteed by, the United States government, the Canadian government, any state, or municipality or governmental subdivision of a state.

(vi) Commercial paper issued by business corporations when the total of such paper issued by the corporation does not exceed in value a guaranteed short line of credit by a bank.

(vii) Certificates of deposit issued by financial institutions the deposits of which are insured by the FDIC or FSLIC.

(viii) New bond or debt issues which may reasonably be expected to be listed on an exchange regulated by the securities exchange act of 1934, 15 U.S.C. §78a et seq.

(c) Notwithstanding any other provision of law or the provisions of subdivision (b) above, assets allocated to a variable life insurance separate account shall not be invested in any of the following:

(i) Commodities or commodity contracts.

(ii) Put and call options or combinations of such options.

(iii) Short sales.

(iv) Purchases on margin.

(v) Letter or restricted stock.

(vi) Units or other evidences of ownership or a separate account of another insurer, except those registered under the investment company act of 1940.

(vii) Real estate other than shares of a real estate investment trust listed as described in subdivision (b)(ii) above.

History: 1954 ACS 95, p. 105, Eff. Apr. 18, 1978

R 500.857 Separate accounts; limitations on ownership of securities.

Rule 17. The following apply to limitations on ownership by a separate account for variable life insurance:

(a) A variable life insurance separate account shall not purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal and interest by the United States, if immediately after such purchase or acquisition the value of such investment, together with prior investments of such separate account in such security valued as required by these rules, would exceed 10% of the value of the assets of the separate account. The commissioner may waive this limitation in writing if he believes such waiver will not render the operation of the separate account hazardous to the public or the policyholders in this state.

(b) No separate account shall purchase or otherwise acquire the voting securities of any issuer if as a result of such acquisition the insurer and its separate accounts, in the aggregate, will own more than 10% of the total issued and outstanding voting securities of such issuer. The commissioner may waive this limitation in writing if he believes such waiver will not render the operation of the separate account hazardous to the public or the policyholders in this state or jeopardize the independent operation of the issuer of such securities.

(c) The percentage limitation specified in subdivision (a) of this rule shall not be construed to preclude the investment of the assets of separate accounts in shares of investment companies registered pursuant to the investment company act of 1940 if the investments and investment policies of such investment companies comply substantially with the provisions of R 500.856 and other applicable rules.

History: 1954 ACS 95, p. 106, Eff. Apr. 18, 1978

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R 500.858 Separate accounts; valuation of assets.

Rule 18. The following apply to valuation of assets of a separate account for variable life insurance:

(a) Investments of the separate account shall be valued at their market value on the date of valuation. Market value for investments traded on the recognized exchanges means the last reported sale price on the date of valuation. If there has been no sale on that date, the market value means the last reported bid quotation on the date of valuation. Market value for investments listed on the NASDAQ system means the last representative bid quotation on the valuation date. If an investment ceases to be listed but continues to be traded over the counter, it shall be valued at the lowest bid quotation as it appears on the national quotation bureau sheets.

(b) If the valuation date referred to in subdivision (a) above is a day when the exchange or the NASDAQ system is not open for business, the valuation date shall be the last date when the exchange or the NASDAQ system was open for business.

(c) If an investment ceases to be traded, it shall be valued at fair value as determined in good faith by, or at the direction of, the committee of the separate account, or if there is no such committee, the board of directors of the insurer, but not in excess of the last reported bid quotation. Within 30 days notification of cessation of trading of any investment shall be reported by the insurer to the commissioner of the state of domicile of the insurer, who shall within a reasonable period of time determine the method of valuation or disposition of such investment.

History: 1954 ACS 95, p. 106, Eff. Apr. 18, 1978

R 500.859 Separate accounts; material change in investment policy.

Rule 19. The following apply to investment policies of a separate account for variable life insurance:

(a) No material change in the investment policy of a separate account operated by a domestic insurer or an alien insurer entering the United States through this state and filed under subdivision (c)(iii) of R 500.843 shall be made without the approval of the commissioner and the approval of the variable life insurance policyholders that may be required under the investment company act of 1940.

(b) No material change in the investment policy of a separate account operated by a foreign insurer or an alien insurer not entering the United States through this state, pursuant to the section of the insurance law of the insurer's state of domicile which corresponds to subdivision (c)(iii) of R 500.843, shall be made unless the insurer has filed such change with the commissioner not less than 60 days prior to the effective date of the change.

(c) An application for approval required in (a) above shall be submitted as an application for material change in investment policy of a separate account for variable life insurance. A filing of a notice required in (b) above shall be submitted as a notice of material change in investment policy of a separate account for variable life insurance.

(d) A material change in the investment policy shall be disapproved if the material change is deemed by the commissioner to be detrimental to the interests of the policyholders of the insurer or adverse to the operations of the insurer. If the material change is disapproved, the insurer shall be entitled, upon demand, to a hearing within 30 days of notice of disapproval, and after the hearing the commissioner shall make findings of fact and law, and either affirm, modify, or withdraw his original decision.

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(e) For foreign insurers and alien insurers not entering through this state, if no action is taken by the commissioner within 60 days after the date of notice of material change in investment policy, then the action taken by the commissioner in the state of domicile shall apply in this state.

(f) If any policyholder objects to a proposed material change in the investment policy of a separate account, and the change becomes effective, the objecting policyholder shall be given the option of converting, within 60 days after the effective date of the change, or the receipt of a notice of the options available, whichever is later, without evidence of insurability, under 1 of the following options, to a fixed benefit life insurance policy issued by the insurer or an affiliate:

(i) If the policy is in force on a premium paying basis, either:

(A) A conversion as of the original issue age to a substantially comparable plan of insurance, based on the insurer's premium rates for fixed life insurance at the original issue age, for an amount of insurance not exceeding the death benefit of the variable life insurance policy on the date of conversion. If the cash value of the variable life insurance policy exceeds the cash value of the fixed life insurance policy, the difference shall be paid to the policyholder. If the cash value of the fixed life insurance policy exceeds the cash value of the variable life insurance policy, the difference shall be paid by the policyholder.

(B) Surrender of the variable life insurance policy and conversion as of the attained age to a substantially comparable plan of life insurance for an amount of insurance not exceeding the excess of the death benefit of the variable life insurance policy over its cash value on the date of conversion if the withdrawing policyholder elects the cash surrender value; or the death benefit payable under any paid-up insurance option if the withdrawing policyholder elects such option.

(ii) If the policy is in force as paid-up variable life insurance, then conversion shall be to a substantially comparable paid-up fixed benefit life insurance policy for an amount of insurance not exceeding the death benefit of the variable life insurance policy on the date of conversion.

History: 1954 ACS 85, p. 107, Eff. Apr. 18, 1978.

R 500.860 Separate accounts; allowable charges.

Rule 20. The following apply to allowable charges against a separate account for variable life insurance:

(a) The insurer may deduct only the following from the separate account:

(i) Taxes or reserves for taxes attributable to investment gains and income of the separate account.

(ii) Actual cost of reasonable brokerage fees and similar direct acquisition and sales costs incurred in the purchase or sale of separate account assets.

(iii) Actuarially determined costs of insurance (tabular costs) and the release of reserves and benefit base consistent with the release of separate account liabilities.

(iv) Charges for investment management expenses, including internal costs attributable to the investment management of assets of the separate account, not exceeding the following percentages, on an annual basis, of the average net asset value of the separate account as of the date of valuation under subdivision (f) of R 500.854:

(A) Three-quarters of 1% of that portion of separate account assets valued at or under $75,000,000.00.

(B) One-half of 1% of that portion of separate account assets valued in excess of $150,000,000.00 but less than $400,000,000.00.

(C) Four-tenths of 1% of that portion of separate account assets valued in excess of $150,000,000.00 but less than $400,000,000.00.

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(D) Thirty-five hundredths of 1% of that portion of separate account assets valued in excess of $400,000,000.00 but less than $800,000,000.00.

(E) Three-tenths of 1% of that portion of separate account assets valued in excess of $800,000,000.00.

(v) A charge for mortality and expense guarantees, at a rate specified in the policy, not to exceed .50% per year of the average net asset value of the separate account as of date of valuation.

(vi) Any amount in excess of those required to be held in the separate account to the extent necessary to comply with the requirements of subdivision (e)(ii) of R 500.850.

(b) Any charges against the separate account made by either an affiliate of the insurer or an unaffiliated fund shall be considered part of the charges limited by subdivisions (a)(iv) and (v) above. Any charge against the separate account, excluding taxes, shall not vary in accordance with the difference between the investment performance of the separate account and any index of securities prices or other measure of investment performance.

History: 1954 ACS 95, p. 108, Eff. Apr. 18, 1978

R 500.861 Standards of conduct and conflicts of interest.

Rule 21. The following apply to standards of conduct and conflict of interest:

(a) Every insurer seeking approval to enter into the variable life insurance business in this state, shall adopt by formal action of its board of directors, and file with the commissioner, a written statement specifying the standards of conduct of the insurer, its officers, directors, employees, and affiliates with respect to investments of variable life insurance separate accounts and variable life insurance operations. Such standards of conduct shall be binding on the insurer and those to whom it refers and shall contain at a minimum the items contained in subdivision (c) of this rule.

(b) Rules under any provisions of the insurance laws of this state or any regulation applicable to the officers and directors of insurance companies with respect to conflicts of interest shall also apply to members of any separate account's committee or other similar body. No officer or director of such company nor any member of any managing committee or body of separate account shall receive, directly or indirectly, any commission or any other compensation with respect to the purchase or sale of assets of such separate account. The board of directors of the insurer is responsible for all acts concerning the separate account, except to the extent that authority must be exercised by a separate account committee established pursuant to section 925(3) of the insurance code of 1956, as amended, being §500.925(3) of the Michigan Compiled Laws.

(c) Unless otherwise approved in writing by the commissioner in advance of the transaction, with respect to variable life insurance separate accounts, an insurer or affiliate thereof shall not:

(i) Sell to, or purchase from, any such separate account established by the insurer any securities or other property, other than variable life insurance policies.

(ii) Purchase, or allow to be purchased, for any such separate account, any securities of which the insurer or an affiliate is the issuer.

(iii) Accept any compensation, other than a regular salary or wages from such insurer or affiliate, for the sale or purchase of securities to or from any such separate account other than as provided in subdivision (d)(iii) of R 500.861.

(iv) Engage in any joint transaction, participation, or common undertaking whereby such insurer or an affiliate participates with such a separate account in any transaction in which an insurer or any of its affiliates obtains an advantage in

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the price or quality of the item purchased, in the service received, or in the cost of such service and the insurer or any of its other affiliates is disadvantaged in any of these respects by the same transaction.

(v) Borrow money or securities from any such separate account other than under a policy loan provision.

(d) No provision of this rule shall be construed to prohibit any of the following:

(i) The investment of separate account assets in securities issued by 1 or more investment companies registered pursuant to the investment company act of 1940 which is sponsored or managed by the insurer or an affiliate, and the payment of investment management or advisory fees on such assets.

(ii) The combination of orders for the purchase or sale of securities for the insurer, an affiliate thereof, any separate accounts, or any 1 or more of them, which is for their mutual benefit or convenience so long as any securities so purchased or the proceeds of any sale thereof are allocated among the participants on some predetermined basis expressed in writing which is designed to assure the equitable treatment of all participants.

(iii) An insurer or an affiliate to act as a broker or dealer in connection with the sale of securities to or by such separate account; however, any commission fee or remuneration charged therefor shall not exceed minimum broker's commission established for any such transaction by any national securities exchange through which such transaction could be effected or such charges prevailing for arm's length transactions in the ordinary course of business in the community where such transaction is effected.

(iv) The rendering of investment management or investment advisory services by an insurer or affiliate, for a fee, subject to the provisions of this rule and R 500.862.

(e) The commissioner may, upon the written request of an insurer or an affiliate, approve a particular transaction or series of proposed transactions which would otherwise be prohibited under subdivision (c) if he determines such transaction is not unfair or inequitable to persons affected under the circumstances of such transactions.

History: 1954 ACS 95, p. 108, Eff. Apr. 18, 1978.

R 500.862 Investment advisory contracts.

Rule 22. (1) An insurer shall not enter into a contract under which any person undertakes, for a fee, to regularly furnish investment advice to such insurer with respect to its separate accounts maintained for variable life insurance policies unless:

(a) The person providing such advice is registered as an investment adviser under the investment advisors act of 1940;

(b) The person providing such advice is an investment manager under the employee retirement income security act of 1974, 88 Stat. 829, with respect to the assets of each employee benefit plan allocated to the separate account; or

(c) The insurer has filed with the commissioner and continues to file annually the following information and statements concerning the proposed adviser:

(i) The name and form of organization, state of organization, and its principal place of business.

(ii) The names and addresses of its partners, officers, directors, and persons performing similar functions or, if such an investment adviser be an individual, or such individual.

(iii) A written standard of conduct complying in substance with the requirements of subdivision (a) of R 500.861 which has been adopted by the investment

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adviser and is applicable to the investment adviser, its officers, directors, and affiliates; and any other persons or entities performing similar functions.

(iv) A statement provided by the proposed adviser as to whether the adviser or any person associated therewith:

(A) Has been convicted within 10 years of any felony or misdemeanor arising out of such person's conduct as an employee, salesman, officer or director of an insurance company, a bank, an insurance agent, a securities broker, or an investment adviser; involving embezzlement, fraudulent conversion, or misappropriation of funds or securities, or involving the violation of 18 U.S.C. §§1341, 1342, and 1343.

(B) Has been permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or as an employee of any investment company, bank, or insurance company, or from engaging in, or continuing any conduct or practice in connection with, any such activity.

(C) Has been found by federal or state regulatory authorities to have willfully violated, or has acknowledged willful violation of, any provision of federal or state securities laws or state insurance laws or of any rule or regulation under any such laws.

(D) Has been censured, denied an investment adviser registration, had a registration as an investment adviser revoked or suspended from being associated with an investment adviser by order of federal or state regulatory authorities.

(2) Such investment advisory contract shall be in writing and provide that it may be terminated by the insurer without penalty to the insurer or the separate account upon not more than 60 days' written notice to the investment adviser.

(3) The commissioner, after notice and opportunity for hearing, may by order prohibit execution of such contract, or require such investment advisory contract to be terminated, if he deems continued operation thereunder to be hazardous to the public or the insurer's policyholders.

(4) If the commissioner finds that the public safety or welfare requires emergency action, and incorporates the finding in his orders, he may summarily suspend an investment advisory contract.

History: 1954 ACS 95, p. 109, Eff. Apr. 18, 1978.

R 500.863 Information required to be delivered to policy applicant.

Rule 23. An insurer delivering or issuing for delivery in this state any variable life insurance policies shall deliver to the applicant for the policy, and obtain a written acknowledgement of receipt from such applicant coincident with, or prior to, the execution of the application, the following information; the requirements of this rule shall be deemed to have been satisfied by the delivery to the applicant of a prospectus included in a registration statement which satisfies the requirements of the securities act of 1933 and which was declared effective by the securities and exchange commission to the extent that the prospectus contains the information required by this rule:

(a) A summary explanation, in nontechnical terms, of the principal features of the policy, including a description of the manner in which the variable benefits will reflect the investment experience of the separate account and the factors which affect such variation. Such explanation shall include notices of the provisions required by subsections (a)(iv) and (f) of R 500.850.

(b) A statement of the investment policy of the separate account, including all of the following:

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(i) A description of the investment objective and orientation intended for the separate account and the principal types of investments intended to be made as required by subdivision (c)(iii) of R 500.843.

(ii) Any restriction or limitations on the manner in which the operations of the separate account are intended to be conducted.

(c) A statement of the net investment return of the separate account for each of the last 10 years for which the separate account was in existence.

(d) A statement describing, as an approximate percentage of an annual gross premium for each year and for the life of the policy, all commissions or equivalent payments to be paid to all agents or other persons as a result of the proposed sale for each year of the policy for which such payments are to be made. As used in this section, "commissions" means all monies and other valuable consideration, including, but not limited to, prizes, bonuses paid, directly or indirectly, to, for, or on behalf of, the selling agent as compensation for services in the sale of variable life insurance.

(e) A statement of the annual taxes, brokerage fees, and all other costs, and the charges, expressed as an annual percentage, levied against the separate account during the previous year.

(f) A summary of the method to be used in valuing assets held by the separate account.

(g) A summary of the federal income tax liabilities of the policy applicable to the insured, the policy owner, and the beneficiary.

(h) If the applicant is furnished illustrations of benefits payable under any variable life insurance contract, such illustrations shall be prepared by the insurer and shall not include projections of past investment experience into the future or attempted predictions of future investment experience; provided that nothing contained herein shall be construed to prohibit use of hypothetical, assumed rates of return to illustrate possible levels of benefits subject to such illustrations containing, at a minimum, the following:

(i) A clear, concise statement that the assumed rates are hypothetical only.

(ii) An illustration of possible levels of benefits assuming hypothetical gross rates of investment return of 0%, 4%, and 8%, and shall illustrate expenses which will be charged against the gross rate of investment return to produce the net rate of investment return. The expenses shall include taxes, investment expenses, and mortality and expense guarantees.

(i) A prominent statement either in contrasting color or in boldface type not less than 4 points larger than the type size of the largest type used in the text of any provision on the page, stating in substance the following:

(i) The purpose of this variable life insurance policy is to provide insurance protection for the beneficiary named therein.

(ii) No claim is made that this variable life insurance policy is in any way similar or comparable to a systematic investment plan of a mutual fund.

History: 1954 ACS 95, p. 110, Eff. Apr. 18, 1978.

R 500.864 Policy application.

Rule 24. The application for a variable life insurance policy shall contain all of the following:

(a) A prominent statement that the death benefit may be variable or fixed under specified conditions.

(b) A prominent statement that cash values may increase or decrease in accordance with the experience of the separate account, subject to any specified minimum guarantees.

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(c) Questions designed to elicit information which enables the insurer to determine the suitability of variable life insurance for the applicant.

History: 1954 ACS 95, p. 111, Eff. Apr. 18, 1978.

R 500.865 Reports to policyholders.

Rule 25. Any insurer delivering or issuing for delivery in this state any variable life insurance policies shall mail to each variable life insurance policyholder at his or her last known address the following reports:

(a) Within 30 days after each anniversary of the policy, a statement or statements of the cash surrender value, death benefit, any partial withdrawal or policy loan, any interest charge, and any optional payments allowed under the policy pursuant to R 500.851 computed as of the policy anniversary date; provided, however, that such statement may be furnished within 30 days after a specified date in each policy year so long as the information contained therein is computed as of a date not more than 45 days prior to the mailing of such notice. This statement shall state in contrasting color or distinctive type that, in accordance with the investment experience of the separate account, the cash values and the variable death benefit may increase or decrease, and shall prominently identify any value described therein which may be recomputed prior to the next statement required by this section. If the policy guarantees that the variable death benefit on the next policy anniversary date will not be less than the variable death benefit specified in such statement, the statement shall be modified to so indicate.

(b) Annually, a statement or statements including:

(i) A summary of the financial statement of the separate account based on the annual statement last filed with the commissioner.

(ii) The net investment return of the separate account for the most recent year and, for each year after the first, a comparison of the investment rate of the separate account during the most recent year with the investment rate during prior years, up to a total of 5 years when available.

(iii) A list of investments held by the separate account as of a date not earlier than the end of the last year for which an annual statement was filed with the commissioner.

(iv) Any charges, taxes, and brokerage fees determined on an accrual basis payable by the separate account during the previous year, each expressed as a dollar amount and a percentage and the total expressed as a dollar amount and as a percentage, of the assets of the separate account.

(v) A statement of the portfolio turnover rate, defined as follows, during the preceding fiscal year of investments allocated to the separate account:

(A) The rate shall be calculated by dividing the lesser of purchases or sales of portfolio securities for the particular fiscal year by the monthly average of the value of the portfolio securities owned by the separate account during the particular fiscal year. Such monthly average shall be calculated by totaling the values of the portfolio securities as of the beginning and end of the first month of the particular fiscal year and as of the end of each of the succeeding 11 months, and dividing the sum by 13, except that the average value of securities for which market quotations are not available may be based upon the value of such securities as of the end of the preceding fiscal quarters.

(B) For the purposes of this item, there shall be excluded from both the numerator and the denominator all U.S. government securities, short-term and long-term, and all other securities whose maturities at the time of acquisition were 1 year or less. Purchases shall include any cash paid upon the conversion of 1 portfolio security into another. Purchases shall also include the cost of rights or

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warrants purchased. Sales shall include the net proceeds of the sale of rights or warrants. Sales shall also include the net proceeds of redemptions of portfolio securities by call or maturity.

(C) The insurer shall show, in addition to the calculated portfolio turnover rate, both the amount of the purchases and the amount of the sales, calculated as prescribed in subdivision (A) above, and the monthly average, but not the individual monthly figures, of the value of the portfolio securities owned by the separate account during the fiscal year.

(D) The insurer may, if it wishes, make any statement or explanation with respect to any significant variations in the portfolio turnover rate during the 3 fiscal years next preceding.

(vi) A statement of any change, since the last report, in the investment objective and orientation of the separate account, in any investment restriction or material quantitative or qualitative investment requirement applicable to the separate account, or in the investment adviser of the separate account.

(vii) The name of each broker or dealer handling portfolio transactions on behalf of the separate account in which the insurer or an affiliate has any material interest, directly or indirectly, and the nature of such transactions and the amount of compensation received by each such broker or dealer from business originating with the separate account during the preceding fiscal year.

(viii) The names and principal occupations of each principal executive officer and each director of the insurer.

(ix) The names of all parents of the insurer and the basis of control of the insurer, and the name of any person who is known to own, of record or beneficially, 10% or more of the outstanding voting securities of the company.

(c) Notwithstanding the requirements in (b) above, a notice of any change in investment policy of the separate account, pursuant to R 500.859 shall be provided not later than 6 months from the effective date of that change. This requirement shall be considered satisfied if an annual report containing such notice is provided not later than 6 months from the effective date of the change or if a substantially similar notice is made pursuant to any federal securities laws not later than 6 months from the effective date.

History: 1954 ACS 95, p. 111, Eff. Apr. 18, 1978.

R 500.866 Qualification of agents for the sale of variable life insurance.

Rule 26. The following apply to qualifications of agents for the sale of variable life insurance:

(a) No person shall sell or offer for sale in this state any variable life insurance policy unless such person is an agent and has filed with the commissioner, in a form satisfactory to the commissioner, evidence that such person holds any license or authorization which may be required for the solicitation or sale of variable life insurance by any federal or state securities law.

(b) Any examination conducted by the commissioner for the purpose of determining the eligibility of any person for licensing as an agent shall, after the effective date of these rules, include such questions concerning the history, purpose, regulation, and sale of variable life insurance as the commissioner deems appropriate.

(c) Any person qualified in this state under this rule to sell or offer to sell variable life insurance shall immediately report to the commissioner all of the following:

(i) Any suspension or revocation of his agent's license in any other state or territory of the United States.

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(ii) The imposition of any disciplinary sanction, including suspension, or revocation of or denial of registration, imposed upon him by any national securities exchange, or national securities association, or any federal, state, or territorial agency with jurisdiction over securities or variable life insurance.

(iii) Any judgment or injunction entered against him on the basis of conduct deemed to have involved fraud, deceit, misrepresentation, or violation of any insurance or securities law or regulation.

(d) The commissioner may reject any application or suspend or revoke or refuse to renew any agent's qualification under this rule to sell or offer to sell variable life insurance upon any ground that would bar such applicant or such agent from being licensed to sell other life insurance contracts in this state. The rules governing any proceeding relating to the suspension or revocation of an agent's license shall also govern any proceeding for suspension or revocation of an agent's qualification to sell or offer to sell variable life insurance.

History: 1954 ACS 95, p. 113, Eff. Apr. 18, 1978.

STANDARDS FOR RATE FILINGS FOR PHYSICIANS AND SURGEONS PROFESSIONAL LIABILITY INSURANCE

(By authority conferred on the commissioner of insurance by sections 210 and 2484 of Act No. 218 of the Public Acts of 1956, being §§500.210 and 500.2484 of the Michigan Compiled Laws)

R 500.901 Applicability of rules.

Rule 1. These rules shall apply to all rate filings for physicians and surgeons professional liability insurance filed pursuant to chapter 24 of Act No. 218 of the Public Acts of 1956, as amended, being §500.2400 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 92, p. 47, Eff. Aug. 18, 1977.

R 500.902 Determining whether rates excessive, inadequate, or discriminatory; criteria; "net worth" defined.

Rule 2. (1) For all rate filings for physicians and surgeons professional liability insurance, in determining whether rates are excessive, inadequate, or unfairly discriminatory under §500.2400 of the Michigan Compiled Laws, consideration shall be given to:

(a) The net underwriting and investment income of the insurer in relation to the company's net worth, as defined in subrule (2).

(b) A comparison of the experience for the filing company's physicians and surgeons professional liability insurance in Michigan with its experience for the same line in other states.

(c) Other information deemed appropriate.

(2) "Net worth" means that proportion of policyholders surplus, plus net prepaid expenses, plus unauthorized reinsurance, plus excess of statutory over case reserves, plus net furniture, equipment, and supplies, minus tax reserves for unrealized capital gains, as Michigan physicians and surgeons professional liability direct written premiums are of total direct written premiums.

History: 1954 ACS 92, p. 47, Eff. Aug. 18, 1977.

R 500.903 Risk classification; supportive data; credibility standards.

Rule 3. (1) An insurer or rating organization submitting a rate filing for physicians and surgeons professional liability insurance shall include therein the

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supportive data on which its various risk classifications and differentials between risk classifications are based.

(2) Rate filings shall include an actuarially sound method of assigning credibility levels to all supportive data used to establish risk classifications. Rate filings which do not employ credibility standards which are acceptable to the insurance commissioner shall not be allowed.

(3) Except as otherwise directed by the commissioner, partial credibility assigned according to the following formula is actuarially sound:

$$p = \sqrt{\frac{n}{4328}}$$

where p = the partial credibility and n = the number of claims.

History: 1954 ACS 92, p. 47, Eff. Aug. 18, 1977.

R 500.904 Statement of underwriting policy; contents; sworn statement; violations.

Rule 4. (1) All insurers and rating organizations submitting rate filings for physicians and surgeons professional liability insurance shall include with the filing a statement, in objective terms, of the underwriting policy used in the development of the rates filed. The statement shall be written so that a reasonable person in the exercise of ordinary intelligence and understanding can apply the policy consistently and accurately.

(2) For the purposes of subrule (1), the statement of underwriting policy shall contain a description of the standards of risk selection used in terms of the following elements:

(a) Territory or geography.

(b) Professional specialty or other classification of the type of practice engaged in.

(c) Nature of hospital affiliation and type of hospital with which the insured is affiliated, such as teaching hospital, governmental hospital, nonprofit hospital, or private hospital.

(d) Type of patient constituting the clientele of the insured.

(e) Professional training and claims history of the insured.

(f) Any other standard employed by the insurer or rating organization.

(3) An insurer writing physicians professional liability insurance or surgeons professional liability insurance, or both, in this state shall submit a sworn statement of its intention to provide insurance protection in conformity with the underwriting policy used in developing the rate filing on which its premiums are based.

(4) An insurer writing physicians professional liability insurance or surgeons professional liability insurance, or both, in this state shall not refuse to issue a policy, or cancel or decline to renew a policy, or discriminate in rate making or premium charges, on a basis which is not specified in the statement of underwriting policy required by subrule (1). A violation of this subrule is a violation of §500.2412 of the Michigan Compiled Laws.

History: 1954 ACS 92, p. 48, Eff. Aug. 18, 1977.

R 500.905 Expense items.

Rule 5. (1) An expense item contained in a rate filing for physicians and surgeons professional liability insurance shall not be expressed or derived from a

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fixed percentage of premium charge unless the relationship is supported by evidence submitted with the rate filing. Any expense that is determined by the commissioner to be unreasonable, in view of the evidence presented, shall not be allowed.

(2) If all or any portion of an expense item contained in a rate filing for physicians and surgeons professional liability insurance is earmarked for acquisition expenses, the insurer or rating organization submitting the filing shall include with the filing a statement regarding the necessity and reasonableness of such acquisition expenses.

History: 1954 ACS 92, p. 48, Eff. Aug. 18, 1977.

R 500.906 Loss development factor; trend factor.

Rule 6. (1) If a rate filing for physicians and surgeons professional liability insurance includes a loss development factor, or equivalent actuarial device, to project the future dollar amount of claims on the basis of paid claims plus reserves for known unpaid claims, the insurer or rating organization submitting the filing shall include in the filing full actuarial support of that loss development factor including consideration of the effect of a determination of the effect of historical reserve inaccuracies on such loss development factors.

(2) In determining the reasonableness of a trend factor, or equivalent actuarial device, contained in a rate filing submitted by an insurer or rating organization for physicians and surgeons professional liability insurance, full justification of that factor shall be provided which would include due consideration given to new methods for claim resolution, such as arbitration, and to such other legal and social changes that may have a reasonable and predictable effect on the incidence and magnitude of medical malpractice claims and claim settlements in this state.

(3) In every rate filing submitted by an insurer or rating organization for physicians and surgeons professional liability insurance, the insurer or rating organization shall calculate any loss development or trend factor, or its equivalent, with the most recent statistics that are reported.

History: 1954 ACS 92, p. 48, Eff. Aug. 18, 1977.

R 500.907 Increased limits factor.

Rule 7. (1) Whenever an increased limits factor, or other premium multiplier, is used by the insurer or rating organization to calculate the premium for coverage in excess of the basic limits premium rates included in the rate filing, such insurer or rating organization shall submit to the commissioner, as a part of the rate filing, the data employed by the insurer or rating organization to derive the increased limits factor or other premium multiplier, plus a documentation of the methodology used in the calculation and a justification for the use of that methodology.

(2) A premium for physicians and surgeons professional liability insurance calculated with the use of an increased limits factor or other premium multiplier, to the extent that the increased limits factor or other premium multiplier is not supported by the data submitted to the commissioner as a part of the rate filing, shall not be allowed.

History: 1954 ACS 92, p. 48, Eff. Aug. 18, 1977.

R 500.908 Premium surcharge.

Rule 8. (1) A premium surcharge contained in a rate filing for physicians and surgeons professional liability insurance shall not be expressed or derived from a fixed percentage of another premium charge, unless the relationship is supported by evidence submitted with the rate filing.

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(2) A premium surcharge that is found to be unreasonable in view of the evidence presented shall not be allowed.

History: 1954 ACS 92, p. 49, Eff. Aug. 18, 1977.

R 500.909 Contents of rate filing; effect of noncompliance.

Rule 9. (1) A rate filing for physicians and surgeons liability insurance shall include all of the following items:

(a) A cover letter describing the nature and extent of the filing and the reasons the filing is being made.

(b) A statement of underwriting policy, changes in the underwriting policy from previous filing, and a justification for such changes.

(c) Earned premiums, incurred losses, and incurred expenses by class and territory for the past 5 calendar years for this state.

(d) Rate level history for the past 5 calendar years.

(e) Justification of the credibility standards applied in the determination of all classification and territorial differentials.

(f) A calculation of anticipated return on net worth.

(g) A documentation of the methodology and data used to arrive at anticipated expense levels.

(h) A documentation of the methodology and data used, as well as a justification for their use, in arriving at loss development factors.

(i) A documentation of the methodology and data used, as well as a justification for their use, in arriving at trend factors.

(j) A documentation of the methodology and data used, as well as a justification for their use, in arriving at increased limits.

(k) A documentation of the methodology and data used to arrive at premium surcharges.

(l) A letter of certification, the language of which shall be supplied by the insurance bureau, stating that the filing is in compliance with all applicable laws and rules.

(m) All other factors which may subsequently be required or which are required by the insurance laws of this state.

(2) A filing not in compliance with the requirements in subrule (1) shall not be considered to be a filing under chapter 24 of the insurance code, being §500.2400 et seq. of the Michigan Compiled Laws, and shall be immediately returned to the filing company.

History: 1954 ACS 92, p. 49, Eff. Aug. 18, 1977.

GENERAL RULES

(By authority of Act No. 256 of the Public Acts of 1917, being §501.1 et seq. of the Michigan Compiled Laws)

R 501.1, R 501.2 Rescinded.

History: 1944 AC, p. 343; 1954 AC, p. 6901; rescinded 1954 ACS 67, p. 69, Eff. Mar. 26, 1971.

R 501.3 Adjusters for assured.

Rule 3. (1) An adjuster for the assured shall not employ any individual to aid directly or indirectly in the solicitation or adjustment of any loss and shall not offer nor pay any fee, commission nor any other valuable consideration to such individual unless such individual be licensed as an adjuster by the department of insurance and is further regularly employed by him as a solicitor.

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(2) An adjuster for the assured must not represent himself to be an adjuster or representative of any insurance company, fire investigator or connected with the fire department or otherwise except as an adjuster for the assured. When soliciting a loss he must first identify himself to clients or prospective clients as an adjuster for the assured and must state the cost for his services.

(3) Every adjuster for the assured in the state of Michigan who is not a solicitor shall file with the insurance department the rates of commission for his service. Said commission shall not exceed 10% in any case and when such rates are filed every adjuster for the assured must adhere to the schedule of rates filed with the department of insurance.

(4) No licensed adjuster for the assured shall directly or indirectly act within this state as a public adjuster without first having entered into a contract in writing on a form approved by the insurance commissioner and executed in duplicate by the public adjuster and the assured or his duly licensed representative, 1 copy of which contract shall be kept on file by the public adjuster open at all times to inspection by the insurance commissioner or his authorized representative. No solicitor for a public adjuster shall use any form of contract other than that approved for the public adjuster for whom he is soliciting nor shall he make any agreement or contracts for himself or for the public adjuster other than such as is specified in the approved contract.

(5) Every licensed adjuster for the assured shall keep a full record of his transactions as an adjuster open at all times to the inspection of the insurance commissioner or his representative showing (a) the name of the assured (b) the date, location and amount of the loss (c) the name of the insurer, amount, expiration, date and number of each policy of insurance carried with respect to such loss (d) an itemized statement of all recoveries by the assured from all sources (e) the name or names and addresses of any person or persons soliciting the adjustment and the date and time when solicited (f) the total compensation received for adjustment and the amount of commission, salary or compensation paid to each employee and solicitor.

(6) An adjuster for the assured or his employees shall not directly or indirectly solicit losses between the hours of 8:00 p.m. and 7:00 a.m. on week days and under no circumstances solicit any loss on Sunday or holidays.

(7) An adjuster shall not attempt in any manner to solicit a loss during the progress of a fire nor while the fire department or any of its representatives are in any manner engaged at the damaged premises nor shall any such adjuster in any way interfere or obstruct an investigator of the fire marshal's division of this state or county or of the fire or police department of any city of this state.

(8) No adjuster for the assured or his solicitors shall advise any person from whom he is soliciting a loss or for whom he is adjusting a loss that the assured must pay any person a fee for an adjustment other than that fee specified in any adjuster's contract of employment.

(9) No adjuster for the assured shall advance any money or collateral of any nature to any assured pending the adjustment of any claim.

(10) No adjuster for the assured shall take any prospective client from the scene of the fire.

(11) No adjuster for the assured shall collect or attempt to collect from any contractor any fee or charge for obtaining the repair work for such contract. No adjuster for the assured shall, in making an inventory or estimate, pay the same or make any inventory or estimate other than that which is fair and honest and just claim of his assured and whenever any claim is presented to an adjuster or adjusters for a company the assured shall be present if possible.

History: 1944 AC, p. 343; 1954 AC, p. 6901.

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R 501.4 Agents and solicitors.

Rule 4. (1) For the duration of the war, the department of insurance will no longer license as agents or solicitors those individuals working in essential war activities. This regulation will apply to those persons not licensed at the time of their engaging in essential war activities.

(2) In view of the insurance law which authorizes the commissioner of insurance to issue a license to an applicant as an insurance agent or solicitor, it has been established as a rule of this department that no person, firm or corporation can qualify for license to act as an insurance agent or solicitor for the purpose of writing insurance and obtaining commission on those risks within his control, and no license will be issued to an agent whose own business and that of his relatives, employers and business associates or affiliates, all combined, exceeds 15% of his total business written.

(3) Any person, firm or corporation to qualify as a proper person for license will be required to devote a substantial portion of his time to the active solicitation of insurance and comply with the insurance law. Such amount of time will be determined by the commissioner of insurance.

(4) If the application of this regulation appears impracticable when applied to cases in cities of 5,000 population or less, the same may be modified upon petition submitted to the commissioner of insurance with all facts relating thereto.

(5) No life insurance company shall pay to any authorized agent of its company any commission or other remuneration as compensation for insurance placed covering his life or that of his employer, partner in business, or relatives, unless there shall have been previously placed insurance amounting to at least $10,000.00 covering no less than 4 persons other than those mentioned and who are residents of Michigan.

History: 1944 AC, p. 344; 1954 AC, p. 6902.

R 501.5 Life insurance agents and solicitors.

Rule 5. (1) Life insurance companies will be responsible for the training of all new agents or solicitors by prescribing and giving him a course of instructions which has been accepted by the department of insurance of Michigan. Such person shall satisfactorily complete such course within 120 days from the issuance of license to him. Upon completion of such course the general agent or company official responsible for training such applicant, shall certify to the department of insurance that such person has satisfactorily completed such course.

(2) Whenever a license is issued to any person to act as an agent for a life insurance company, who has not previously been licensed to so act, or who has not been licensed in Michigan as a life insurance agent for a period of 5 years preceding the date of the said license, such license just issued shall be considered probationary, and shall be cancelled at the termination of 130 days, as required hereinbefore, unless certification has been received by the department of insurance by the time of the expiration of said 130 days or prior thereto.

(3) Whenever such agent fails to complete the training herein prescribed and such agent's license is cancelled for this reason, no further license shall be issued such person to act as an agent for any life insurance company until after a course of instruction as prescribed herein has been completed and certification as herein required has been filed with the department of insurance.

(4) During the probationary period herein set forth such agent shall not be granted any further license to represent any life insurance company, nor shall any further license be granted to such agent until the general agent or such company

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official as is responsible for training such person has filed his certification of training with the department of insurance, as hereinbefore required.

History: 1944 AC, p. 344; 1954 AC, p. 6902.

R 501.6 Agents selling credit life insurance.

Rule 6. Licenses will be issued to employees of banks and other financial institutions for the purpose of taking applications and collecting premiums on individual policies of credit life insurance, which policies are issued coextensively with the making of the loan by the financial institution employing such licensee; provided that the authority of such licensee shall be limited to the sale of the form of insurance and in the manner above described; and provided, further, that such licensed employee of the financial institution shall receive no commissions or other remuneration for the taking of the applications and/or the collection of premiums nor shall any remuneration be paid to the financial institution employing the said licensee; and provided, further, that the said licensed employee of the financial institution shall be a subagent of a duly licensed resident agent of the company issuing the credit life insurance policies, which agent shall be devoting his full time to the insurance business.

History: 1944 AC, p. 345; 1954 AC, p. 6903.

R 501.7 Mortgage agencies.

Rule 7. Renewals of insurance policies written by an authorized agency shall not be interfered with or unnecessary demands made by mortgagees. Renewal policies properly delivered by an agent of record shall not be disturbed by so-called controlled agencies, such as F.H.A., banks, finance companies, or other loaning institutions.

History: 1944 AC, p. 345; 1954 AC, p. 6903.

R 501.8 Rescinded.

History: 1944 AC, p. 345; 1954 AC, p. 6903; rescinded 1954 ACS 17, p. 19, Eff. Feb. 14, 1959.

R 501.9 Casualty companies writing automobile insurance.

Rule 9. Automobile dealers and their representatives shall not be eligible to act as salesmen in the solicitation of public liability and property damage insurance on financed automobiles.

History: 1944 AC, p. 345; 1954 AC, p. 6903.

R 501.10 Furriers and fur storers.

Rule 10. (1) Marine or transportation policies may cover furriers' or fur storers' customers' policies covering specified garments the property of customers:

(a) Provided policies contain all of the provisions including amount of insurance, rate of premium, and premium charged therefor under which the coverage is accepted without reference to underlying policies.

(b) Provided policies are signed by duly licensed agents.

(c) Provided the form of policy issued is approved by the department before issuance.

(2) The basic contract between the insurer and furrier or fur storer shall specifically provide:

(a) That policies shall be countersigned by a duly licensed agent.

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(b) That such policies shall be issued only to individuals covering personal furs or garments trimmed with furs, being property of storage customers of the furrier or fur storer.

(c) For the rate at which customers' policies shall be issued, together with the minimum premium to be charged.

(d) That the furrier or fur storer shall not receive any money or commission or brokerage or anything of value for services rendered in connection with the placing of or furnishing insurance for customers.

History: 1944 AC, p. 345; 1954 AC, p. 6903.

R 501.11—R 501.13 Rescinded.

History: 1944 AC, pp. 345, 346; 1954 AC, pp. 6904, 6905; rescinded 1954 ACS 67, p. 69, Eff. Mar. 26, 1971.

R 501.14 Michigan mutual insurance companies (farm mutuals).

Rule 14. All companies collecting an advance premium are required by law to include in their annual statements to the commissioner of insurance the total unearned premiums on all classes of unexpired risks. In order that the unearned premium shall be computed on a uniform basis, we are issuing the following ruling:

(a) The unearned premium reserve shall be computed on a monthly pro rata basis, i.e., a liability shall be set forth for the unearned monthly pro rata portion of the aggregate premiums on all unexpired risks.

(b) Companies collecting premiums once each year shall compute the amount unearned as of December 31 for the remainder of the current policy year. The current policy year shall be considered to begin on the final due date of the last previous assessment. All assessments shall be due and payable on or before the beginning of the period covered by the assessment.

History: 1944 AC, p. 347; 1954 AC, p. 6905.

R 501.15 Destruction of obsolete records.

Rule 15. (1) All correspondence shall be filed and preserved for each current year and for the previous 10 years.

(2) Annual statements of all insurance companies not domiciled in Michigan shall be filed and preserved for each current year and for the previous 10 years; provided that alien companies using Michigan as the state of entry into the United States shall be considered as domestic companies for purposes of preserving such annual statements.

(3) All applications for agents', solicitors', and adjusters' licenses, all insurance company requisitions for agents' licenses and all insurance agents' requisitions for solicitors' licenses shall be filed and preserved for each current year and for the previous 10 years.

(4) All books and records of the accounting division shall be preserved for the current 10 years. (Many of these records are duplicates of the records of the auditor general.)

(5) All receivership books and correspondence and other records shall be preserved for a period of 10 years after such receivership is closed, after which same shall be destroyed.

(6) Insurance policy forms, endorsements and riders, which for a period of 10 years have not been in force, or in effect, or in use in the state of Michigan.

(7) All state fire fund reports shall be filed and preserved for a period of 10 years.

(8) All requests in the form of affidavits from individuals, companies or associations that are unable to procure insurance in legally admitted companies in

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this state, shall be filed and preserved for each current year and for the previous 10 years.

(9) All of the following documents, papers, and records shall be filed and preserved for each current year and for the previous 10 years: agency and adjuster hearings; rate hearings; hearings on complaints; investigations of miscellaneous complaints; court summons; reports of examination of out-of-state companies; articles of association and papers incidental thereto of companies which never completed their organization; corporate papers of companies, associations, fraternal societies, and reciprocal exchanges which have ceased doing business in this state for more than 10 years, except that this authorization shall not extend to articles of association, and amendments thereto, copies of bylaws and amendments thereto, copies of certificates or other written evidence of authorization to transact business or of approval of articles of association and bylaws.

History: 1944 ACS 4, p. 26; 1944 ACS 33, p. 15; 1954 AC, p. 6905.

GROUP INSURANCE

R 501.51—R 501.54 Rescinded.

History: 1944 ACS 5, pp. 12-14; 1954 AC, pp. 6906, 6907; rescinded 1954 ACS 67, p. 69, Eff. Mar. 26, 1971.

ALTERATION BY INSURERS OF APPLICATIONS FOR LIFE, HEALTH AND ACCIDENT, HOSPITALIZATION, OR COOPERATIVE ASSESSMENT INSURANCE

R 501.101—R 501.105 Rescinded.

History: 1944 ACS 8, p. 16; 1954 AC, pp. 6907, 6908; rescinded 1954 ACS 67, p. 69, Eff. Mar. 26, 1971.

WRITTEN EXAMINATION FOR HEALTH AND ACCIDENT AGENTS

(By authority of Act No. 256 of the Public Acts of 1917, being §501.1 et seq. of the Michigan Compiled Laws)

R 501.151 Probationary license.

Rule 1. Whenever a license is issued to any person to act as an agent for any insurer authorized to write accident and health and/or hospitalization insurance, which person has not previously been licensed for such lines in Michigan at some time during the 5 years immediately preceding his current application, the license issued shall be probationary, and shall be automatically cancelled at the termination of 130 days, unless the agent shall successfully have passed a written examination given by the Michigan department of insurance during the first 120 days of said probationary period, and shall have been notified that he has received a passing grade on said examination.

History: 1944 ACS 26, p. 7; 1954 AC, p. 6908.

R 501.152 Examinations; location; frequency.

Rule 2. Examinations will be given at the offices of the department of insurance at Lansing, Michigan, not less frequently than monthly; and candidates, upon request, shall be advised of the date and hour of such examinations. When practicable, examinations may be given at such other places, from time to time, as the commissioner of insurance may designate, for the greater convenience of applicants; but such designation shall be optional with the commissioner; and shall not excuse any candidate from the requirement of R 501.151 above.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6908.

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R 501.153 Failure to pass examination; permission to retake.

Rule 3. Whenever any agent shall fail to pass the examination, he shall be permitted to again take the examination after a waiting period of 30 days; but such permission shall not act as a stay of automatic termination specified in R 501.151 above.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6908.

R 501.154 Cancellation of license; reissuance.

Rule 4. Whenever any agent's or solicitor's license shall have been cancelled for failure to pass the examination during the probationary period, no further license to write accident and health and/or hospitalization insurance shall be issued to such agent or former agent until such candidate shall have passed a written examination.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6908.

R 501.155 Additional license.

Rule 5. Until he shall have passed the examination as hereinbefore set forth, the candidate agent shall not be granted any additional license to represent any insurer writing accident and health and/or hospitalization insurance.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6909

R 501.156 Extension of probationary period.

Rule 6. Extension of time—Upon timely notice of illness or other urgent reason, the commissioner may extend the probationary period, not to exceed 30 days.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6909.

R 501.157 Limited licenses.

Rule 7. Limited licenses—Upon proper showing, the department of insurance may issue limited licenses to agents, to write only specified types of insurance, instead of all the coverages which their insurer is certificated to undertake. In such cases, the agent may be licensed upon qualifying only for the type of license to be issued under such special arrangement appropriate to the coverage as may be prescribed by the commissioner of insurance. Where limited license is desired, the requisition of the insurer and the application of the prospective agent shall clearly so indicate by conspicuous notation in the captions of said requisition and application; and suitable explanation of the reason for the limitation shall be entered on the documents or the covering letter accompanying them. The insurer shall accept no business from such agent except such as is specified under his license. The commissioner may prescribe procedures in lieu of usual examination, for determining the fitness of applicants for limited licenses.

History: 1944 ACS 26, p. 8; 1954 AC, p. 6909.

R 501.158 Applicability of rules.

Rule 8. The preceding rules do not apply to the following:

(a) Any person who acts only as agent in reference to the issuance of accident insurance tickets primarily for the purpose of covering risks of travel and who is a ticket selling agent or representative of a common carrier.

(b) Any regular salaried officer or employee of a licensed insurer or agent who does not solicit or accept from the public applications for policies; nor to any regular salaried officer or employee of a licensed insurer who renders assistance to or on behalf of a licensed agent; provided that such salaried officer or employee

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devotes substantially all of his time to activities other than the solicitation of applications for insurance and receives no commission or other compensation directly dependent upon the amount of business obtained.

History: 1944 ACS 26, p. 8, 1954 AC, p. 6809.

FARMERS' MUTUAL FIRE INSURANCE COMPANIES

(By authority of section 13 of chapter IV, part 4, of Act No. 256 of the Public Acts of 1917, being §534.13 of the Michigan Compiled Laws)

R 501.201 Membership fee.

Rule 1. On and after October 1, 1952, all farmers' mutual fire insurance companies doing business under section 2, chapter IV, of part 4 of the insurance code, as latest amended, will not charge a membership fee upon the issuance of a policy to a new member or upon the increase of a policy already in force.

History: 1944 ACS 31, p. 13, 1954 AC, p. 6809.

MARINE OR TRANSPORTATION POLICIES

(By authority of sections 2600 and 2674 of Act No. 218 of the Public Acts of 1956, being §§500.2600 and 500.2674 of the Michigan Compiled Laws)

R 501.251 Imports.

Rule 1. (1) Imports on consignment may be covered by marine or transportation policies, or both, wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation. A shipment "on consignment" shall mean property consigned and intrusted to a factor or agent to be held in his care, or under his control for sale for account of another or for exhibit or trial or approval or auction, and if not disposed of, to be returned.

(2) Imports not on consignment in such places of storage as are usually employed by importers, provided the coverage of the issuing companies includes hazards of transportation. Such policies may also include the same coverage in respect to property purchased on C.I.F. terms or "spot" purchases for inclusion with or in substitution for bona fide importations. An import, as a proper subject of marine or transportation insurance, shall be deemed to maintain its character as such so long as the property remains segregated in the original form or package in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and shall be deemed to have been completed when such property has been:

(a) Sold and delivered by the importer, factor or consignee; or

(b) Removed from place of storage as described in subrule (2) and placed on sale as part of importer's stock in trade at a point of sale-distribution; or

(c) Delivered for manufacture, processing or change in form to premises of the importer or of another used for any such purposes.

History: 1944 ACS 36, p. 23, 1954 AC, p. 6910.

R 501.252 Exports.

Rule 2. (1) Exports may be covered by marine or transportation policies, or both, wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

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(2) An export, as a proper subject of marine or transportation insurance, shall be deemed to acquire its character as such when designated or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this ruling respecting domestic shipments shall apply; provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e.g., cotton.

History: 1944 ACS 36, p. 23; 1954 AC, p. 6910.

R 501.253 Domestic shipments.

Rule 3. (1) Domestic shipments on consignment may be covered by marine or transportation policies, or both, provided the coverage of the issuing companies includes hazards of transportation.

(a) Property shipped on consignment for sale or distribution, while in transit and not exceeding 120 days after arrival at consignee's premises or other place of storage or deposit; and

(b) Property shipped on consignment for exhibit or trial or approval or auction, while in transit, while in the custody of others and while being returned.

(2) Domestic shipments not on consignment may be covered by marine or transportation policies, or both, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that such shipments shall not be covered at manufacturing premises nor after arrival at premises owned, leased, or operated by assured or purchaser, nor for more than 90 days at other place of storage or deposit, except in premises of transportation companies or freight forwarders, when such storage is incident to transportation.

History: 1944 ACS 36, p. 24; 1954 AC, p. 6910.

R 501.254 Transportation and communication instrumentalities.

Rule 4. (1) Bridges, tunnels, and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) may be covered by marine or transportation policies, or both, unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot, and/or civil commotion are the only hazards to be covered. Piers, wharves, docks, and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot, and/or civil commotion. Other aids to navigation and transportation, including dry docks and marine railways, against all risks.

(2) The foregoing includes:

(a) Bridges, tunnels, other similar instrumentalities, unless fire, lightning, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, or civil commotion are the only perils to be covered.

(b) Piers, wharves, docks, and slips, but excluding the risks of fire, lightning, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, or civil commotion.

(c) Pipelines, including on-line propulsion, regulating and other equipment appurtenant to such pipelines, but excluding all property at manufacturing, producing, refining, converting, treating, or conditioning plants.

(d) Power transmission and telephone and telegraph lines, excluding all property at generating, converting or transforming stations, substations, and exchanges.

(e) Radio and television communication equipment in commercial use as such, including towers and antennae with auxiliary equipment and appurtenant electrical operating and control apparatus, but excluding buildings, their improvements and betterments, furniture and furnishings, and supplies held in storage therein.

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(f) Outdoor cranes, loading bridges, and similar equipment used to load, unload, and transport.

History: 1944 ACS 36, p. 24; 1954 AC, p. 6911.

R 501.255 Personal property floater risks.

Rule 5. (1) Covering individuals:

(a) Tourists floater, personal effects floater policies.

(b) The personal property floater.

(c) Government service floaters.

(d) Personal fur floaters.

(e) Personal jewelry floaters.

(f) Wedding present floaters for not exceeding 90 days after the date of the wedding.

(g) Silverware floaters.

(2) Covering individuals and/or generally:

(a) Fine arts floaters, stamp and coin floaters. To cover objects of art such as pictures, statuary, bronzes and antiques, rare manuscripts and books, articles of virtu, etc.

(b) Musical instrument floaters. Radios, televisions, record players, and combinations thereof are not deemed musical instruments.

(c) Radium floaters.

(d) Physicians' and surgeons' instrument floaters. Such policies may include coverage of such furniture, fixtures, and tenant assured's interest in such improvements and betterments of buildings as are located in that portion of the premises occupied by the assured in the practice of his profession.

(e) Pattern and die floaters, excluding coverage on the owner's premises.

(f) Theatrical floaters, excluding buildings and their improvments and betterments, and furniture and fixtures that do not travel about with theatrical troupes.

(g) Film floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.

(h) Salesmen's samples floaters.

(i) Jewelers' block policies, including tenant assured's interest in improvements and betterments of buildings, furniture, fixtures, tools, machinery, patterns, molds, and dies.

(j) Exhibition policies on property while on exhibition and in transit to or from such exhibitions.

(k) Live animal floaters, covering whatever animals, wagons, and mobile equipment may be.

(l) Installation risks, covering machinery and equipment including plumbing, heating, cooling, and electrical systems (as distinguished from building materials) while in transit to place of installation and during the period of installation and testing. Coverage must cease: (i) Where such property is insured for the account of the seller or installer, when the interest of such insured ceases; or (ii) in no case later than when such property has been accepted as satisfactory; whichever first occurs, as to (i) or (ii).

Building materials (e.g., structural steel, lumber, bricks, and mortar), while in transit to place of installation and after arrival thereat but such coverage must terminate when the materials are installed and have become a physical part of the realty or when the seller's interest ceases, whichever first occurs.

(m) Mobile articles, machinery and equipment floaters (excluding motor vehicles designed for highway use and auto homes, trailers, and semitrailers except when hauled by tractors not designed for highway use) covering identified

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property of a mobile or floating nature, not on sale or consignment, or in course of manufacture, which has come into the custody or control of parties who intend to use such property for the purpose for which it was manufactured or created. Such policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(n) Property in transit to or from and in the custody of:

(i) Bleacheries, throwsters, fumigatories, dyers, cleaners, laundries, and similar bailees; such policies may include coverage on the personal property (not real property), excepting automobiles, of the designated bailees at their premises, provided such coverage is written at the rates and in accordance with the rules otherwise filed for such risks;

(ii) Needleworkers;

(iii) Other bailees (not owned, controlled or operated by the bailor) for the purpose of performing work thereon (as distinguished from the making of a complete article) including the treatment of, or assemblage of, property on the premises of bailees.

Such policies shall not cover bailee's property at his premises, except as provided in (i) above.

(o) Installment sales and leased property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased, but excluding motor vehicles designed for highway use. Such policies must cover in transit, but shall not extend beyond the termination of the seller's or lessor's interest. This section is not intended to include machinery and equipment under certain "lease-back" contracts.

(p) Garment contractors' floaters.

(q) Furrier's or fur store's customer's policies (i.e., policies under which certificates or receipts are issued by furriers or fur stores) covering specified articles the property of customers.

(r) Accounts receivable policies, valuable papers, and records policies.

(s) Cold storage locker plant policies, covering merchandise of customers consisting principally of meats, game, fish, poultry, fruit, vegetables, and property of a similar nature.

(t) Floor plan policies, covering property for sale while in possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided:

(i) Such merchandise is specifically identifiable as encumbered to the bank or lending institution.

(ii) The dealer's right to sell or otherwise dispose of such merchandise is conditioned upon its being released from encumbrance by the bank or lending institution.

(iii) That such policies cover in transit and do not extend beyond the termination of the dealers' interest.

Provided that such policies shall not cover automobiles or motor vehicles, merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchandise specifically identifiable as encumbered to the lending institution.

(u) Sign and street clock policies, covering neon signs, automatic or mechanical signs, street clocks, while in use as such.

(v) The following policies covering property which, when sold to the ultimate purchaser, may be covered specifically, by the owner, under inland marine policies:

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(i) Musical instrument dealers' policies, covering property consisting principally of musical instruments and their accessories. Radios, televisions, record players, and combinations thereof are not deemed musical instruments.

(ii) Camera dealers' policies, covering property consisting principally of cameras and their accessories.

(iii) Furrier's dealers' policies, covering property consisting principally of furs and fur garments.

(iv) Equipment dealers' policies, covering mobile equipment consisting of binders, reapers, tractors, harvesters, harrows, tedders, and other similar agricultural equipment and accessories therefor; construction equipment consisting of bulldozers, road scrapers, tractors, compressors, pneumatic tools, and similar equipment and accessories therefor; but excluding motor vehicles designed for highway use.

All such policies shall exclude coverage of moneys and securities. Musical instrument dealers', camera dealers', and equipment dealers' policies may include coverage of tenant assured's interest in improvements and betterments of buildings; also furniture, fixtures, tools, machinery, patterns, molds, and dies.

(w) Wool growers' floaters.

(x) Domestic bulk liquids policies, covering domestic bulk liquids stored in tanks, provided the risks of fire and inherent explosion, windstorm, sprinkler leakage, earthquake, hail, explosion, riot, or civil commotion are excluded therefrom.

(y) Furniture shipment policies, covering furniture, fixtures and equipment in bona fide course of shipment from 1 location to another location of the owner including in place of deposit incident to such transportation while awaiting determination or availability of final destination, in which event they must cover at time of issuance transportation to or from such place of deposit but may not cover after delivery at destination.

History: 1944 ACS 36, p. 24; 1954 AC, p. 6911; 1954 ACS 2, p. 13, Eff. May 13, 1955; 1954 ACS 22, p. 85, Eff. May 13, 1960.

Editor's note: This rule, amended by 1954 ACS 22, pp. 85-87, Eff. May 13, 1960, as R 500.255, should have been amended as R 501.255.

R 501.271 Construction.

Rule 11. Unless otherwise permitted, nothing in the foregoing shall be construed to permit marine or transportation policies to cover:

(a) Storage of assured's merchandise, except as hereinbefore provided.

(b) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(c) Furniture and fixtures and improvements and betterments to buildings.

(d) Merchandise in permanent location, sold under partial payment, contract of sale, or installment sales contract, which involves protection of the purchaser's interest after seller's interest ceases.

(e) Monies and/or securities in safes, vaults, safety deposit vaults, bank, or assured's premises, except while in course of transportation.

(f) Risks of fire, windstorm, sprinkler leakage, earthquake, hail, explosion, riot, and/or civil commotion on buildings, structures, wharves, piers, docks, bulkheads and sheds, and other fixed real property on land and/or over water, except as hereinbefore provided.

History: 1944 ACS 36, p. 28; 1954 AC, p. 6913.

HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being §24.101 et seq. of the Michigan Compiled Laws)

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R 501.301 Notice of hearing.

Rule 1. Notification of any hearing before the commissioner of insurance will be by registered mail, and will state the date, time, place, issues involved, and reasons for holding said hearing. Such notice will be mailed at least 15 days prior to said hearing. Unless indicated otherwise, all hearings will be held in the commissioner's office, sixth floor of the Lewis Cass building in Lansing.

History: 1944 ACS 36, p. 27; 1944 ACS 39, p. 8; 1954 AC, p. 6913.

R 501.302 Appearance.

Rule 2. When an appearance is made at a hearing, it shall be made either in person or by a duly authorized representative, or by counsel.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

R 501.303 Written answer or oral statement on charges.

Rule 3. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the commissioner and opposite parties at least 5 days prior to the date set for the hearing.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

R 501.304 Failure to appear.

Rule 4. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the commissioner, or the member of the insurance departmental staff authorized by law to conduct such hearings, may proceed with a hearing of the cases brought before him and may, on the evidence presented, make his decision.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

R 501.305 Statement of facts.

Rule 5. When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the insurance department and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the department of insurance and all interested parties.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

R 501.306 Adjournment or continuance.

Rule 6. No hearing shall be adjourned or continued, except upon an order of the commissioner or the department employee conducting the hearing. All motions and requests for an adjournment, or a continuance, shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or a continuance will be considered unless the same be filed with the department of insurance at least 5 days prior to the date assigned for the hearing of the application, complaint or petition, except upon order of the department of insurance, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

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R 501.307 Stipulation.

Rule 7. The parties to any hearing before the department of insurance may, by a stipulation in writing, filed with the department of insurance, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence in the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

R 501.308 Depositions.

Rule 8. Depositions shall only be taken upon written authority of the department of insurance where it is proved in writing to the department of insurance that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being §617.6 et seq. of the Michigan Compiled Laws, with all parties given an opportunity to cross-examine the witness under oath.

History: 1944 ACS 36, p. 27; 1954 AC, p. 6914.

PETITION REQUESTING PROMULGATION, AMENDMENT, OR RESCISSION OF RULES

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being §24.101 et seq. of the Michigan Compiled Laws)

R 501.351 Statement of facts and law.

Rule 1. Said petition shall state the facts and law upon which the petitioner relies in seeking promulgation, amendment, or rescission of any rule.

History: 1944 ACS 36, p. 28; 1954 AC, p. 6915.

R 501.352 Writing requirement.

Rule 2. Said petition shall be presented in writing to the department of insurance 30 days prior to a decision in the matter.

History: 1944 ACS 36, p. 28; 1954 AC, p. 6915.

R 501.353 Disposition of petition by decision.

Rule 3. The department of insurance shall consider the petition and dispose thereof by submitting in writing to the petitioner and his attorney of record, the department's decision and reasons therefor.

History: 1944 ACS 36, p. 28; 1954 AC, p. 6915.

R 501.354 Request for hearing.

Rule 4. In the event said ruling on the petition is contrary to the request of the petitioner, the petitioner shall have 30 days during which time he may request a hearing before the department of insurance in accordance with the rules previously filed with the secretary of state on December 18, 1953, pursuant to Act No. 197 of the Public Acts of 1952.

History: 1944 ACS 36, p. 28; 1954 AC, p. 6915.

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NONPROFIT HOSPITAL SERVICE CORPORATION CONTRACT

(By authority conferred on the commissioner of insurance by section 9 of Act No. 380 of the Public Acts of 1965, as amended, by section 33 of Act No. 306 of the Public Acts of 1969, as amended, by section 210 of Act No. 218 of the Public Acts of 1956, as amended, and by Act No. 109 of the Public Acts of 1939, as amended, being §§16.109, 24.233, 500.210, and 550.501 et seq. of the Michigan Compiled Laws)

R 550.1 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 109 of the Public Acts of 1939, as amended, being §550.501 et seq. of the Michigan Compiled Laws.

(b) "Corporation" means a nonprofit hospital service corporation established under Act No. 109 of the Public Acts of 1939, as amended.

(c) "Commissioner" means the commissioner of insurance.

(d) "Participating hospital" means a hospital that has contracted with the corporation to provide hospital services.

(e) "Contract" means the agreement between the corporation and the participating hospitals currently in effect.

(f) "Initial contract" means the contract between the corporation and the participating hospitals approved by the commissioner at the time of the corporation's incorporation.

History: 1954 ACS 94, p. 189, Eff. Jan. 18, 1978.

R 550.5 Approval of contract changes.

Rule 5. A corporation shall submit to the commissioner for his approval a replacement, revision, amendment, modification, or other change in the initial contract.

History: 1954 ACS 94, p. 189, Eff. Jan. 18, 1978.

R 550.10 Cost containment contract provisions.

Rule 10. The contract shall include provisions which require that both the participating hospitals and the corporation engage in programs designed to limit, control, and contain increases in rates charged to subscribers by the corporation.

History: 1954 ACS 94, p. 189, Eff. Jan. 18, 1978.

R 550.15 Cost containment provisions required by commissioner.

Rule 15. (1) The commissioner shall, whenever he determines that it is necessary to do so in order to assure that rates to be charged to subscribers are fair and reasonable and that rates of payment to participating hospitals are not excessive, require that a specific cost containment area be addressed and made part of the contract.

(2) The commissioner hereby requires that the contract include a provision that addresses itself to each of the 5 following cost containment areas: (a) number of hospital beds, (b) hospital utilization, (c) surgical screening, (d) laboratory and x-ray procedures, and (e) incorrect and false billing. With respect to each of these areas, the commissioner's intent is as follows:

(a) Number of hospital beds: The number of hospital beds in Michigan shall be reduced to, and maintained at, the number necessary to minimize cost per bed and assure adequate bed availability.

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(b) Hospital utilization: The incidence and duration of hospitalization shall be limited to that which is medically necessary or appropriate.

(c) Surgical screening: The incidence of surgery shall be limited to that which is medically necessary or appropriate.

(d) Laboratory and x-ray procedures: Laboratory and x-ray procedures shall not be routinely ordered or prescribed but shall be performed only when medically necessary or appropriate.

(e) Incorrect and false billing: A system to ascertain incorrect or false billing to the corporation shall be developed and implemented.

History: 1954 ACS 94, p. 189, Eff. Jan. 18, 1978.

R 550.20 Specification and implementation of cost containment provisions.

Rule 20. (1) The cost containment provisions required by R 550.10 and R 550.15 shall be specifically enunciated within the contract or shall be made part of the contract by specific reference.

(2) A cost containment provision required by R 550.10 or R 550.15 shall specify the financial penalty or incentive designed to effectuate its objective.

(3) Approval by the commissioner of the cost containment provisions required by R 550.10 and R 550.15 may be given conditional to the submission to him of periodic reports detailing the progress made in implementing the commissioner's intent. A failure to demonstrate satisfactory progress toward implementing the commissioner's intent shall constitute a presumption that (a) the rates charged to subscribers are not fair and reasonable and (b) the rates of payment to participating hospitals are excessive.

History: 1954 ACS 94, p. 189, Eff. Jan. 18, 1978.

R 550.25 Reimbursement materials.

Rule 25. All materials setting forth the policies, practices, or methods by which the corporation makes payments to the participating hospitals shall be considered as provisions of the contract made by reference.

History: 1954 ACS 94, p. 190, Eff. Jan. 18, 1978.

R 550.30 Procedures for the approval of contract provisions.

Rule 30. The procedures by which the commissioner shall approve a change in the initial contract, except as is provided in these rules, shall be in the same manner and by the same standards as is set forth in the act for the approval of the initial contract.

History: 1954 ACS 94, p. 190, Eff. Jan. 18, 1978.

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DEPARTMENT OF NATURAL RESOURCES

OFFICE OF LAND USE

FARMLAND AND OPEN SPACE PRESERVATION

(By authority conferred on the department of natural resources by section 17 of Act No. 116 of the Public Acts of 1974, being §554.717 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 554.701 Definitions.

Rule 1. (1) "Act" means Act No. 116 of the Public Acts of 1974, being §§554.701 to 554.719 of the Michigan Compiled Laws.

(2) "Department" means the department of natural resources.

(3) "Clerk" means the clerk of the local governing body or the person fulfilling the duties of the clerk.

(4) "Designated open space" means those open space lands as defined by section 2(8)(a) of the act.

(5) "Gross annual income" means an average computed from 2 of the 3 tax years immediately preceding the year of application from the raising or harvesting of any agricultural commodities.

(6) "Has been devoted primarily to an agricultural use" means all land for which an application for a farmland development rights agreement has been filed shall have been under agricultural use for at least 1 year during the 36-month period immediately preceding filing the application. Land under the agricultural stabilization and conservation service, United States department of agriculture, is eligible for inclusion as part of the farm operation.

(7) "Local open space" means those open space lands as defined by section 2(8)(b) of the act.

(8) "Specialty farm" means those enterprises of 15 or more acres in size which meet the income requirements of section 2(6)(c) of the act, produce agricultural, horticultural or floricultural commodities or are engaged in the business of breeding or husbanding animals, rendering services or yielding products customarily associated with agricultural operations.

(9) "State" means a major state department or agency thereof in agreement with the state land use agency.

(10) "State land use agency" means the office of land use of the department.

(11) "Totally and permanently disabled" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.

History: 1954 ACS 83, p. 51, Eff. Apr 12, 1975.

PART 2. ELIGIBLE LANDS

R 554.721 Farmland development rights agreement.

Rule 21. (1) The farmland cited in an application for a farmland development rights agreement means:

(a) A farm of 40 or more acres, in 1 ownership, which has been devoted primarily to an agricultural use.

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(b) A farm of 5 acres or more in 1 ownership, but less than 40 acres, devoted primarily to an agricultural use, which has produced a gross annual income from agriculture of $200.00 per year or more per acre of cleared and tillable land.

(c) A farm designated by the department of agriculture as a specialty farm in 1 ownership which has produced a gross annual income from an agricultural use of $2,000.00 or more.

(d) Parcels of land in 1 ownership which are not contiguous but which constitute an integral part of the farming operation being conducted on land otherwise qualifying as farmland may be included in an application under this act.

History: 1954 ACS 83, p. 52, Eff. Apr. 12, 1975.

R 554.722 Designated open space development rights easement.

Rule 22. (1) The land cited in an application for designated open space shall be classified as historic open space, riverfront open space, or shoreland open space:

(a) Historic open space are those lands as defined in section 2(8)(a)(i) of the act.

(b) Riverfront open space shall be a contiguous area of undeveloped land which lies within ¼ mile of a river designated under Act No. 231 of the Public Acts of 1970, being §§281.761 to 281.776 of the Michigan Compiled Laws, and any part of which is within 400 feet of the river, or is within an area zoned by the applicable local unit of government pursuant to that act.

(c) Shorelands open space shall be those undeveloped lands designated by the director of the department as an environmental area pursuant to Act No. 245 of the Public Acts of 1970, being §§281.631 to 281.645 of the Michigan Compiled Laws.

History: 1954 ACS 83, p. 52, Eff. Apr. 12, 1975.

R 554.723 Local open space development rights easement.

Rule 23. (1) The land cited in an application for a local open space development rights easement means any other area approved by the local governing body, the preservation of which in its present condition would conserve natural or scenic resources, including the promotion of the conservation of soils, wetlands, and beaches; the enhancement of recreation opportunities; the preservation of historic sites; and idle potential farmland of not less than 40 acres which is substantially undeveloped and which because of its soil, terrain and location is capable of being devoted to agricultural uses as identified by the department of agriculture.

(2) An application for a local open space development rights easement shall be considered on appeal to the state land use agency if it meets all of the following:

(a) Is 15 acres or more in size.

(b) Does not contain any residential, commercial, or industrial structures.

(c) Is not operated as a commercial facility.

(d) Bears significant importance to the public interest of more than local concern as a valuable land resource.

History: 1954 ACS 83, p. 52, Eff. Apr. 12, 1975.

PART 3. APPLICATION FOR DEVELOPMENT RIGHTS AGREEMENT OR EASEMENT

R 554.731 Application.

Rule 31. (1) The application shall be made on forms prescribed by the department and contain all requested information.

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(2) The application shall be submitted to the clerk of the local governing body with the jurisdictional responsibility for the property cited in the application except that in those townships not having a duly adopted zoning ordinance pursuant to Act No. 184 of the Public Acts of 1943, as amended, being §§125.271 to 125.701 of the Michigan Compiled Laws, the application shall be submitted to the clerk of the governing body of the county.

(3) The application shall contain a map which includes the following information:

(a) All significant natural features, including but not limited to swamps, bogs, marshes, lakes, ponds, rivers, streams, woodlots, known mineral deposits and formations and sand dunes.

(b) All physical improvements including but not limited to buildings, roads, feedlots or any improvements under construction at the time of application.

(c) All acreage under active agricultural use by type of use.

(4) A copy of the most recent property tax assessment notice or tax bill shall accompany the application along with a statement by the applicant certifying the name of the owner of record, the legal description of the property and all liens, covenants and other encumbrances affecting the title to the land.

History: 1954 ACS 83, p. 53, Eff. Apr. 12, 1975.

R 554.732 Certification and review.

Rule 32. (1) The clerk shall certify the date of receipt of the application if the application meets the requirements of R 554.731 and the information contained in the application is accurate, to the best of the clerk's knowledge.

(2) The clerk shall provide a copy of the certification to the applicant.

(3) The clerk shall forward copies of the application to the reviewing agencies as required under the act. Notification shall include the final date for the acceptance of comments which shall be 30 days from the date of receipt of the application by the clerk.

(4) The clerk shall present the application at the next scheduled meeting of the local governing body and shall certify the date of presentation on the application.

(5) The 45-day review period for the local governing body commences when the application is presented to that body by the clerk.

History: 1954 ACS 83, p. 53, Eff. Apr. 12, 1975.

R 554.733 Review.

Rule 33. (1) In reviewing an application for a farmland development rights agreement or a designated open space development rights easement, the local governing body shall consider first the ability of the land cited in the application to meet the eligibility requirements of R 554.721 and R 554.722. The local governing body may then take into consideration:

(a) The physical resource characteristics for agricultural or designated open space use.

(b) Any encumbrance on the property.

(c) The relationship of the property to the entire farm operation if the application is for only a portion of the farm operation.

(d) The percentage of the land cited in the application which actually meets the definition for farmland or designated open space.

(e) Any other criteria which the local governing body can demonstrate as being relevant to the application.

(2) In reviewing an application for a farmland development rights agreement or a designated open space development rights easement, the state land use

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agency shall reject an application only if it is in nonconformance with the eligibility requirements in R 554.721 and R 554.722. In reviewing an application on appeal for a farmland development rights agreement or a designated open space development rights easement, the state land use agency shall consider the ability of the land cited in the application to meet the eligibility requirements of R 554.721 and R 554.722. The state land use agency may then take into consideration:

(a) The physical resource characteristics for agricultural or designated open space use.

(b) Any encumbrance on the property.

(c) The relationship of the property to the entire farm operation if the application is for only a portion of the farm operation.

(d) The percentage of the land cited in the application which actually meets the definition for farmland or designated open space.

(e) Any other criteria which the local governing body has demonstrated as being relevant to the application.

(3) In reviewing an application for a local open space development rights easement, the local governing body shall first consider the ability of the land cited in the application to meet the eligibility requirements of R 554.723. The local governing body may then take into consideration:

(a) The physical resource characteristics for open space use.

(b) Any encumbrance on the property.

(c) The percentage of the land cited in the application which actually meets the definition for local open space.

(d) Any other criteria which the local governing body can demonstrate as being relevant to the application.

(4) In reviewing an application for a local open space development rights easement on appeal, the state land use agency shall consider the ability of the land cited in the application to meet the eligibility requirements of R 554.723.

History: 1954 ACS 83, p. 53, Eff. Apr. 12, 1975.

R 554.734 Approval or rejection.

Rule 34. (1) Approval or rejection of an application shall be by vote of the local governing body.

(2) The vote may be taken at either a regularly scheduled meeting of the local governing body or a special meeting called for the purpose of acting on the application. In each case the applicant shall be notified in writing by the clerk at least 5 days before the meeting of the time and place of the meeting.

(3) The clerk shall certify the results and date of the vote on the application.

(4) Within 10 days of the date the vote was taken, the clerk shall notify the applicant of the local governing body's decision. If rejected, the local governing body shall provide the applicant with a written statement citing the reasons for rejection.

(5) A locally approved application for a farmland development rights agreement or for a designated open space development rights easement, together with supporting materials, shall be forwarded to the state land use agency within 10 days of the date of approval by the local governing body.

(6) A copy of a locally approved application for a local open space development rights easement, together with copies of the supporting materials, shall be forwarded to the state land use agency for informational purposes within 30 days of the date of approval by the local governing body.

(7) The 60-day review period as provided in sections 5 and 7 of the act begins with receipt of the application or appeal request by the state land use agency.

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(8) The applicant shall be notified within 15 days of the date of approval or rejection by the state land use agency. If rejected, the state land use agency shall provide the applicant with a written statement citing the reasons for rejection.

(9) All open space development rights easement applications approved by the state land use agency shall be submitted within 30 days to the clerk of the house of representatives and secretary of the senate. Copies shall be forwarded to:

(a) Chairman of the house taxation committee and chairman of the senate taxation committee.

(b) Chairmen of the appropriations committees.

(c) Directors of the house fiscal agency and senate fiscal agency.

(10) Upon approval of a farmland development rights agreement by the state land use agency or designated open space development rights easement by the legislature, the applicant shall have 30 days from date of receipt of the agreement or easement to execute the agreement or easement unless an extension is granted in writing by the state land use agency.

(11) Upon approval of a local open space development rights easement by the local governing body, the applicant shall have 30 days from the date of receipt of the local open space development rights easement to execute the easement unless an extension is granted in writing by the local governing body.

History: 1954 ACS 83, p. 54, Eff. Apr. 12, 1975.

R 554.735 Appeals.

Rule 35. (1) The applicant has 30 days from the date of notification by the clerk within which to initiate an appeal of a rejection by the local governing body.

(2) The applicant's appeal request shall be by certified letter to the state land use agency with the application as presented to the local governing body, a copy of the reasons for rejection and all other materials as required under R 554.731.

(3) An applicant has 30 days to appeal a rejection by the state land use agency. An appeal of a rejection by the state land use agency shall be by certified letter to the director of the department.

History: 1954 ACS 83, p. 55, Eff. Apr. 12, 1975.

R 554.736 Reapplication.

Rule 36. The 1-year waiting period for reapplication as provided in sections 5 and 7 of the act shall be from the date of notification of the last rejection permitted under the act, or if the applicant chooses not to appeal, from the date of expiration of the appeal period.

History: 1954 ACS 83, p. 55, Eff. Apr. 12, 1975.

R 554.737 Assessments.

Rule 37. (1) A copy of the state tax commission appraisal under sections 5 and 6 of the act shall be transmitted to the local assessor for the basis of the first assessment for the land covered by a farmland development rights agreement or an open space development rights easement. Subsequent assessments shall be reviewed annually by the local assessor in the same manner as other real property assessments. A copy of the termination appraisal by the state tax commission shall be transmitted to the local assessor.

(2) Subsequent to the execution of a farmland development rights agreement, the local assessing officer shall specify the state equalized valuation and the ad valorem taxes levied on the description and shall forward such information to the state land use agency by February 15 of each year until the agreement is terminated.

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(3) Subsequent to the approval of a local open space development rights easement application by the legislature and execution of the easement by the applicant, the local assessing officer shall specify the state equalized valuation of the description exclusive of open space development rights, the state equalized valuation of the open space development rights and the ad valorem taxes not paid on the open space development rights and shall forward such information to the state land use agency by February 15 of each year until the easement is terminated.

History: 1954 ACS 83, p. 55, Eff. Apr. 12, 1975.

PART 4. TERMINATION OF A DEVELOPMENT RIGHTS AGREEMENT OR EASEMENT

R 554.741 Application.

Rule 41. (1) The application shall be made on forms prescribed by the department and shall contain all requested information.

(2) The application shall be submitted to the clerk of the local governing body with the jurisdictional responsibility for the property cited in the application except that in those cases of townships not having a duly adopted zoning ordinance pursuant to Act No. 184 of the Public Acts of 1943, being §§125.271 to 125.301 of the Michigan Compiled Laws, the application shall be submitted to the clerk of the governing body of the county.

(3) The application shall contain a map which includes all significant changes to the natural features of the land cited in the original application.

(4) A land owner or his heirs qualifying under section 11(2) of the act, death or total and permanent disability, at his option, may request termination of a development rights agreement or easement. The request shall be made to the holder of the development rights by certified mail stating the reasons for termination request and shall include a doctor's statement of health or a copy of the death certificate.

History: 1954 ACS 83, p. 55, Eff. Apr. 12, 1975.

R 554.742 Certification and review.

Rule 42. (1) The clerk shall certify the date of receipt of the application if the application meets the requirements of R 554.741 and the information contained in the application is accurate to the best of the clerk's knowledge.

(2) The clerk shall provide a copy of the certification to the applicant.

(3) The clerk shall forward copies of the application to the reviewing agencies as required under section 5(2) for farmland and designated open space and section 7(2) for local open space of the act. Notification shall include the final date for the acceptance of comments, 30 days from the date of receipt of the application by the clerk.

(4) The clerk shall present the application at the next scheduled meeting of the local governing body and shall on the application certify the date of presentation.

(5) The 45-day review period for the local governing body shall commence when the application is presented to that body by the clerk.

History: 1954 ACS 83, p. 56, Eff. Apr. 12, 1975.

R 554.743 Review.

Rule 43. (1) In reviewing a termination application for a farmland development rights agreement or a designated open space development rights easement, the local governing body or the state land use agency shall consider:

(a) That the agreement or easement imposes continuing economic inviability causing hardships through the prevention of necessary improvements to the land.

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Economic inviability consists of continued uneconomic operation because of the restrictions in the agreement or easement and not merely the existence of uses of the land that allow higher returns.

(b) Surrounding conditions impose physical obstacles to the agricultural operation or prohibit essential agricultural practices.

(c) Significant natural physical changes in the land which are generally irreversible in nature and permanently affect the land.

(2) In reviewing a termination application for a local open space development rights easement, the local governing body shall consider:

(a) That the easement imposes continuing economic inviability causing hardships through the prevention of necessary improvements to the land. Economic inviability consists of continued uneconomic operation because of the restrictions in the easement and not merely the existence of uses of the land that allow higher returns.

(b) Surrounding conditions or significant natural physical changes in the land which are generally irreversible in nature and permanently affect the land.

(3) If a termination application is for a local open space development rights easement which was appealed to the state land use agency and concurred in by the legislature, the application shall be forwarded to the state land use agency for review and recommendation to the legislature for final determination. The state land use agency shall consider:

(a) That the easement imposes continuing economic inviability causing hardships through the prevention of necessary improvements to the land. Economic inviability consists of continued uneconomic operation because of the restrictions in the easement and not merely the existence of uses of the land that allow higher returns.

(b) Surrounding conditions or significant natural physical changes in the land which are generally irreversible in nature and permanently affect the land.

(c) That the property cited in the easement no longer bears significant importance to the public interest.

History: 1954 ACS 83, p. 56, Eff. Apr. 12, 1975.

R 554.744 Approval or rejection.

Rule 44. (1) Approval or rejection of a termination application shall be by vote of the local governing body.

(2) The vote may be taken at either a regularly scheduled meeting of the local governing body or a special meeting called for the purpose of acting on the application. In each case the applicant shall be notified in writing by the clerk at least 5 days prior to the meeting of the time and place of the meeting.

(3) The clerk shall certify the results and date of the vote on the application.

(4) Within 10 days of the date the vote was taken, the clerk shall notify the applicant of the local governing body's decision. If rejected the local governing body shall provide the applicant with a written statement citing the reasons for rejection.

(5) A locally approved termination application for a farmland development rights agreement or for a designated open space development rights easement, together with supporting materials, shall be forwarded to the state land use agency within 10 days of the date of approval by the local governing body.

(6) A copy of a locally approved termination application for a local open space development rights easement, together with copies of the supporting materials, shall be forwarded to the state land use agency for informational purposes within 30 days of the date of approval by the local governing body.

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(7) The 60-day review period as provided in sections 5 and 7 of the act begins with receipt of the termination application or appeal request by the state land use agency.

(8) The applicant shall be notified within 15 days of the date of approval or rejection by the state land use agency. If rejected, the state land use agency shall provide the applicant with a written statement citing the reasons for rejection.

(9) All open space development rights termination applications approved by the state land use agency shall be submitted within 30 days to the clerk of the house of representatives and secretary of the senate. Copies shall be forwarded to:

(a) Chairman of the house taxation committee and chairman of the senate taxation committee.

(b) Chairmen of the appropriations committees.

(c) Directors of the house fiscal agency and senate fiscal agency.

(10) An applicant shall be notified by the state land use agency within 15 days of the date of approval or rejection by the legislature.

History: 1954 ACS 83, p. 56, Eff. Apr. 12, 1975

R 554.745 Appeals.

Rule 45. (1) The applicant has 30 days from the date of notification by the clerk within which to initiate an appeal of a rejection by the local governing body.

(2) An applicant's appeal request shall be by certified letter to the state land use agency with the application as presented to the local governing body, a copy of the reasons for rejection and all other materials as required under R 554.741.

(3) An applicant shall have 30 days to appeal a rejection by the state land use agency. An appeal of a rejection by the state land use agency shall be by certified letter to the office of the director of the department.

History: 1954 ACS 83, p. 57, Eff. Apr. 12, 1975

R 554.746 Reapplication.

Rule 46. The 1-year waiting period for reapplication as provided in sections 5 and 7 of the act shall be from the date of notification of the last rejection permitted under the act, or if the applicant chooses not to appeal, from the date of expiration of the appeal period.

History: 1954 ACS 83, p. 57, Eff. Apr. 12, 1975.

R 554.747 Public interest; development rights agreements and designated open space easements.

Rule 47. (1) At any time that the state, in agreement with the land owner, considers that the release of the land covered by a farmland development rights agreement or designated open space development rights easement is in the public interest, it shall notify in writing the local governing body and all reviewing agencies.

(2) At any time the local governing body, in agreement with the land owner, determines that the release of the land cited in a local open space development rights easement is in the public interest, it shall notify in writing all reviewing agencies and the state land use agency.

(3) If the land cited by the local governing body was originally approved on appeal by the state land use agency, as provided under R 554.723, the land shall not be released without the consent of the state land use agency concurred in by resolution of the legislature.

History: 1954 ACS 83, p. 57, Eff. Apr. 12, 1975

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R 554.748 Notice of change of eligible land owner.

Rule 48. When the ownership of land covered by an agreement or easement is transferred by sale or land contract, within 30 days of the date of sale or execution of the land contract, by certified letter, the seller shall advise the holder of the development rights of the new owner of the legal title in the property accompanied by a signed declaration by the new owner that he will observe all provisions of the agreement or easement and accept all responsibilities of the agreement or easement until such time as it is terminated.

History: 1954 ACS 83, p. 58, Eff. Apr. 12, 1975.

R 554.749 Amendment procedures for development rights agreements and easements.

Rule 49. A land owner seeking to alter or change the use of the land from those uses specified in a development rights agreement or easement shall file a request for an amendment to the agreement or easement with the holder of the development rights specifying the exact nature of the desired change and specific reasons for the change. This rule does not allow the removal of land from a development rights agreement or easement.

History: 1954 ACS 83, p. 58, Eff. Apr. 12, 1975.

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DEPARTMENT OF COMMERCE

CORPORATION AND SECURITIES BUREAU

CONDOMINIUMS

(By authority conferred on the corporation and securities bureau by section 142 of Act No. 59 of the Public Acts of 1978, being §559.242 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 559.101 Definition, explanation, and scope of terms.

Rule 101. (1) As used in the act and these rules:

(a) "A 100-year flood" means a flood which has a 1% chance of occurring or being exceeded in any given year.

(b) "Act" means Act No. 59 of the Public Acts of 1978, being §559.101 et seq. of the Michigan Compiled Laws.

(c) "Advertising material" means a prospectus, pamphlet, circular, form letter, fact sheet, sign, newspaper or magazine ad, or any other sales literature or advertising communication addressed to, or intended for distribution to, prospective purchasers.

(d) "Floodplain" means that area of land adjoining a lake, watercourse, or similar body of water which will be inundated by a 100-year flood.

(e) "Imposition." The existence of any of the following factors, among others, indicates an imposition on purchasers or the public under sections 88(1) and 154(c) of the act:

(i) Failure to comply with the act or these rules where such failure would endanger the viability of the project.

(ii) Failure to comply with local, state, or federal statutes, ordinances, regulations, or rules where such failure would endanger the viability of the project.

(iii) Financial or contractual arrangements which permit the developer to directly or indirectly convey, assign, or otherwise transfer the developer's responsibility to fulfill contractual obligations to the project or to the co-owners in derogation of section 137 of the act.

(iv) A finding of any of the conditions in section 93 of the act.

(v) Publishing written or oral false or misleading statements concerning a condominium project.

(f) "Land surveyor" means either a surveyor who is registered in this state as a land surveyor, or a civil engineer who is registered in this state as a professional engineer.

(g) "Major boundary corners" means those property corners which comprise the total proposed condominium development of a particular project.

(h) "Minor boundary corners" means those property corners which are created by an individual phase of the project as it is developed in stages and does not mean a major boundary corner.

(i) "Unreasonable risk." The existence of any of the following factors indicates that a project creates an "unreasonable risk" to prospective co-owners under section 154(c) of the act:

(i) A prospective co-owner is likely to lose the money deposited towards the purchase of a condominium unit.

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(ii) A prospective co-owner would not receive marketable title to the condominium unit.

(iii) The common elements of a condominium project are not completed as advertised or stated in the master deed or disclosure statement.

(iv) The developer does not pay the developer's share of the monthly assessments as required by the master deed or other legal documents.

(v) The developer enters into loans with, or borrows money from, the association prior to the transitional control date.

(vi) The developer fails to keep adequate financial records of income and expenditures of the association of co-owners prior to the transitional control date.

(vii) The developer commingles funds of the co-owners association.

(viii) Other actions which materially endanger the public interest or the interest of condominium co-owners.

(2) Terms defined in the act have the same meaning when used in these rules.

History: 1954 ACS 100, p. 100, Eff. July 31, 1979.

R 559.102 Name of proposed condominium project; reservation.

Rule 102. The name of a proposed condominium project shall not be such as to confuse or mislead the public. A developer who desires to reserve a name shall make written request to the administrator stating the condominium project name the developer desires to reserve. If the administrator determines that the name requested is not similar or identical to that of another condominium project and is not likely to mislead the public, the administrator shall reserve the name for the use and benefit of the developer for 45 days after receipt of the request. If the administrator determines that the name might confuse or mislead the public, the administrator shall advise the developer within 10 business days after receipt of the written request.

History: 1954 ACS 100, p. 101, Eff. July 31, 1979.

R 559.103 Documents filed with administrator.

Rule 103. A document filed with the administrator shall be typewritten or in legible handwriting on 1 side of the paper only, with the exception of the disclosure statement, which may be typed on both sides of the paper. One copy of each exhibit or document shall be submitted; however, the administrator may require more than 1 copy of any given exhibit or document. All papers filed pursuant to these rules shall become part of the administrator's records.

History: 1954 ACS 100, p. 101, Eff. July 31, 1979.

R 559.104 Processing of condominium project.

Rule 104. (1) Processing a condominium project will ordinarily occur in the following steps:

(a) Submission of an application for a permit to take reservations with exhibits.

(b) Issuance of a permit to take reservations.

(c) Submission of an application for approval of master deed and permit to sell, and exhibits.

(d) Issuance of a certificate of approval of master deed.

(e) Recording of master deed and certificate of approval of master deed.

(f) Issuance of a permit to sell.

(g) Recording the permit to sell.

(2) Approvals or permits regarding a condominium project will be by written order and mailed to the developer or the developer's attorney at the address given in the application.

History: 1954 ACS 100, p. 101, Eff. July 31, 1979.

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R 559.105 Successor developer or mortgagee; notification of change in ownership.

Rule 105. A successor developer or mortgagee who acquires title to units in a condominium project pursuant to section 135 or 136 of the act shall notify the administrator of the change in ownership on a form prescribed by the administrator within 20 days of acquisition.

History: 1954 ACS 100, p. 101, Eff. July 31, 1979.

R 559.106 Disclosure booklet.

Rule 106. (1) The disclosure booklet required by section 84(3) of the act, to be distributed to prospective purchasers, shall be "The Condominium Buyers Handbook," as published by the administrator.

(2) "The Condominium Buyers Handbook" shall be distributed to purchasers who sign a purchase agreement, 10 days before a purchase agreement becomes a binding agreement, pursuant to section 89 of the act.

History: 1954 ACS 100, p. 101, Eff. July 31, 1979.

R 559.107 Advertising, sales material, and other representations.

Rule 107. (1) Advertising, sales material, and oral representations shall be truthful and accurate and designed to fully inform the public about the project. Such materials shall not be presented in such a way as to create a false impression about the nature, status, quality, or cost of a proposed condominium project or its location.

(2) A developer or any agent shall not represent to any person that the administrator has inspected or approved the quality, value, or price of any unit.

History: 1954 ACS 100, p. 102, Eff. July 31, 1979.

R 559.108 Independent hearing officers.

Rule 108. (1) Pursuant to section 157(4)(b) of the act, independent hearing officers shall possess, at a minimum, the following qualifications:

(a) A juris doctor degree, a bachelor of law degree, or the equivalent.

(b) An expertise or working knowledge of the Michigan administrative procedures act.

(c) An expertise or working knowledge of the condominium act and rules promulgated thereunder.

(2) The procedures to be utilized in the compilation of a list of independent hearing officers shall be as follows:

(a) The American arbitration association shall distribute public notice of the availability of the position as an independent hearing officer. The notice shall set forth the qualifications necessary to obtain the position.

(b) The American arbitration association shall select qualified persons and compile a list of these individuals to be submitted to the administrator; such list to be updated by the American arbitration association each fiscal year.

(c) The administrator shall select, at random, an individual on the list to conduct a specified hearing on behalf of the administrator.

History: 1954 ACS 100, p. 102, Eff. July 31, 1979.

R 559.109 Termination of condominium project; notice to interested parties; proof of proper dissolution.

Rule 109. (1) Pursuant to sections 50 and 51 of the act, the administrator may require proof that notification of termination has been made to all parties interested in the project, including the following:

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(a) Escrow agents.
(b) Land contract vendors.
(c) Project creditors.
(d) Project lienors.
(e) Prospective purchasers who have deposited funds.
(f) Any other person who holds an outstanding interest in the condominium property.

(2) Such notice shall be made by first class mail to the person's last known address.

(3) Upon the termination of a condominium project, the developer or the association of co-owners shall submit to the administrator proof of proper dissolution. Such proof may include a copy of the certificate of dissolution or other comparable documents issued by the state of incorporation.

History: 1954 ACS 100, p. 102, Eff. July 31, 1979.

R 559.110 Mobile home, marina, recreational condominiums.

Rule 110. (1) The developer of a mobile home condominium shall demonstrate to the administrator compliance with Act No. 419 of the Public Acts of 1976, being §125.1101 et seq. of the Michigan Compiled Laws and the rules promulgated thereunder.

(2) Existing mobile home parks which propose to convert to condominiums shall do both of the following:

(a) Meet the standards set for new mobile home parks, as set forth in Act No. 419 of the Public Acts of 1976 and the rules promulgated thereunder.

(b) Comply with the requirements imposed on conversion projects under the condominium act and these rules.

(3) If the developer demonstrates to the administrator that a specific standard or requirement should be waived and that a waiver is in the public interest, the administrator may waive the requirements in subrule (2)(a) and (b) above.

(4) A developer of a campground, marina, and recreational condominium shall demonstrate to the administrator, prior to obtaining a permit to sell, that the appropriate local, state, and federal statutes, laws, and ordinances have been complied with and that all necessary permits have been obtained.

History: 1954 ACS 100, p. 102, Eff. July 31, 1979.

R 559.111 Shared recreational facilities.

Rule 111. Pursuant to sections 36 and 134 of the act, a recreational facility which is to be enjoyed by condominium co-owners and third parties shall comply with at least the following:

(a) When the recreational facilities are owned by the condominium co-owners and are to be used by a third party, the following conditions shall be met:

(i) Disclosure shall be made to all prospective purchasers that the recreational facilities will be shared with a third party.

(ii) The master deed shall place a limit on the number of outside parties who can use the recreational facilities.

(iii) The master deed shall set forth, in detail, the financial obligations of all the parties involved.

(b) When recreational facilities are owned by a third party and condominium co-owners are obligated to help financially support the recreational facilities, the following conditions shall be met:

(i) Disclosure shall be made to prospective purchasers of their financial obligations and responsibilities as co-owners to support the recreational facilities.

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Such disclosure shall include information regarding all fees charged and compensation paid.

(ii) The condominium co-owners shall have an equitable vote as to the operation and management of the recreational facilities, which is to be approved by the administrator.

(iii) An arbitration clause to settle disputes upon consent of the parties shall be included in the condominium legal documents.

(iv) The necessary easements shall be established.

(v) The books and records of the recreational facilities shall be kept separate from other operations and shall be made available for inspection by the co-owners.

History: 1954 ACS 100, p. 103, Eff. July 31, 1979.

R 559.112 Condominium project warranties.

Rule 112. Condominium project warranties, within the meaning of section 110 of the act, shall comply with state and federal law. The terms of any warranty offered in connection with the sale of a condominium unit shall be clearly disclosed. The name, address, and telephone number of the individual responsible for fulfilling warranty claims shall be stated in the warranty.

History: 1954 ACS 100, p. 103, Eff. July 31, 1979.

PART 2. PERMIT TO TAKE RESERVATIONS

R 559.201 Request for permit to take reservations.

Rule 201. (1) A request for a permit to take reservations shall include all of the following:

(a) An application for a permit to take reservations on the form prescribed by the administrator, properly and completely filled in and executed.

(b) A copy of the proposed reservation and subscription agreement.

(c) A copy of the executed escrow agreement which complies with R 559.801.

(d) Evidence that a written notice of intent to construct, pursuant to section 71 of the act, was provided to the appropriate authorities.

(e) If the project is not to be served by an existing municipal water and sewage system, the developer shall furnish to the administrator a proposal for the sewer or water system, or both.

(f) A statement of whether the proposed project abuts a lake, stream, channel, or 100-year floodplain.

(g) Evidence satisfactory to the administrator that the project is or will be, at the time of approval of the master deed, in compliance with local zoning requirements and that the local unit of government has or will issue a building permit for construction of the project.

(2) The reservation and subscription agreement and the escrow agreement may be integrated into 1 document.

(3) The reservation and subscription agreement shall prominently disclose all the conditions under which either party can vary the terms of the agreement.

(4) A copy of the approved signed escrow agreement shall be furnished to a purchaser at the time of signing a reservation and subscription agreement, or other agreement, approved by the administrator.

(5) The administrator shall attempt to issue a permit to take reservations or its intent to deny the order within 30 days after receipt by the administrator of an application for a permit to take reservations.

History: 1954 ACS 100, p. 103, Eff. July 31, 1979.

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PART 3. CONTENTS OF A MASTER DEED

R 559.301 Minimum requirements.

Rule 301. (1) A master deed shall contain a statement referring to the condominium subdivision plan and the condominium bylaws, and shall incorporate them by reference.

(2) A master deed shall contain the mandatory provisions required by sections 8, 9, 37(3), and 69 of the act.

(3) Where applicable, a master deed shall contain the provisions in sections 31, 32, 33, 34(2), 35, 36, 37(1) and (2), 41, 45, 46, 47, 49, and 121 of the act.

(4) A master deed shall describe in detail all general and limited common elements. Pursuant to section 39 of the act, limited common elements shall be assigned in the master deed, unless the power to amend the master deed to make such assignments is reserved to the developer and the administrator approves it. The master deed shall designate the manner in which the common elements will be assessed.

(5) Pursuant to sections 35, 40, and 44 of the act, a master deed shall provide for the following easements:

(a) Reciprocal easements for a change of boundaries of units due to shifting, settling, or moving of a building in the condominium project.

(b) Easements for installation, maintenance, and service for all utilities, including light, heat, power, sewer, water, and communications.

(c) If the project is not served by an existing municipal water and sewage system, and any component of the system is not located on property to be owned by the condominium, an easement shall be obtained, or other suitable arrangement made, for the repair and maintenance of such components, so long as the system continues to be used by the project.

(d) Such other easements as may be necessary for continued use and enjoyment of the project.

History: 1954 ACS 100, p. 104, Eff. July 31, 1979.

PART 4. CONDOMINIUM SUBDIVISION PLAN

R 559.401 General requirements.

Rule 401. (1) The condominium subdivision plan shall be an exhibit to the master deed. The drawings which constitute the plan shall be prepared by an architect, land surveyor, or civil engineer, licensed to practice in this state. More than 1 such individual may prepare different segments of the same condominium subdivision plan.

(2) Submissions for review shall be reproductions of original drawings measuring 24 inches by 36 inches. Each sheet shall contain the name of the condominium, the name and address of the firm responsible for the preparation of that sheet, and shall bear a legible seal and signature of the individual responsible for the preparation of that sheet. A complete condominium subdivision plan shall be comprised of cover sheet, survey plan, site plan and utility plan, and building floor plan, sections and floodplain plan, where applicable. Where appropriate, individual plans may be combined, provided this does not impair legibility.

History: 1954 ACS 100, p. 104, Eff. July 31, 1979.

R 559.402 Contents.

Rule 402. A complete condominium subdivision plan shall be comprised of the following:

(a) A cover sheet, showing all of the following:

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(i) The name and location of the condominium project.

(ii) Prescribed wording as indicated in section 66(3) of the act for assignment of a condominium subdivision plan number by the county register of deeds.

(iii) Prescribed wording stating the exhibit letter or number as used in the master deed.

(iv) The name and address of the developer.

(v) A complete and accurate written property description.

(vi) A comprehensive sheet index.

(b) A survey plan, showing all of the following:

(i) A surveyor's certificate prescribed as follows:

SURVEYOR'S CERTIFICATE

I, _____ (Name of Individual), registered land surveyor or registered civil engineer of the state of Michigan, hereby certify:

That the subdivision plan known as _____ (name) county condominium subdivision plan no. _____ , as shown on the accompanying drawings, represents a survey on the ground made under my direction (that there are no existing encroachments upon the lands and property herein described) or (that there are existing encroachments upon the lands and property described as shown).

That the required monuments and iron markers have been located in the ground as required by rules promulgated under section 142 of Act No. 59 of the Public Acts of 1978.

That the accuracy of this survey is within the limits required by the rules promulgated under section 142 of Act No. 59 of the Public Acts of 1978.

That the bearings, as shown, are noted on survey plan as required by the rules promulgated under section 142 of Act No. 59 of the Public Acts of 1978.

_____ (Date)

_____ (Signature)

Individual Name—Printed
Registered land surveyor or
Registered civil engineer
Registration No. _____ (fill in)
(Firm name—if any)
(Firm address)

(Seal)

(ii) All easements and encroachments, whether of benefit or burden, dimensioned and identified.

(iii) All property boundaries complete with bearings, distances, and curve data necessary to completely traverse the parcel or parcels.

(iv) All property corners monumented as prescribed in R 559.407(1)(a).

(v) A survey bench mark shown by symbol and described with its elevation referenced to an official bench mark of the national geodetic survey of the United States geological survey, which are based on the national geodetic vertical datum of 1929. If the bench mark is more than 200 feet from the total site, a permanent bench mark shall be established within that distance in accordance with the generally accepted standards for establishment of such a bench mark.

(vi) Identification of all contiguous properties or waterways.

(vii) In the case of expandable condominium projects, all land on which the balance of the project may be located shall be shown, complete with distances, bearings, and curve data, identified as proposed future development. This land shall be shown in relationship to the phase being currently submitted.

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(viii) A location map of the project with its relationship to the surrounding area.

(c) A floodplain plan when the condominium lies within or abuts a floodplain area, showing all the following:

(i) The location of all condominium buildings and improvements.

(ii) The floodplain shall be shown within a contour line as established by the department of natural resources.

(iii) The floodplain contour line shall be shown to the point where it intersects with the boundaries of the condominium project or to its limits, whichever is greater, and be dimensioned to the nearest whole foot from the street or traverse line.

(iv) The contours over the entire project shown at 2-foot intervals.

(v) The floodplain area shall be clearly labeled with words "floodplain area." A common element or a condominium unit, other than a campsite or a marina unit, shall not be constructed where it may be reasonably anticipated that the structures will be damaged by flooding. Where the proposed condominium project is within a floodplain, the administrator may require a statement from a registered engineer that the subject property is not in apparent present or future danger of flooding, including herewith an explanation of the factors leading to that conclusion.

(d) A site plan showing all of the following:

(i) Specific locations of all property corners, condominium buildings or units, and improvements by a coordinate system established in the form of latitudes and departures in north-south and east-west directions from an established point, preferably a property corner.

(ii) All coordinate values referenced to either the Michigan coordinate system, prescribed by Act No. 9 of the Public Acts of 1964, being §§54.231 to 54.239 of the Michigan Compiled Laws, or to a city coordinate system, if one exists, or to a monument set during the survey, if such coordinate systems have not been established.

(iii) The relationship of the condominium units to the condominium property boundaries by either showing 2 coordinates on the same line, as prescribed in (ii) above, on 2 corners of the building or unit, or by 1 coordinate on the building or unit corner, and by a bearing related to the true meridian or a previously established meridian.

(iv) All general and limited common elements and approximate size.

(e) A utility plan showing all of the following:

(i) All utility lines for gas, electricity, water, steam, telephones, storm sewer, sanitary sewer, or services of a similar nature.

(ii) A legend stating the source from which the location information was obtained.

(iii) The location and identity of all utility meters.

(iv) The size of the various utility lines.

(f) Floor plans, when the use is intended for residential, office, industrial or business, or any other type, with the ownership contained within a building or buildings, showing all of the following:

(i) All structures and the specific location of each condominium unit in the project, which shall be by a system of dimensional descriptions and angle measurements.

(ii) Each floor of each building, including all general and limited common elements and approximate size.

(iii) Each unit's boundaries clearly distinguishable by a heavy black line.

(iv) The area of each condominium unit.

(v) A number assigned to each unit.

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(g) Sections, when the use is intended for residential, office, industrial or business, or another type with the ownership contained within a building, or buildings, showing all of the following:

(i) The required number of views necessary to accurately identify the vertical boundaries of the condominium units.

(ii) Dimensioned all vertical boundaries as referenced to an elevation established at any floor, based on the national geodetic vertical datum of 1929.

(iii) All general and limited common elements.

(iv) All unit boundaries identified by a heavy black line.

History: 1954 ACS 100, p. 104, Eff. July 31, 1979.

R 559.403 Mobile home condominium subdivision plan; contents.

Rule 403. (1) A mobile home condominium subdivision plan shall be composed of a cover sheet, survey plan, floodplain plan, where applicable, utility plan, and site plan, complying with R 559.402(1)(a), (b), (c), (d), and (e).

(2) In addition to the aforementioned requirements, show all of the following:

(a) Sufficient dimensions and angle measurements to accurately identify the area of fee simple ownership contained within a given description on top of the mobile home pad.

(b) If basements are provided as part of a mobile home condominium unit, a section shall be provided, complying with R 559.402(1)(g), and floor plan of that basement area shown, complying with R 559.402(1)(f).

History: 1954 ACS 100, p. 106, Eff. July 31, 1979.

R 559.404 Campsite condominium subdivision plan; contents.

Rule 404. (1) A campsite condominium subdivision plan shall be composed of a cover sheet, survey plan, floodplain plan, where applicable, utility plan, and site plan, complying with R 559.402(1)(a), (b), (c), (d), and (e).

(2) In addition to the aforementioned requirements, show sufficient dimensions and angle measurements to accurately identify the area of fee simple ownership contained within a given description on top of the ground.

(3) The survey plan shall be shown complying with all requirements of R 559.402(1)(b), and each individual condominium campsite shall have its boundaries identified on site by setting iron or steel stakes ½ inch in diameter and 18 inches in length, at all corners of the campsite. These stakes shall be so identified on the survey plan.

History: 1954 ACS 100, p. 106, Eff. July 31, 1979.

R 559.405 Marina condominium subdivision plan; contents.

Rule 405. (1) A marina condominium subdivision plan shall be composed of a cover sheet, survey plan, floodplain plan, where applicable, utility plan, and site plan complying with R 559.402(1)(a), (b), (c), (d), and (e).

(2) In addition to the aforementioned requirements, show all of the following:

(a) Sufficient dimensions and angle measurements to accurately identify the area of fee simple ownership contained within a given description on top of the water and adjacent to a slip, dock, or similar structure.

(b) The elevation of the adjacent dock or docks referenced to a bench mark on the national geodetic datum of 1929.

(c) The all time high and low water elevations for the Great Lakes and high and low water elevations, of record, for inland lakes.

History: 1954 ACS 100, p. 107, Eff. July 31, 1979.

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R 559.406 Recreational facilities.

Rule 406. A recreational facility which is part of the condominium shall be illustrated on the site plan in the actual location of the facility, or in the case of a proposed facility, the proposed location shall be shown and so identified. Actual floor plans of the facility, if it involves a structure, are not required until it is added to the project. When the facility is added to the condominium, it shall be shown on the site, floodplain, and utility plans. Floor plans of each recreational facility structure shall be shown as part of the condominium subdivision plan.

History: 1954 ACS 100, p. 107, Eff. July 31, 1979.

R 559.407 Survey requirements.

Rule 407. With respect to the minimum requirements for the survey of a proposed condominium project, monuments shall be located in the ground, according to the following requirements:

(a) Monuments consisting of iron or steel bars, or pipes not less than ½ inch in diameter and 36 inches in length, and completely encased in concrete not less than 4 inches in diameter, shall be placed at all major boundary corners.

(b) Monuments consisting of iron or steel bars, or pipes not less than ½ inch in diameter and 18 inches in length, or other approved markers shall be placed at all minor boundary corners.

(c) Monuments shall be located in the ground at all angles in the boundaries of the condominium project boundary; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys, and at all angles of an intermediate traverse line.

History: 1954 ACS 100, p. 107, Eff. July 31, 1979.

R 559.408 Identification of a unit, common element, and amenity.

Rule 408. A unit, limited common element, and amenity shall be identified as follows:

(a) Each unit within a proposed condominium project shall be numbered consecutively, beginning with number 1, throughout the entire project.

(b) Units within a multi-phase development shall be numbered consecutively throughout all phases or amendments.

(c) The same unit number shall not be repeated for different units in the same project.

(d) A unit number shall be shown within the area of ownership for that unit on the condominium subdivision plan.

(e) A structure or improvement, other than those containing units to be conveyed, shall be identified by its title.

History: 1954 ACS 100, p. 107, Eff. July 31, 1979.

R 559.409 Superseding consolidated subdivision plan.

Rule 409. Upon completing and recording the last phase of a multi-phase project, whether the original plan submissions were done by amendment or separate phases, a superseding consolidated subdivision plan shall be prepared and submitted for approval. The superseding consolidated subdivision plan shall combine all previously recorded condominium subdivision plans in the following manner:

(a) For projects recorded by amendments:

(i) Eliminate all reference to replats, but retain the condominium subdivision plan number as originally assigned.

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(ii) Include prescribed wording, stating the exhibit number or letter as used in the consolidated master deed.

(iii) Eliminate all reference to amended sheets in the sheet index.

(iv) Redate each sheet.

(v) In all other aspects, these drawings shall be the same as the last submission for approval for that particular project.

(b) For projects recorded in separate phases:

(i) Eliminate all reference to phase, section, segment, and number.

(ii) Include prescribed wording, stating the exhibit number or letter as used in the consolidated master deed.

(iii) Redate each sheet.

(iv) Use the prescribed wording indicated as follows, for reference of the previously assigned condominium subdivision plan numbers: Replat No. _____ of _____ county condominium subdivision plans. Nos. _____, _____, _____, _____, _____, _____. (As previously assigned by the county register of deeds).

(v) Use the prescribed wording as indicated in section 66(3) of the act for assignment of a new condominium subdivision plan number for the consolidation.

(vi) Remove all boundaries on the site, survey, utility, and floodplain plans, which are now contiguous, due to the consolidation of properties.

(vii) Revise the property description to be 1 description of the consolidated property.

History: 1954 ACS 100, p. 107, Eff. July 31, 1979.

R 559.410 Amendments and replats.

Rule 410. (1) Each condominium subdivision may be amended to reflect changes in the boundaries of a condominium unit, or the addition or elimination of condominium units which are constituted as a replat, as specified in section 67 of the act. An amendment may also reflect changes in the boundaries of the land, correction of errors, as-built plans, and changes in common elements. All changes in the originally recorded condominium plans shall be made in accordance with the following requirements:

(a) Each sheet shall be redated.

(b) Only the revised sheets and cover sheet shall be submitted to the administrator for approval.

(c) The sheets being replaced and any new sheets shall be indicated in the sheet index.

(2) An amendment or a replat to an originally recorded condominium subdivision plan may be prepared by the original land surveyor, architect, or civil engineer, or any other such professional licensed to practice in Michigan. If another professional does prepare the amendment or replat, this does not exempt the original preparer from his or her signatures, if such signature reflects work of an earlier submission.

History: 1954 ACS 100, p. 108, Eff. July 31, 1979.

R 559.411 As-built condominium subdivision plans.

Rule 411. (1) As-built drawings are required if the drawings originally submitted were proposed and did not contain as-built data at the time of issuance of the order of approval of the master deed. Upon completion of construction of all buildings and improvements represented on the proposed condominium subdivision plans, the developer, in conjunction with the architect, engineer, or surveyor who prepared the plan, shall file an affidavit with the administrator certifying that

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construction of the condominium is complete. Within 120 days of filing the affidavit, the developer shall submit as-built drawings to the administrator depicting the project as constructed. These plans shall contain as-built data of all the following:

(a) The coordinate values of the various buildings or units.
(b) All dimensions of the various buildings and units.
(c) The location of all permanent improvements.
(d) The relationship of the buildings to a true meridian.
(e) All general and limited common elements.
(f) Area of each unit.
(g) Floor elevations.

(2) Each sheet of the as-built condominium subdivision plan shall be labeled "AS-BUILT dated _____," and the notations representing the project as proposed shall be removed.

(3) A condominium subdivision plan, which is comprised entirely of existing buildings and where as-built data were used in the preparation of the plans, need not have as-built drawings submitted.

History: 1954 ACS 100, p. 108, Eff. July 31, 1979.

R 559.412 Correction of errors.

Rule 412. All correction of errors shall be made and reviewed by the administrator before approval may be issued. Where an error involves only the correction of certain pages of the condominium subdivision plan, insert pages shall be accepted.

History: 1954 ACS 100, p. 109, Eff. July 31, 1979.

R 559.413 Easements and dedicated thoroughfares.

Rule 413. A thoroughfare which is proposed to be dedicated to the municipality, county, or state shall be designated on the condominium subdivision plans as "proposed dedication." An easement providing adequate ingress and egress over the proposed dedication shall be provided and shown on the condominium subdivision plan in all cases, unless the road was dedicated prior to the issuance of the order of approval of the master deed. An easement required for establishment and operation of a condominium project, whether for benefit or burden, shall be recorded prior to the issuance of the order of approval of the master deed. Description of the easement may be made by reference to the liber and page number where it is recorded. However, the easement shall be drawn on the survey plan and shall conform to the description as recorded.

History: 1954 ACS 100, p. 109, Eff. July 31, 1979.

R 559.414 Availability of architectural plan, specifications, and survey data.

Rule 414. An architectural plan, specifications, and survey data, which were used to prepare the condominium subdivision plan, shall be available to the administrator upon request.

History: 1954 ACS 100, p. 109, Eff. July 31, 1979.

R 559.415 Recordation of the condominium subdivision plan.

Rule 415. A condominium subdivision plan shall be recorded in the county in which the project is located. If a project crosses county lines, it shall be recorded in both counties. The condominium subdivision plan number shall be assigned by the county in consecutive sequence, beginning with number 1, according to section 66(3) of the act. The county shall show the number which it has assigned in

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the spaces provided in the master deed and condominium subdivision plan, and shall keep an accurate record of those numbers. The condominium subdivision plan shall be photographically reduced, by the developer, to approximately 8½ inches by 14 inches, and submitted for recording. The same condominium subdivision plan in a size measuring 24 inches by 36 inches shall be delivered to, and retained by, the county register of deeds office. Either plan which is retained by the county register of deeds office shall be available for inspection upon request.

History: 1954 ACS 100, p. 109. Eff. July 31, 1979.

PART 5. BYLAWS IN A MASTER DEED

R 559.501 Condominium bylaws generally.

Rule 501. (1) The condominium bylaws shall be attached to, and incorporated by reference in, the master deed.

(2) The condominium bylaws shall contain the mandatory provisions of section 54 of the act and as hereinafter set forth.

(3) An amendment to, or a change in, the condominium bylaws shall be approved by the administrator before it is effective and the master deed or bylaws shall so state.

(4) If the association of co-owners administering the affairs of the condominium project is a corporation, the corporation's bylaws are hereinafter designated corporate bylaws or association bylaws and shall not be confused with condominium bylaws, hereinafter referred to as bylaws.

(5) The bylaws shall state all of the following:

(a) The name and location of the condominium project.

(b) The purpose of the bylaws.

(c) Whether the project is a residential condominium, an industrial condominium, a commercial condominium, a professional condominium, a campsite condominium, a marina condominium, a mobile home condominium, or other type of condominium.

(d) Any restrictions affecting the use of individual units or common elements.

History: 1954 ACS 100, p. 109. Eff. July 31, 1979.

R 559.502 Administration and membership provisions.

Rule 502. (1) The bylaws shall designate the association of co-owners as responsible for the management and administration of the common elements, property, easements, and the affairs of the condominium project. The association of co-owners may form or organize an entity for managing the property, or otherwise provide for independent management of the project. The bylaws shall indicate the form of the association of co-owners; whether it was created and will operate as a profit or nonprofit corporation, a partnership, or an unincorporated association. Where the association is an entity other than a nonprofit corporation, the administrator may require specific disclosures to be set forth in the disclosure statement, indicating the liabilities, tax consequences, and other material information resulting from the form of the association of co-owners.

(2) The bylaws may provide reasonable provisions to facilitate the development and sale of the project by the developer until completion of the project.

(3) Pursuant to section 52 of the act, the bylaws or the master deed shall contain all of the following provisions:

(a) A definite date upon which the first annual meeting will be held, at which meeting the co-owners may vote for the election of the directors of the association

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of co-owners. The date shall be set within a reasonable period of time after the recording of the original master deed.

(b) A date acceptable to the administrator when the developer shall establish an advisory committee of nondeveloper co-owners.

(4) The bylaws shall provide that membership in the association of co-owners shall be limited to persons who own 1 or more units in the condominium project and each co-owner shall be a member of the association of co-owners.

History: 1954 ACS 100, p. 110, Eff. July 31, 1979.

R 559.503 Meetings.

Rule 503. (1) The bylaws shall provide the following:

(a) An annual meeting of the members of the association of co-owners shall be held and other meetings may be provided for in the bylaws. A minimum of 10 days' notice shall be provided.

(b) The presence in person or by written consent of ⅓ of the co-owners in number and in value shall constitute a quorum for holding a meeting. The bylaws may provide that a greater number shall constitute a quorum. A quorum may act on all matters affecting the condominium except as to matters where the act, the master deed, or the bylaws require otherwise.

(c) The value of each vote may be equal to the total percentage of value assigned to the unit owned by such co-owner or, pursuant to section 54(7) of the act, each unit may have an equal number of votes. Voting shall be by value, except where it is required to be by number or by number and value. The bylaws shall provide that a co-owner is not entitled to vote at a meeting of the association of co-owners until evidence of ownership of a unit in the condominium project has been presented to the association. The vote of a co-owner may only be cast in person, by the individual representative designated by the co-owner as provided in subdivision (d), or by a proxy delivered to the secretary of the association before each meeting.

(d) A co-owner may file a written notice with the association of co-owners designating the individual who shall vote at meetings of the association of co-owners and receive notices and other communications from the association on behalf of such co-owner. The notice shall state the name and address of the individual representative designated, the number of the units owned by the co-owner, and the name and address of the persons, firm, corporation, partnership, association, trust, or other legal entity that is the co-owner. The notice shall be signed by the co-owner. The individual designated may be changed by the co-owner at any time by filing a new notice as required herein.

(2) The bylaws shall state the majority required for approval or disapproval of any matter brought up at any meeting of the association of co-owners.

History: 1954 ACS 100, p. 110, Eff. July 31, 1979.

R 559.504 Books; inspection; cost of annual audit.

Rule 504. The bylaws shall provide that the books shall be maintained in accordance with section 57 of the act. The cost of the annual audit shall be an expense of administration. The right of inspection of the books by co-owners may be limited to a reasonable time and place specified in the bylaws.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.505 Copies of condominium documents; availability.

Rule 505. The bylaws shall provide that the association of co-owners shall keep current copies of the approved master deed and amendments and all other

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condominium documents available for inspection in accordance with section 68 of the act.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.506 Destruction or condemnation of property.

Rule 506. The bylaws shall set forth the rights of the co-owners and the procedures to be followed in case of partial or complete destruction, or partial or complete taking by condemnation.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.507 Mortgages.

Rule 507. The bylaws shall provide that a co-owner who mortgages his or her unit shall notify the association of co-owners of the name and address of the mortgagee, and that the association of co-owners shall maintain such information in a book entitled, "Mortgages of Units." The association of co-owners may notify the mortgagee of unpaid assessments due from the co-owner of such unit. The association of co-owners shall furnish an individual mortgagee with complete information on all insurance carried by the association of co-owners.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.508 Insurance.

Rule 508. The bylaws shall provide that the association of co-owners shall carry insurance for fire and extended coverage, vandalism and malicious mischief, and, if applicable, liability and workers' disability compensation, pertinent to the ownership, use, and maintenance of the premises and that all premiums for insurance carried by the association shall be an expense of administration. The association may carry other insurance coverage, including cross-coverage for damages done by 1 co-owner to another.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.509 Structural repair or modification of unit; access to unit by designated person.

Rule 509. (1) The bylaws shall provide that a co-owner who desires to make a structural repair or modification of his or her unit shall first obtain written consent of the association of co-owners. The association shall not consent if such repair or modification may jeopardize or impair the structural soundness or safety, or both, of the project.

(2) The bylaws shall provide that any person designated by the association of co-owners shall have access to each unit as necessary during reasonable hours, upon notice to the occupant thereof, for maintenance, repair, or replacement of any of the common elements therein or accessible therefrom, and shall have access to each unit without notice for making emergency repairs necessary to prevent damage to other units or the common elements, or both.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.510 Compliance with act, master deed and bylaws, the articles of association, and rules and regulations adopted by association.

Rule 510. The bylaws shall provide, in accordance with section 65 of the act, that all present and future co-owners, tenants, and any other persons or occupants using the facilities of the project in any manner are subject to, and shall comply

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with, the act, the master deed and bylaws, and the articles of association, and rules and regulations adopted by the association of co-owners.

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.511 Reserve fund for major repairs and replacement of common elements.

Rule 511. (1) The bylaws shall provide that the association of co-owners shall maintain a reserve fund for major repairs and replacement of common elements in accordance with section 105 of the act. The co-owners association shall maintain a reserve fund which, at a minimum, shall be equal to 10% of the association's current annual budget on a noncumulative basis. The 10% minimum standard required by this rule may be modified upon application to the administrator for good cause.

(2) The funds contained in the reserve fund required to be established by section 105 of the act shall only be used for major repairs and replacement of common elements.

(3) There shall be set aside the amount of funds required by subrule (1) by the time of the transitional control date. The developer shall be liable for any deficiency in this amount at the transitional control date.

(4) The following statement shall be contained in the bylaws: "The minimum standard required by this section may prove to be inadequate for a particular project. The association of co-owners should carefully analyze their condominium project to determine if a greater amount should be set aside, or if additional reserve funds should be established for other purposes."

History: 1954 ACS 100, p. 111, Eff. July 31, 1979.

R 559.512 Resolution of disputes, claims, or grievances.

Rule 512. The bylaws shall provide for procedures, in accordance with sections 106 and 107 of the act, to resolve any dispute, claim, or grievance arising out of, or relating to, the interpretation or the application of the master deed, the bylaws, or the management agreement, if any. The bylaws may provide for arbitration or other methods of resolving disputes, claims, or grievances arising among or between co-owners or between co-owners and the association of co-owners or between the association and a management company. If arbitration is requested by the parties to such a dispute, claim, or grievance, the dispute, claim, or grievance may be submitted to arbitration and the parties shall accept the arbitrator's decision as final and binding. The bylaws may provide for the application of the commercial arbitration rules, as amended, of the American arbitration association.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.513 Assessments.

Rule 513. The bylaws shall set forth detailed information concerning assessments. The method by which assessments are to be made shall be included and shall provide that the board of directors of the association shall establish an annual budget.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.514 Liens.

Rule 514. (1) The bylaws may outline the procedures to be followed in the event of the attachment of a mechanic's lien, and shall make reference to the provisions of section 132 of the act.

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(2) The bylaws shall outline the procedures to be followed when a co-owner's unpaid assessments owed to the association become a lien on the co-owner's unit and shall contain the provisions in sections 108 and 111 of the act.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.515 Leasing.

Rule 515. The bylaws shall contain provisions for leasing condominium units and shall contain the provisions in section 112 of the act.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

PART 6. APPROVAL OF A MASTER DEED

R 559.601 Application for approval of master deed.

Rule 601. A developer may apply for a certificate of approval of a master deed when the following are prepared and submitted in accordance with the act and these rules:

(a) The master deed, the condominium bylaws and the condominium subdivision plan, and the appropriate fee.

(b) The exhibits specified in these rules.

(c) Other material information as may be required, either on the application form prescribed by the administrator or otherwise.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.602 Consent of mortgagees.

Rule 602. Pursuant to section 59 of the act, the written consent of mortgagees, or land contract vendors holding an interest in the property being submitted to the condominium project shall be obtained, and evidence thereof shall accompany the application. The consent shall state, or be accompanied by a statement setting forth, the manner in which any such interest will be released at or before the time of conveyance of title to a unit to a purchaser.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.603 Evidence of title to property.

Rule 603. A developer shall furnish with the application for approval of a master deed a copy of the existing title policy on the land or an attorney's opinion letter showing merchantable title in the developer. If a developer does not have an insurable interest in the land, evidence demonstrating the ability to transfer merchantable title to unit purchasers shall be furnished to the administrator.

History: 1954 ACS 100, p. 112, Eff. July 31, 1979.

R 559.604 Advice from other agencies.

Rule 604. The administrator may request advice from other state agencies and may require that engineering reports, site reports, topographic and other maps, and other data be furnished to facilitate such review, including all of the following:

(a) Approval of the water system by the department of public health.

(b) Approval of the sewage system by the department of natural resources.

(c) If the proposed condominium project abuts a lake, stream, or channel, or lies wholly or in part within the floodplain of a lake, stream, or channel, the administrator shall notify the floodplain management and hydraulic review section, department of natural resources, and the appropriate local authority, who shall inform the administrator whether, in its opinion, adequate provision has been

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made to protect the health, safety, and welfare of purchasers and the public, or what requirements are necessary to do so.

(d) If the proposed condominium project abuts a state highway or turnpike, the administrator shall notify the department of state highways and, if it abuts a county road, it shall give notice to the county road commission, which in each case shall inform the administrator whether, in its opinion, adequate provision has been made for the protection of the public.

History: 1954 ACS 100, p. 113, Eff. July 31, 1979.

R 559.605 Contracts for management or rental operation of condominium project.

Rule 605. Contracts for management or rental operation of the condominium project, including contracts for nonpublic water and sewer which are entered into prior to the transitional control date, shall be submitted to the administrator.

History: 1954 ACS 100, p. 113, Eff. July 31, 1979.

R 559.606 Conversion of existing building to condominium project.

Rule 606. Where a developer proposes to establish a condominium project by conversion of an existing building, and where more than 1 year has elapsed since construction of the building, the administrator shall require the developer to submit evidence of compliance with local building ordinances in effect at the time of conversion.

History: 1954 ACS 100, p. 113, Eff. July 31, 1979.

R 559.607 Approval of master deed.

Rule 607. Approval of a master deed shall be by a separate order, but shall not constitute a permit to sell.

History: 1954 ACS 100, p. 113, Eff. July 31, 1979.

PART 7. PERMIT TO SELL AND SALES

R 559.701 Permit to sell generally.

Rule 701. (1) A permit to sell enables a developer to enter into binding contracts of sale and to convey individual units. The form of such contracts of sale shall be approved by the administrator before use. After the approved master deed and exhibits have been recorded with the register of deeds in the county in which the project is located and a certified copy has been returned to the administrator, the developer may request a permit to sell.

(2) Before obtaining a permit to sell, a developer shall submit to the administrator all of the following:

(a) One complete set of the architectural plans with detail specifications on 35 millimeter microfilm aperture cards. The microfilm aperture cards shall be standard cards measuring approximately 3¼ inches by 7⅜ inches, with a window suitable for framing 1 frame of 35 millimeter film. Each card shall identify the name of the condominium, the file number, and what is on that particular frame. Each card shall also have the following wording along the top edge for filing purposes: Lot No. _____ Box No. _____. An affidavit from the architect, builder, or developer shall be submitted to the administrator, certifying that the prints are complete and correct, and a true copy of those used to construct the project. Where no architectural plans or specifications exist for a conversion project, these requirements may be waived.

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(b) A disclosure statement pursuant to the disclosure statement rules in part 9 of these rules.

(c) Financial information as set forth in part 10 of these rules.

History: 1954 ACS 100, p. 113, Eff. July 31, 1979.

R 559.702 Conditional permit to sell.

Rule 702. A conditional permit to sell is a permit to sell containing such further conditions to be satisfied by the developer as the administrator may reasonably require. A conditional permit to sell, except as specifically provided therein, is effective as a permit to sell and allows the developer to convey completed units and enter into binding contracts of sale. The administrator may issue a conditional permit to sell before the actual completion of all units or the entire project. Such a permit may be issued only after completion of all aspects of the application for approval of the master deed, including approval and recording of the master deed and bylaws of the condominium and the condominium subdivision plan. If the condominium buildings have not been constructed when the plan is submitted, the structures shall be designated in the plan as "proposed."

History: 1954 ACS 100, p. 114, Eff. July 31, 1979.

R 559.703 Conditions contained in permit to sell.

Rule 703. A permit to sell may contain the following conditions, among others:

(a) That the developer, or its successor, submit to the administrator an affidavit indicating the date upon which the last unit in a project is sold.

(b) That a successor developer or mortgagee submit notice to the administrator of a change in ownership in the condominium project.

(c) That the developer, or its successor, submit to the administrator notice of a change in mortgagees.

(d) That the developer of an expandable or convertible project, or its successor, who intends to use the method of sale described in section 88(2) of the act, notify the administrator of the date such expansion or conversion is begun and the estimated date of completion.

History: 1954 ACS 100, p. 114, Eff. July 31, 1979.

R 559.704 Conveyance of title.

Rule 704. Title to a condominium unit shall not be tendered or conveyed by a developer until the unit is ready for occupancy and a certificate of occupancy, or a temporary certificate of occupancy where the administrator has assurance of the completion of the unit, is issued by the appropriate local authorities, and a permit to sell has been issued by the administrator.

History: 1954 ACS 100, p. 114, Eff. July 31, 1979.

PART 8. ESCROW

R 559.801 Escrow agreement; release of purchaser's funds placed in escrow.

Rule 801. (1) An escrow agreement pursuant to section 82 of the act means an agreement that is:

(a) Signed by a developer and an escrow agent and sets forth the terms of the escrow of a prospective purchaser's funds and the conditions on which the funds shall be paid over to the prospective purchaser or to the developer.

(b) Incorporated by reference into the reservation and subscription or other agreement between the prospective purchaser and the developer.

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(c) Permits the escrow agent to require proof of the basis for any forfeiture and which may set forth a course of action to be taken by the escrow agent in case conflicting claims are made upon it.

(2) Purchaser's funds which have been placed into escrow in accordance with section 82 of the act may be released upon the following conditions:

(a) Upon conveyance of the condominium unit, the escrowed funds shall be released to the developer.

(b) Upon the purchaser's default or withdrawal prior to a binding agreement, the escrowed funds shall be refunded to the purchaser.

(c) Upon the purchaser's default, subsequent to a binding agreement, if the default continues for a period of 10 days after the purchaser receives written notice of the default, pursuant to the agreement between the developer and the purchaser, the developer may receive the escrowed funds in an amount not to exceed the liquidated damage amount.

(d) Upon other conditions set forth in the agreement as approved by the administrator.

(3) A developer who proposes to use purchaser's funds as part of the financing of the project shall submit a plan of financing to the administrator for review. Before the developer may use purchaser's deposits as part of the financing for the project, the developer shall deposit with an escrow agent, irrevocable letters of credit or other acceptable security, in the full amount of the purchaser's funds the developer desires to withdraw. The escrow agent shall release the purchaser's funds to the developer only up to the amount of the letters of credit. Letters of credit or other security shall be in a form approved by the administrator. Such arrangements shall be fully set forth in the escrow agreement and in the reservation and subscription agreement.

History: 1954 ACS 100, p. 114, Eff. July 31, 1979.

R 559.802 Escrow to cover cost of recreational facilities; determination of account.

Rule 802. (1) Where the developer has made plans to construct recreational facilities, or represents that such amenities will be built, a designated portion of the sales price of each condominium unit shall be placed into an escrow account pursuant to section 103 of the act, until the recreational facility is constructed. The amount to be placed into escrow shall be sufficient to cover the estimated cost of construction plus 10%. If the developer demonstrates that adequate financial arrangements have been made to fulfill obligations to provide recreational facilities, the administrator may waive the escrow requirements under this subrule if the waiver is in the public interest.

(2) The amount to be placed into escrow under R 559.802(1) may be determined by dividing the estimated cost of construction plus 10% as determined by a registered architect or engineer approved by the administrator, by the total number of units proposed in the project.

History: 1954 ACS 100, p. 115, Eff. July 31, 1979.

R 559.803 Alternatives to escrow.

Rule 803. (1) In lieu of any escrow imposed by the administrator, a developer may provide an irrevocable letter of credit or other acceptable security in the amount required by the administrator.

(2) Irrevocable letters of credit or other security shall be approved by the administrator, and shall continue in effect until the actual completion of construction or its minimum commitment.

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(3) If the irrevocable letter of credit or other security expires or is cancelled and the developer is still under an obligation to provide recreational facilities, other common elements, or other commitment, the developer shall either post another irrevocable letter of credit or other acceptable security, or have an escrow imposed by the administrator equal to the originally required escrow amount. Until another surety bond or irrevocable letter of credit acceptable to the administrator is provided or escrow is imposed, the developer shall not make any new sales.

History: 1954 ACS 100, p. 115, Eff. July 31, 1979.

PART 9. DISCLOSURE STATEMENT

R 559.901 Disclosure statement generally.

Rule 901. (1) Pursuant to section 101 of the act, the developer shall prepare and submit 2 copies of a proposed disclosure statement to the administrator at the time of application for a permit to sell or at such other time as the administrator may reasonably require. A disclosure statement shall not be used unless it meets the requirements set forth in the act and these rules. A disclosure statement shall be amended prior to further use if there is a material change in the information contained therein. Any amendments to, or changes in, a disclosure statement which has been submitted to the administrator shall be reviewed by the administrator prior to use.

(2) Pursuant to section 89 of the act, the developer shall furnish a copy of a current, effective disclosure statement to a prospective condominium purchaser not less than 10 days prior to a binding purchase agreement.

History: 1954 ACS 100, p. 115, Eff. July 31, 1979.

R 559.902 Format.

Rule 902. (1) The disclosure statement shall be prepared in pamphlet form or in any similar form in which the pages are securely fastened together. Any typing, printing, or duplication process may be employed, provided that it produces clear and legible copies.

(2) The items required to be disclosed by the following rules shall, unless otherwise indicated, be disclosed under separate headings. The administrator may require that the items be disclosed in a particular order or that certain items be emphasized, or both.

(3) Without the approval of the administrator, no portion of the disclosure statement may be underscored, italicized, or printed in different color type than the remainder of the disclosure statement.

(4) The pages of the disclosure statement shall be consecutively numbered beginning after the cover page and the table of contents with page 1. All the pages shall be the same size.

History: 1954 ACS 100, p. 115, Eff. July 31, 1979.

R 559.903 Information to be included in the disclosure statement.

Rule 903. (1) The disclosure statement shall fully and accurately disclose those facts or characteristics about a condominium project and a developer which are deemed material by the administrator. "Material," as used in the preceding sentence, refers to those factors which might reasonably affect a prospective purchaser's decision to accept or reject the offer to purchase the condominium unit. Where material information is not known by the developer, such facts shall be stated with a brief explanation.

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(2) The information presented in the disclosure statement shall not obscure the facts, encourage a misrepresentation of the facts, or otherwise mislead the reader. No information is to be incorporated by reference to an extrinsic source which is not readily available to an ordinary prospective purchaser.

(3) The language of the disclosure statement shall be readily understandable by a lay person. Legal phraseology, technical terms, and terms of art are to be avoided wherever possible.

(4) Brevity is desirable to the extent consistent with the purpose of the disclosure statement and the rules governing its preparation. Thus, the contents of the disclosure statement shall be limited to factual information.

(5) The disclosure statement shall contain a cover page and a table of contents which identifies the sections and subsections of the disclosure statement.

(6) Material information about the developer and the condominium project within the following categories shall be included in the disclosure statement, when applicable:

(a) Condominium project warranties.

(b) The size and scope of the condominium project.

(c) The condominium project budget and assessments.

(d) The condominium project recreational facilities.

(e) Condominium project restrictions.

(f) The developer's background and experience.

(g) Legal proceedings involving the condominium project or the developer.

(h) Condominium association management contracts.

(i) Other material information as will inform purchasers about the unique characteristics of the particular condominium project.

(7) Pursuant to section 101 of the act, the disclosure statement shall contain an explanation of the possible liability of co-owners under section 58 of the act. A statement similar to the following shall be included within the disclosure statement: "Co-owner liability. Section 58 of the Michigan condominium act provides: If the holder of a first mortgage or other purchaser of a condominium unit obtains title to that unit by foreclosing that mortgage, the holder of the first mortgage or other purchaser is not liable for unpaid assessments which are chargeable against that unit and which had become due prior to foreclosure. These unpaid assessments are common expenses which are collectable from all unit owners, including the holder of the first mortgage who has obtained title to the unit through foreclosure."

(8) If a project is a conversion condominium project, the developer shall disclose the following additional information:

(a) The year when construction was completed on the building or buildings in the project.

(b) A statement, if known, of the condition of the main components of the building, including the plumbing, heating, electrical, roofing, and structural components. If the condition of the components mentioned above is unknown, the developer shall fully disclose that fact.

History: 1954 ACS 100, p. 116, Eff. July 31, 1979.

PART 10. FINANCIAL INFORMATION

R 559.1001 Developer's financial obligations.

Rule 1001. Pursuant to section 87(2) of the act, the developer shall be required to establish to the administrator that the developer has the ability to fulfill its obligations to the condominium project, as stated in the condominium documents, which the developer seeks to develop.

History: 1954 ACS 100, p. 117, Eff. July 31, 1979.

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R 559.1002 Determination of adequate financial resources.

Rule 1002. Pursuant to section 93(a) of the act, the administrator may refuse to issue a permit to take reservations or a permit to sell when the developer lacks adequate financial resources to fulfill its obligations in relation to the development of the condominium project and this condition would work, or tend to work, a fraud or deception on prospective co-owners in the project. Adequate financial resources and capacity to complete the project shall be determined by the developer's:

(a) Net worth in relation to the estimated cost of the project.

(b) Working capital in relation to the time frame for the development of the project contained in the pro forma financial plan.

(c) Demonstrated ability, as shown by previous experience, to complete projects similar to the one which the developer seeks to develop.

(d) Commitments to other projects which could threaten the successful completion of the project sought to be developed, as measured by the total work in process of the developer.

History: 1954 ACS 100, p 117, Eff. July 31, 1979

R 559.1003 Financial information to be filed.

Rule 1003. (1) To enable the administrator to determine the developer's probable ability to fulfill its financial and contractual obligations to the condominium project, the developer shall submit all of the following information in conjunction with an application for a permit to sell:

(a) Financial statements of the developer dated within 90 days of application.

(b) A schedule of the developer's work in process as of the date of the application. With respect to each project on the schedule, the following information shall be disclosed in summary form:

(i) Cost to complete.

(ii) Anticipated completion date.

(c) A pro forma financial plan for the project which sets forth the sources and timing of cash receipts and the anticipated amounts of cash needed throughout the duration of the project. The plan shall contain a statement of the assumptions and principles used to make the forecast, including an evaluation of the market for the proposed project and proof of financing. The number of reservations taken under a permit to take reservations may be accepted in lieu of other market information.

(d) A summary of the developer's previous experience in real estate projects within a 3-year period prior to the date of application. With respect to each project, the developer shall disclose the selling price of the project, the name of the project, whether the project was completed as originally scheduled, and whether the developer rented any portion of the project prior to completion.

(e) If the developer's inventory includes single family dwellings, the information requested in subrule (1)(b) and (d), relative to such single-family dwellings, may be consolidated and presented as if one project.

(f) The names, addresses, and telephone numbers of the principal officers of the developer; the names, addresses, and telephone numbers of the shareholders of the developer, if the developer is a closely held corporation; the names, addresses, and telephone numbers of general and limited partners, if the developer is a partnership.

(g) If the developer demonstrates to the administrator that it has adequate resources, or that adequate financing has been arranged and that the developer is able to fulfill its financial and contractual obligations to the project, the administrator may waive or modify any of the foregoing requirements.

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(h) Any of the foregoing requirements may be waived or modified, including the date of the financial statements in subrule (1)(a), by the administrator for good cause, if such waiver or modification is in the public interest.

(2) As an alternative to the information required to be submitted by subrule (1), the administrator, upon application, may permit the developer to establish an escrow account acceptable to the administrator. An amount equal to the funds received from purchasers shall be placed in escrow by the developer when such funds are received. Necessary amounts shall remain in escrow until the developer has completed its minimum commitment to the project, as stated in the condominium documents. The administrator may authorize partial releases of the escrowed funds if the developer demonstrates to the administrator that it has completed part of its commitment to the project and the administrator has assurances the developer will fulfill its total minimum commitment.

History: 1954 ACS 100, p. 117, Eff. July 31, 1979.

R 559.1004 Accounting principles.

Rule 1004. The financing statements required to be filed by R 559.1003(1) shall consist of a balance sheet, notes to the balance sheet which fully explain the items on the balance sheet, and a cover letter signed by the developer attesting that the balance sheet accurately reflects the financial condition of the developer. All financial statements filed with the administrator, unless specifically exempted, shall be prepared in accordance with generally accepted accounting principles.

History: 1954 ACS 100, p. 118, Eff. July 31, 1979.

R 559.1005 Further financial requirements.

Rule 1005. If the information required to be submitted by R 559.1003(1) is inadequate to enable the administrator to determine the developer's probable ability to fulfill its obligations to the condominium project, the developer may further be required to submit any of the following:

(a) Audited financial statements for the developer's most recently completed fiscal year.

(b) The developer's financial statements for the 2 fiscal years immediately preceding its most recently completed fiscal year.

(c) A current Dun and Bradstreet report or a bureau of credits report on the developer and project contractors.

(d) Letters of reference from the financial institutions which are providing financing for the condominium project.

History: 1954 ACS 100, p. 118, Eff. July 31, 1979.

R 559.1006 Updating financial information.

Rule 1006. The information required to be submitted by R 559.1003 and, if necessary, by R 559.1005, may be required to be updated during the development of the condominium project to verify the accuracy of the developer's assumptions. Such information includes all of the following:

(a) Periodic reports of the actual project results in comparison to the pro forma financial plan.

(b) Periodic sales reports.

(c) Periodic interim financial statements of the developer.

History: 1954 ACS 100, p. 118, Eff. July 31, 1979.

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DEPARTMENTS OF TREASURY, STATE HIGHWAYS, NATURAL RESOURCES, AND PUBLIC HEALTH

SUBDIVISIONS OF LAND

(By authority conferred on the departments of treasury, state highways, natural resources, and public health by section 105 of Act No. 288 of the Public Acts of 1967, and Executive Reorganization Order Nos. 1973-2 and 1973-2a, being §§560.105 and 299.11 of the Michigan Compiled Laws. Each part of these rules is promulgated separately by the department or commission whose name appears in the designation of that part)

PART 1. DEPARTMENT OF TREASURY

R 560.101 Definitions.

Rule 101. As used in these rules "act" means Act No. 288 of the Public Acts of 1967, being §§560.101 to 560.293 of the Michigan Compiled Laws.

History: 1954 ACS 53, p. 59, Eff. Feb. 14, 1968.

R 560.103 Site reports.

Rule 103. (1) The purpose of this rule is to require a uniform site report.

(2) The site report as referred to in any part of these rules shall consist of maps, drawings, elevations and other information needed to evaluate the conditions of the proposed subdivision. The site report shall contain the information prescribed by R 560.402. One copy of the site report shall accompany each copy of the preliminary plat, filed as required by sections 115 to 118 of the act.

History: 1954 ACS 53, p. 59, Eff. Feb. 14, 1968.

R 560.104 Plat material and copies.

Rule 104. (1) The purpose of this rule is to establish the specifications for approved material for plats as provided by section 132(b) of the act.

(2) When the surveyor has prepared the final plat, he shall have it reproduced on wash-off type photographic sensitized polyester film .003 to .005 in thickness or on wash-off type photographic sensitized linen, easily erasable. Wash-off requires that the gelatin or emulsion which is a part of the film be completely removed from the nonimage area. Easily erasable would permit erasures by means of a common rubber eraser.

(3) The film shall be thoroughly washed to insure archival permanency.

(4) The surveyor may have the required number of copies of the plat made and submitted for approval, or may submit 1 photographic reproduction with instructions for the state treasurer's office to arrange locally for reproduction of the necessary additional copies, with the cost to be billed to the surveyor by the reproduction source.

(5) To provide for the option in subrule (4) the state treasurer's office will arrange for a qualified reproduction source at the best available price and service.

History: 1954 ACS 53, p. 59, Eff. Feb. 14, 1968; 1954 ACS 64, p. 62, Eff. Nov. 6, 1970.

R 560.105 Proprietors' certificates; individuals and other than corporations.

Rule 105. (1) The purpose of this rule is to prescribe the form and content of the proprietor's certificate as required by section 144 of the act.

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(2) A proprietor shall use the proprietor's certificate form number L-2507, which follows and which shall contain:

(a) Names of the owners who are required to sign the certificate as proprietors as defined in section 102(h) of the act.

(b) Reference to the plat streets, roads, alleys, parks and other facilities.

(c) Statement that the facilities in (b) are dedicated to public use or only to the use of lot owners, including lot owners in future contiguous subdivisions, if so intended.

(d) Statement that the plat includes all land to the water's edge when lots abut a lake, river or stream. If this is not the intent of the proprietor, the limits of the lots with respect to the water shall be indicated with an appropriate statement.

(e) Signatures of each proprietor, and his wife, exactly as their names appear in (a) and the legal address of each proprietor. This is required by section 1 of Act No. 103 of the Public Acts of 1937, as amended, being §565.201 of the Michigan Compiled Laws.

(f) Signatures of 2 disinterested witnesses to the signatures of each proprietor.

(3) All signatures on the original shall be executed in black ink.

Form L-2507

PROPRIETOR'S CERTIFICATE—
INDIVIDUALS AND OTHER THAN CORPORATIONS

I (we) as proprietor(s) certify that I (we) caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the _____(b)_____ are for the use of _____(c)_____; that the public utility easements are private easements and that all other easements are for the uses shown on the plat; and (d).

Witness

_____(f)_____ (Printed name)

_____(a) and (e)_____ (Printed name and legal address)

_____(f)_____ (Printed name)

_____(a) and (e)_____ (Printed name)

Note: (a) through (f) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 60, Eff. Feb. 14, 1968.

R 560.106 Proprietors' certificates; corporations.

Rule 106. (1) The purpose of this rule is to prescribe the form and content of the certificate required by section 144 of the act when the proprietor of a proposed subdivision is a corporation.

(2) A proprietor which is a corporation shall use certificate form L-2508, which follows and which shall contain:

(a) Name of the corporation.

(b) Names and titles of the officers authorized to sign the certificate.

(c) Reference to the plat streets, roads, alleys, parks and other facilities.

(d) Statement that the facilities in (c) are dedicated to public use or only to the use of lot owners, including lot owners in future contiguous subdivisions, if so intended.

(e) Statement that the plat includes all land to the water's edge, when lots front on a lake, river or stream. If this is not the intent of the proprietor, the limits of the lots with respect to the water shall be indicated with an appropriate statement.

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(f) Signatures of each officer exactly as their names appear in (b) and the legal address of the corporation. This is required by section 1 of Act No. 103 of the Public Acts of 1937, as amended, being §565.201 of the Michigan Compiled Laws.

(g) Signatures of 2 disinterested witnesses to the signatures of the corporate officers.

(3) All signatures on the original shall be executed in black ink.

Form L-2508

PROPRIETOR'S CERTIFICATE—CORPORATION

_____(a)_____, a corporation duly organized and existing under the laws of the State of Michigan by, _____(b)_____ as proprietor, has caused the land to be surveyed, divided, mapped and dedicated as represented on this plat and that the _____(c)_____ are for the use of _____(d)_____; that the public utility easements are private easements and that all other easements are for the uses shown on the plat; and (e).

_____(a)_____
(Print corporate name and address here)

_____(g)_____
(Printed name)

_____(f)_____
(Printed name and title)

_____(g)_____
(Printed name)

_____(f)_____
(Printed name and title)

Note: (a) through (g) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 60, Eff. Feb. 14, 1968.

R 560.107 Acknowledgement of proprietors' certificates for individuals and corporations.

Rule 107. (1) The purpose of this rule is to prescribe the form and content of the acknowledgement to be used when signing a proprietor's certificate.

(2) The proprietor shall have a notary public complete acknowledgment form L-2509, which follows and which shall contain:

(a) Name of the county in which the acknowledgment is taken.

(b) Day on which the acknowledgement is taken.

(c) Proprietor's name as written in the proprietor's certificate.

(d) Notary's signature and commission expiration date and name of county in which commissioned.

(3) All signatures on the original shall be executed in black ink.

Form L-2509

ACKNOWLEDGMENTS
INDIVIDUAL

State of Michigan }
___(a)___ County } S.S.

Personally came before me this ___(b)___ day of _____(b)_____, 19___(b)___, the above named _____(c)_____, to me known to be the person(s) who executed the foregoing instrument and acknowledged that he (or they) executed the same as his (or their) full act and deed.

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(Notary Seal) _____(d)_____
Notary Public, _____(d)_____, _____(d)_____ County, Michigan
(Printed name and county)

My commission expires _____(d)_____

CORPORATION

State of Michigan }
___(a)___ County } S.S.

Personally came before me this ___(b)___ day of _____(b)_____, 19___(b)___, _____(c)_____, President, and _____(c)_____ Secretary (cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such president and secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the full act and deed of said corporation, by its authority.
(Notary Seal) _____(d)_____
Notary Public, _____(d)_____, _____(d)_____ County, Michigan
(Printed name and county)

My commission expires _____(d)_____

Note: If out of state, notary's seal is required.
(a) through (d) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 61, Eff. Feb. 14, 1968.

R 560.111 Contents of plat legends.

Rule 111. (1) The purpose of this rule is to prescribe the contents of the legend.

(2) The surveyor or draftsman shall place a legend on the plat map which shall contain:

(a) A statement that the dimensions are in feet.

(b) A statement that the curvilinear measurements are arc or chord distances, as the case may be.

(c) A statement concerning the bearings, in accordance with section 126(3) of the act.

(d) The symbol "o" for the concrete monuments.

(e) A description of the type of lot markers used.

(f) A vicinity map or location sketch showing the location of the proposed subdivision in relation to the surrounding area.

History: 1954 ACS 53, p. 62, Eff. Feb. 14, 1968.

R 560.112 Minimum drafting standards.

Rule 112. (1) The purpose of this rule is to establish minimum standards for drafting of plat maps to insure their quality and legibility.

(2) When preparing a plat map, the surveyor shall:

(a) Use an engineer's scale in preparing the drawing.

(b) Use lettering no less than .08 inch high.

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(c) Make the top and bottom either the 18- or the 24-inch length with the binding margin at the left, and all margins according to widths prescribed in section 132(a) of the act.

(d) Place the general direction "north" toward the top or left-hand side.

(e) Provide a space 3 inches by 7 inches for the recording data to be affixed by the department of treasury.

(f) Number each sheet sequentially, beginning with number 1, when more than 1 sheet is necessary.

(g) Place all necessary certificates on the map, according to the prescribed form.

(h) Place the diagram of scale on each sheet of the map which contains the drawing.

(i) Show the caption at the top of each sheet of the plat.

(j) Indicate all bearings and distances of boundary lines, showing them outside the boundary line.

(k) Show the boundary as a continuous line, dotted if desired, where it crosses streets, roads, and alleys.

(l) Not divide a lot by a street, road, alley, or another lot.

(m) Describe each excepted parcel by bearings and distances and shall label each "not included in this plat."

(n) Not include in 1 plat parcels not having a common border.

(o) Use match-lines when the plat is drawn on more than 1 sheet.

(3) All signatures on the original shall be executed in black ink.

History: 1954 ACS 53, p. 62, Eff. Feb. 14, 1968.

R 560.113 Approved markers for lot corners.

Rule 113. (1) The purpose of this rule is to specify approved markers for lot corners of materials additional to those specified in section 125 of the act.

(2) In addition to the lot markers and monuments described in section 125 of the act the surveyor may use an iron or steel stake of any shape but not less than 18 inches in length and weighing not less than 0.6 pounds per foot.

History: 1954 ACS 53, p. 62, Eff. Feb. 14, 1968.

R 560.114 Surveyors' certificates.

Rule 114. (1) The purpose of this rule is to prescribe the form and content of the surveyor's certificate on the plat, as required by section 143 of the act.

(2) The surveyor shall use certificate form number L-2510, which follows and shall contain:

(a) Name of surveyor who either personally performed or had direct charge of the survey and making of the plat map.

(b) Description of the land as follows:

(i) Name of plat.

(ii) Part of section or government lot number.

(iii) Section number.

(iv) Private claim number when applicable.

(v) Township and range when applicable.

(vi) Name of municipality.

(vii) Name of county.

(viii) State of Michigan.

(ix) Description of the exterior boundaries of the subdivision as required by section 134 of the act.

(c) Date of certification.

(d) Surveyor's hand written signature as printed in subdivision (a). If he is also a partner or principal officer, he shall so indicate below his signature.

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(e) Michigan registration number and complete mailing address.

(f) Surveyor's seal (facsimile in black ink shall be used).

(3) If a firm of surveyors, a partner or principal officer shall also hand-sign the certificate and insert his registration number, unless he is the surveyor signing in subdivision (d).

(4) All signatures on the original shall be executed in black ink.

History: 1954 ACS 53, p. 62, Eff. Feb. 14, 1968; 1954 ACS 64, p. 62, Eff. Nov. 6, 1970.

R 560.121 Certificates of municipal approval.

Rule 121. (1) The purpose of this rule is to prescribe the form and content of the certificate of municipal approval as required by sections 142(g) and 148 of the act.

(2) The surveyor shall affix on the plat and the municipality shall use the certificate of municipal approval form L-2511, which follows and shall contain:

(a) Whether a township board, village council, or other municipal legislative body.

(b) Name of municipality.

(c) Date of final plat approval.

(d) Date of approval and name of health department when health department approval is required on a preliminary plat.

(e) A statement that public water and public sewer services have been installed and are ready for connection or that surety has been posted to insure the installation of public sewer and public water services.

(f) A statement that the municipality has adopted a subdivision control ordinance and waives the minimum lot size specified.

(g) A statement that the proprietors of the subdivision have been required by the municipality to comply with the provisions of section 192 of the act when there is no county drain commissioner.

(h) A statement that surety is posted and for what length of time if the posting of surety for the placement of monuments is permitted.

(i) Clerk's signature when approval is given and preceding paragraphs have been complied with.

(3) All signatures on the original shall be executed in black ink.

Form L-2511

CERTIFICATE OF MUNICIPAL APPROVAL

I certify that this plat was approved by the ____(a)____, of the ____(b)____, at a meeting held ____(c)____ and was reviewed and found to be in compliance with Act 288, P.A. of 1967. (d) or (e), (f), (g), and (h).

_____(i)_____
(Printed name) Clerk

Note: (a) through (i) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 63, Eff. Feb. 14, 1968; 1954 ACS 64, p. 63, Eff. Nov. 6, 1970.

R 560.126 Certificates of boards of county road commissioners.

Rule 126. (1) The purpose of this rule is to prescribe the form and content of the certificate required by section 147 of the act to be made on the plat by the board of county road commissioners.

(2) For approval of the plat, the board of county road commissioners shall use certificate form L-2512, which follows and which shall contain:

(a) Date of approval.

(b) Name of county in which the subdivision is located and in respect to which the board has jurisdiction over roads and streets.

(c) Signatures of a majority of the board, immediately above the printed name of each member signing.

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(3) All signatures on the original shall be executed in black ink.

Form L-2512

CERTIFICATE OF COUNTY ROAD COMMISSIONERS

Approved on _____(a)_____ as complying with Section 183 of Act 288, P.A. 1967, (Date)
and the applicable published rules and regulations of the Board of Road Commissioners of _____(b)_____ County.

_____(c)_____ (Printed name) Member

_____(c)_____ (Printed name) Member

_____(c)_____ (Printed name) Chairman

Note: (a) through (c) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 64, Eff. Feb. 14, 1968.

R 560.127 Certificates of county drain commissioners.

Rule 127. (1) The purpose of this rule is to prescribe the form and content of the certificate required by section 146 of the act to be made on the plat by the county drain commissioner.

(2) For approval of the plat, the county drain commissioner shall use certificate form L-2513, which follows and which shall contain:

(a) Date of approval.

(b) Name of county in which the subdivision is located and in respect to which the commissioner has jurisdiction over drains and drainage.

(c) Signature of the drain commissioner immediately above his printed name.

(3) All signatures on the original shall be executed in black ink.

Form L-2513

COUNTY DRAIN COMMISSIONER'S CERTIFICATE

Approved on _____(a)_____ as complying with Section 192 of Act 288, P.A. 1967, (Date)
and the applicable rules and regulations published by my office in the County of _____(b)_____.

_____(c)_____ (Printed name) Drain Commissioner

Note: (a) through (c) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 64, Eff. Feb. 14, 1968.

R 560.128 County and city treasurers' certificates.

Rule 128. (1) The purpose of this rule is to prescribe the form and content of the county and city treasurers' certificates required by section 145 of the act relating to taxes, as follows:

(a) The county treasurer shall use the county treasurer's form number L-2514, which follows, when certifying taxes on the final plat.

(b) The city treasurer shall use the same form but a separate certificate when the municipality does not return its delinquent taxes to the state.

(2) The county treasurer shall:

(a) Insert the date the certificate is signed.

(b) Sign the certificate.

(c) State the name of the county.

(3) The instructions in subrule (2) also apply to a separate certificate which shall be made by the city treasurer when required by subrule (1)(b).

(4) All signatures on the original shall be executed in black ink.

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Form L-2514

COUNTY TREASURER'S CERTIFICATE

The records in my office show no unpaid taxes or special assessments for the five years preceding ____(a)____, involving the lands included in this plat.

____(b)____
(Printed name) County (or city) Treasurer

____(c)____
Name of county (or city)

Note: (a) through (c) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 65, Eff. Feb. 14, 1968.

R 560.129 County plat board certificates.

Rule 129. (1) The purpose of this rule is to prescribe the form and content of the certificate of approval by the county plat board as required by sections 142(h) and 149(i) of the act.

(2) For approval of the plat, the county plat board shall use certificate form L-2515, which follows and which shall contain:

(a) Name of the county.

(b) Date of final plat approval by the board.

(c) Signatures of the majority of the plat board approving the plat.

(d) Correct, printed name of the office of each signatory. If a county has a combined clerk-register, the chairman of the board of supervisors shall sign on the line indicated for the county clerk and the clerk-register shall sign on the line indicated for the register of deeds.

(e) Signature of each member of the board of auditors if the county has a board of auditors which has elected to serve on the plat board.

(3) All signatures on the original shall be executed in black ink.

Form L-2515

COUNTY PLAT BOARD CERTIFICATE

This plat has been reviewed and is approved by the ____(a)____ county plat board on ____(b)____ as being in compliance with all of the provisions of Act 288, P.A. 1967, and the plat board's applicable rules and regulations.
(County) (Date)

____(c) or (d)____
Register of Deeds

____(c) or (d)____
County Clerk

____(c)____
County Treasurer

•____(e)____
Member, Board of Auditors

••____
County Plat Engineer

•Use as many signature lines as necessary.

••To be used by county plat boards having a plat engineer (See Sec. 149).

Note: (a) through (e) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 53, p. 65, Eff. Feb. 14, 1968.

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R 560.130 Register of deeds' certificates.

Rule 130. (1) The purpose of this rule is to prescribe the form and content of the recording certificate to be placed on the plat sheet as specified by section 172(a) of the act.

(2) The surveyor shall place form L-2516 on each plat which follows and shall contain blanks for:

(a) Name of county.

(b) Day, month, and year plat was recorded.

(c) Hour of recording.

(d) Liber and pages where the plat is to be found.

(e) Signature of the register of deeds.

(3) The register of deeds upon receipt of the plat shall complete and sign the form.

Form L-2516

RECORDING CERTIFICATE

State of Michigan } S.S.
___(a)___ County }

This plat was received for record on the ___(b)___ day of ___(b)___, 19___(b)___ at ___(c)___(c)__M, and recorded in Liber _____(d)_____ of plats on page __(d)__.

_____(e)_____
(Printed name) Register of Deeds

Note: (a) through (e) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 64, p. 64, Eff. Nov. 6, 1970.

R 560.131 Assessors' certificates.

Rule 131. (1) The purpose of this rule is to prescribe the form of the assessor's certificate as required by section 213(2) of the act.

(2) The assessor of a municipality shall use certificate form L-2517, which follows and shall contain:

(a) Title as such supervisor or assessor.

(b) Name of the municipality and county.

(c) Statement that title to the streets, highways, alleys, and other public places shown on the plat has been acquired by reason of purchase, dedication, condemnation or adverse possession, for public use. If title has not been acquired, the extent of use shall be plainly stated.

(d) Assessing officer's signature, title, and complete mailing address.

(e) Signatures of 2 disinterested witnesses to the signature of the assessing officer.

(3) All signatures on the original shall be executed in black ink.

Form L-2517

ASSESSOR'S CERTIFICATE

I, as _____(a)_____, by virtue of the authority vested in Section 201(2), Act 288 of P.A. of 1967, having been duly authorized by the _____(b)_____ County, State of Michigan, have caused the land described in the annexed plat to be surveyed,

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laid out and platted and certify that the ____(c)____ and that the plat conforms to Sections 201 through 213 of Act 288 of P.A. of 1967, as amended.

____(e)____ Witness

____(d)____ Printed name (title) Address

____(e)____ Witness

Note: (a) through (e) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 64, p. 64, Eff. Nov. 6, 1970.

R 560.132 Acknowledgments for assessors' plats.

Rule 132. (1) The purpose of this rule is to prescribe the form and content of the acknowledgment for an assessor's plat as required by section 213(2) of the act.

(2) The surveyor shall affix on the plat and the assessor shall use the acknowledgment for assessor's plat form L-2518, which follows and shall contain:

(a) Name of the county in which the acknowledgment is signed.
(b) Date of acknowledgment.
(c) Name of assessing officer.
(d) Name of municipality in which the assessor holds office.
(e) Signature and printed name of the notary public.
(f) Name of the county in which the notary public is commissioned.
(g) Date of expiration of commission of the notary public.
(3) All signatures on the original shall be executed in black ink.

Form L-2518

ACKNOWLEDGMENT FOR ASSESSOR'S PLAT

STATE OF MICHIGAN, County of ____(a)____ } ss.

On this ____(b)____ day of ____(b)____ A.D. 19__(b)__, before me personally came the above named ____(c)____, assessor of ____(d)____, known to me to be the person who executed the above dedication, and acknowledged the same to be his free act and deed as such assessor.

____(e)____
Notary Public in and for ____(f)____ County.

My commission expires ____(g)____.

Note: (a) through (g) refer to identically lettered subdivisions of the rule. A county treasurer's certificate is not required.

History: 1954 ACS 64, p. 65, Eff. Nov. 6, 1970.

R 560.133 Surveyors' certificates on assessors' plats.

Rule 133. (1) The purpose of this rule is to prescribe the form and content of the surveyor's certificate on an assessor's plat, as required by section 208 of the act.

(2) The surveyor shall use certificate form L-2519, which follows and shall contain:

(a) Name of the surveyor who either personally performed or had direct charge of the survey and making of the plat map.
(b) Description of the land, as follows:
(i) Name of plat.

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(ii) Part of section or government lot number.
(iii) Section number.
(iv) Private claim number when applicable.
(v) Township and range when applicable.
(vi) Name of the municipality.
(vii) Name of county.
(viii) State of Michigan.
(ix) Description of the exterior boundaries of the subdivision as required by section 134 of the act.
(c) Title of the approving body and name of municipality.
(d) Date on which plat was ordered made.
(e) Date of certification.
(f) Surveyor's handwritten signature as printed in subdivision (a). If he is also a partner or principal officer, he shall so indicate below his signature.
(g) Michigan registration number.
(h) Surveyor's seal (facsimile in black ink shall be used).
(3) If a firm of surveyors, a partner or principal officer shall also hand-sign the certificate and insert his registration number unless he is the surveyor signing in subdivision (f).
(4) All signatures on the original shall be executed in black ink.

Form L-2519

SURVEYOR'S CERTIFICATE ON ASSESSOR'S PLAT

I, _____(a)_____, surveyor, certify: _____
That I have surveyed, divided and mapped the land shown on this plat, described as follows: _____(b)_____
_____
_____.
That I have made such survey, land division and plat by the direction of _____
_____(c)_____, on _____(d)_____.
That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
That the required monuments and lot markers have been located in the ground.
That the accuracy of survey is within the limits required by section 126 of the act.
That the bearings shown on the plat are expressed as required by section 126(3) of the act and as explained in the legend.

_____(3) (Print name of firm here and complete address.)_____
_____(e)_____ _____
_____

_____(3) (Print principal's name and registration number here.)_____
_____(f)_____
_____(h)_____ _____(g)_____

Note: (a) through (h) refer to identically lettered subdivisions of the rule and (3) refers to subrule (3) of the rule.

History: 1954 ACS 64, p. 65, Eff. Nov. 6, 1970.

R 560.134 Municipal approval certificates for assessors' plats.

Rule 134. (1) The purpose of this rule is to prescribe the form and content of the certificate of municipal approval for an assessor's plat as required by section 209(4) of the act.

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(2) The clerk of the municipality shall use form L-2520, which follows and shall contain:

(a) Date of final approval.

(b) Title of the governing body and name of municipality.

(c) Signature of municipal clerk, printed name and title.

(3) All signatures on the original shall be executed in black ink.

Form L-2520

CERTIFICATE OF MUNICIPAL APPROVAL OF ASSESSOR'S PLAT

This plat was approved on ____(a)____, by the ____(b)____ of ____(b)____ as having been made and complying with the requirements of sections 201 and 209(4) of P.A. 288 of 1967.

_____(c)_____
Clerk

Note: (a) through (c) refer to identically lettered paragraphs of the rule.

History: 1954 ACS 64, p. 66, Eff. Nov. 6, 1970.

R 560.135 Road commission certificates for assessors' plats.

Rule 135. (1) The purpose of this rule is to prescribe the form and content of the board of county road commission certificate as required by section 209 of the act.

(2) For certification of the plat, the board of county road commissioners shall use certificate form number L-2521, which follows and shall contain:

(a) Name of county.

(b) Date of certification.

(c) Signatures of a majority of the members of the board, immediately above the printed name of each member signing.

(3) All signatures on the original shall be executed in black ink.

Form L-2521

CERTIFICATE OF COUNTY ROAD COMMISSION

The Board of County Road Commissioners of the County of ____(a)____ hereby certifies that the public roads shown on the plat were in existence at the time the plat was made. This certification is made this ____(b)____ in accordance with Section 209(1) of Act No. 288 of 1967.

_____(c)_____ _____(c)_____
(Printed name) Member (Printed name) Member

_____(c)_____
(Printed name) Chairman

Note: (a) through (c) refer to identically lettered subdivisions of the rule.

History: 1954 ACS 64, p. 67, Eff. Nov. 6, 1970.

PART 2. DEPARTMENT OF STATE HIGHWAYS

R 560.201 Submittal to state highway department.

Rule 201. A preliminary plat shall be submitted to the department of state highways when the proposed subdivision would do any of the following:

(a) Abut a state trunk line highway.

(b) Include proposed roads, streets or alleys any portion of which are located within state trunk line right-of-way or include roads, streets or alleys not now established as a public use that connect directly to a state trunk line highway.

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(c) Include a portion of the proposed subdivision within the area shown by the plan on file to be required for the expansion of an existing state trunk line highway.

(d) Alter the existing drainage of a state trunk line highway.

History: 1954 ACS 53, p. 66, Eff. Feb 14, 1968.

R 560.202 Streets, roads, and alleys.

Rule 202. (1) To protect the safety of the motoring public, subdivision streets, roads and alleys that connect to a state trunk line highway shall conform to the requirements and minimum standards in the department of state highways' manual entitled "Standard Specifications for Road and Bridge Construction" and current standard plans and standard guides. These requirements will be revised as necessary with the most recent dated sheets being applicable.

(2) Before approving a final plat and when construction of connecting streets is completed and the department has received written notice thereof, the department within 20 days shall inspect the construction and either approve or disapprove it giving written reasons in case of disapproval. In lieu of such construction, the department shall accept a certified check, irrevocable bank letter of credit or a surety bond acceptable to the department, whichever the proprietor selects.

History: 1954 ACS 53, p. 66, Eff. Feb. 14, 1968.

R 560.203 Future rights-of-way.

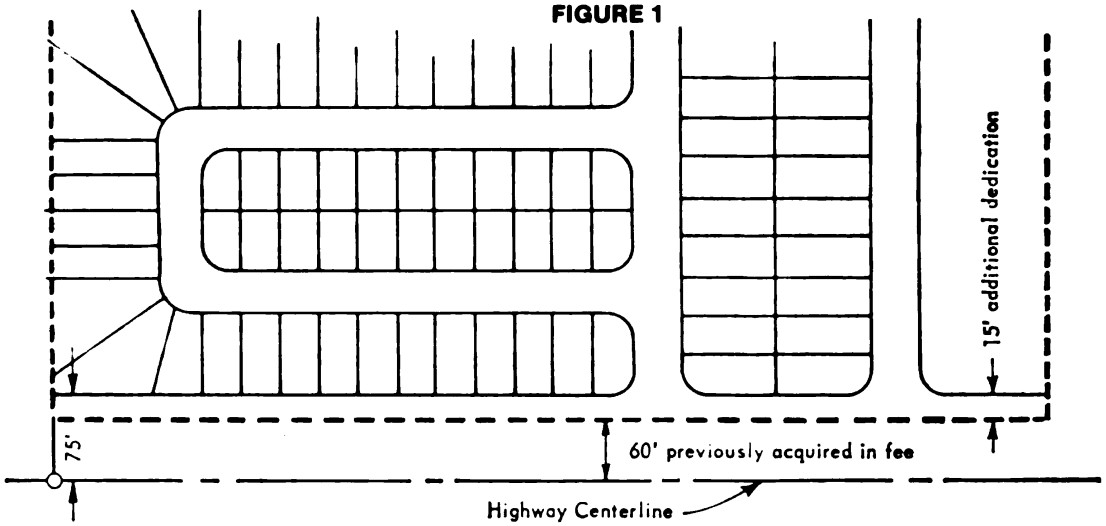
Rule 203. (1) To provide for expansion and improvement of state trunk line highways, when a plat abuts a state trunk line highway or any portion of the plat is within the area shown by the plan on file to be required for expansion of an existing state trunk line highway, it shall conform to the plan on file.

(2) The plan on file may be periodically revised in accordance with determined long-range trunk line highway needs.

(3) When a plat abuts a state truck line limited access highway, it shall include a notation that no access to or from the highway is permitted.

(4) When the future right-of-way required, as shown by the plan on file, is greater than the existing right-of-way it shall be dedicated to the public use and so designated on the plat. (See figure 1.)

FIGURE 1



EXAMPLE: Plat boundary has been tied to the center line of the state trunk line highway and additional 15 feet of right-of-way dedicated to conform with the plan on file requirement of 75 feet from the center line.

History: 1954 ACS 53, p. 66, Eff. Feb. 14, 1968.

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R 560.204 Drainage.

Rule 204. (1) When a proposed plat would alter the existing drainage of a state trunk line highway, the department of state highways shall request in conjunction with the preliminary plat submittal, sufficient information to determine in what way the highway drainage would be affected and shall inform the proprietor, in writing, of the drainage requirements. Final plat approval shall be conditioned upon meeting these requirements. The drainage requirements shall be based upon the department of state highways' drainage policy and guide. These requirements will be revised as necessary with the most recent dated sheets being applicable.

(2) Before approving a final plat and when construction of drainage facilities is completed and the department has received written notice thereof, the department within 20 days shall inspect the construction and either approve or disapprove it giving written reasons in case of disapproval. In lieu of such construction, the department shall accept a certified check, irrevocable bank letter of credit, or a surety bond acceptable to the department, whichever the proprietor selects.

History: 1954 ACS 53, p. 67, Eff. Feb. 14, 1968.

R 560.205 Availability of manuals, plans, and policies.

Rule 205. The documents and material identified as the plan on file, standard specifications for road and bridge construction manual, standard plans and standard guides, and the drainage policy and guide shall be available at the department of state highways' main office and district offices.

History: 1954 ACS 53, p. 67, Eff. Feb. 14, 1968.

PART 3. DEPARTMENT OF NATURAL RESOURCES

R 560.301 Definitions.

Rule 301. As used in this part "watercourse" means an open conduit either naturally or artificially created which periodically or continuously contains moving water draining an area of at least 2 square miles.

History: 1954 ACS 53, p. 67, Eff. Feb. 14, 1968.

R 560.302 Field survey data.

Rule 302. (1) The purpose of this rule is to prescribe field survey data required before submittal of a preliminary plat.

(2) A proprietor shall furnish, on request by the department of natural resources, plotted valley cross-sections from a control point downstream of the proposed plat to the upstream limits of the plat for any watercourse through or adjacent to the area to be subdivided. The spacing between the cross-sections shall be frequent enough to define the changes in the hydraulic properties of the watercourse. The location of each cross-section shall be shown on a topographic map and elevations shall be at United States geological survey datum, United States coast and geodetic survey datum, or international Great Lakes datum. The required field surveys shall be conducted under supervision of an engineer or land surveyor registered in this state.

History: 1954 ACS 53, p. 67, Eff. Feb. 14, 1968; 1954 ACS 73, p. 60, Eff. Oct. 20, 1972; 1954 ACS 84, p. 89, Eff. July 16, 1975.

R 560.303 Flood plain limits.

Rule 303. (1) The purpose of this rule is to prescribe methods to be used to define flood plain limits.

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(2) If a local ordinance or regulation identifies the flood plain of a watercourse or inland lake, the limits established thereby shall be defined by a contour line. These limits are acceptable only when approved by the department of natural resources.

(3) If a local ordinance or regulation does not identify the flood plain of a watercourse or if a local ordinance or regulation is not acceptable to the department of natural resources, the department shall define the flood plain, within a contour line, by the limits established for a hypothetical flood having a recurrence frequency of once in about 100 years as determined by the following methods:

(a) Current flood plain information reports by the United States corps of engineers or flood hazard analysis studies by the United States soil conservation service, where available.

(b) Where current flood plain information reports or flood hazard analysis studies are not available, the 100-year frequency flood discharge will be determined by methods outlined in "A Uniform Technique for Determining Flood Flow Frequencies," December, 1967, Water Resources Council, Washington, D.C., where adequate annual peak discharge data is available. If the watercourse does not have adequate annual peak discharge data, the 100-year frequency flood discharge shall be determined using a method acceptable to the department of natural resources. Accepted engineering practices shall be used to define the corresponding flood stages.

(4) If a local ordinance or regulation does not identify the flood plain of an inland lake or if the ordinance is not acceptable to the department of natural resources, it shall determine the limits of the flood plain for the inland lake on the basis of field reconnaissance and United States geological survey surface water records where available.

(5) An appeal from a determination made by the department of natural resources with respect to subdivision (b) of subrule (3) and subrule (4) shall be made in accordance with chapter 6 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.301 to 24.306 of the Michigan Compiled Laws.

History: 1954 ACS 53, p. 68, Eff. Feb. 14, 1968; 1954 ACS 73, p. 60, Eff. Oct. 20, 1972; 1954 ACS 84, p. 89, Eff. July 16, 1975.

R 560.304 Buildings within areas affected by flood plains.

Rule 304. (1) The purpose of this rule is to prescribe minimum standards for a new development for residential purposes and occupancy within or affected by a flood plain.

(2) A proprietor shall file and record with the final plat restrictive deed covenants that any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall:

(a) Be located on a lot having a minimum buildable site of 3,000 square feet of its area at its natural grade above the elevation of the contour defining the flood plain limits. This requirement may be waived if the building is to be elevated on stilts or similar design to provide an open area above ground level and if the requirements of subdivision (c) of section 194 of the act and sections 2a, 3, 4, 5a, and 5b of Act No. 245 of the Public Acts of 1929, as amended, being §§323.2a, 323.3, 323.4, 323.5a, and 323.5b of the Michigan Compiled Laws, are met.

(b) Be served by streets within the proposed subdivision having surfaces not lower than 1 foot below the elevation of the contour defining the flood plain limits.

(c) Have lower floors, excluding basements, not lower than the elevation of the contour defining the flood plain limits.

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(d) Have openings into the basement not lower than the elevation of the contour defining the flood plain limits.

(e) Have basement walls and floors, below the elevation of the contour defining the flood plain limits, watertight and designed to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the flood plain limits following methods and procedures outlined in chapter 5, type A construction and chapter 6 for class 1 loads found in "Flood Proofing Regulations," EP 1165 2 314 prepared by the Office of the Chief of Engineers, U.S. Army, Washington, D.C., June 1972. Figure 5, page 14.5 of the regulations, shows typical foundations drainage and waterproofing details. This document is available, at no cost, from the Department of Natural Resources' Hydrological Survey Division, Stevens T. Mason Building, Lansing, Michigan 48926, or Department of the Army, Corps of Engineers, Publications Depot, 890 S. Pickett, Alexandria, Virginia 22304.

(f) Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building.

(g) Be properly anchored to prevent flotation.

History: 1954 ACS 53, p. 68, Eff. Feb. 14, 1968; 1954 ACS 73, p. 61, Eff. Oct. 20 1972; 1954 ACS 84, p. 89, Eff. July 16, 1975.

PART 4. DEPARTMENT OF PUBLIC HEALTH

R 560.401 Definitions.

Rule 401. As used in this part:

(a) "Groundwater" means the water in the ground that is in the zone of saturation.

(b) "High groundwater elevation" means the elevation of the upper surface of the zone of saturation as may occur during the normally wet periods of the year.

(c) "Sewage" means liquid wastes including human excreta and wastes from a sink, lavatory, bathtub, shower, laundry, or any other waste of organic nature singly or in any combination thereof.

(d) "Surface water" means a body of water whose top surface is exposed to the atmosphere including a flowing body, a pond, or a lake.

History: 1954 ACS 53, p. 68, Eff. Feb. 14, 1968.

R 560.402 Site reports.

Rule 402. Each of the 2 copies of the preliminary plat submitted to the health department for review shall be accompanied by a copy of the site report compiled by a registered civil engineer or registered land surveyor. The site report shall contain the following information unless shown on the preliminary plat:

(a) Name and location of proposed plat.

(b) Names and addresses of the proprietor of the proposed plat and the registered civil engineer or registered land surveyor submitting the site report.

(c) Statement of intended use of the proposed plat, such as, residential—single family, 2-family and multiple housing; commercial; industrial; recreational; or agricultural.

(d) Statement of type of water and sewage system to be provided.

(e) Statement of existing use of adjacent property and intended use of adjacent undeveloped land, if known, including any adjacent public owned lands.

(f) Documented high surface water elevations in the case of waterfront property. On lakes where a legal level has been established, the legal level shall be shown.

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(g) Statement as to whether the high groundwater is less than or greater than 6 feet from either the existing or proposed finished ground surface. In those cases where the groundwater is less than 6 feet, the groundwater level shall be specified. A statement as to how and when the high groundwater level was established shall be included.

(h) The drawing shall indicate existing and proposed 5 foot contour intervals. In the case of waterfront property or where the high groundwater elevation is within 6 feet of existing or proposed finished ground surface, show existing and proposed 2 foot contour intervals. The health department may waive the requirements for contours when the lots in the subdivision exceed 1 acre. When extensive cutting or filling of land is anticipated that will affect building sites and sewage disposal facilities the areas involved shall be indicated. The source, if known, and the type of fill material to be used when filling is anticipated shall be specified.

(i) Location of flood plain areas, rivers, streams, creeks, lakes, county drains, lagoons, slips, waterways, bays, canals, and artificial impoundments, either existing or proposed, within or adjacent to the area to be platted.

(j) Location and results of all percolation tests and soil borings performed on the site. Percolation tests should be provided on the basis of at least 1 per acre or 1 per lot if lots exceed 1 acre in size. The health department may modify this requirement based on local conditions. As an example, a soil survey map prepared by a competent soil scientist with an indication of approximate percolation rates for certain categories of soils which have been determined to exist in the proposed plat area may be used to reduce the number of required percolation tests.

(k) When requested by the health department, a report of soil limitations based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping including soils information as may be obtained from a modern soil map which meets the standards of the national cooperative soil survey. The source of information shall be specified.

(l) Statement of the availability of water of good quality for domestic use on the land proposed to be subdivided. If questionable, the health department may require an estimate as to the availability of quality water prepared by and based upon a study by a registered civil engineer or hydrogeologist competent in the field of water supply.

(m) The location of existing facilities and structures, such as buildings, sewage systems, high tension towers, utility easements of record or in use, excavations, bridges, and culverts.

(n) Building set back lines from road or waterfront if such are established or proposed.

(o) The indication by arrows of the storm drainage flow direction from the platted area including any affected public or private road.

History: 1954 ACS 53, p. 69, Eff. Feb. 14, 1968.

R 560.403 Domestic water supply.

Rule 403. In determining availability of adequate and potable sources of water for domestic purposes, the following items shall be considered:

(a) The water quantity shall be sufficient to supply demands of the peak periods for domestic use based upon the nature, size and type of home or other type of establishments being proposed. The health department if deemed necessary may require well logs and pumping records from nearby developments and test wells and pumping tests in sufficient number to demonstrate that an adequate supply is available on each lot.

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(b) The chemical and bacteriological quality of the water shall be acceptable to the health department. In addition to being safe and palatable, the water shall not be excessively corrosive nor contain substances which would make it unfit for domestic uses unless such substances can be satisfactorily and economically removed. Chemical and bacteriological tests may be required.

(c) The source of individual water supplies shall be protected from possible pollution. Sufficient area shall be available on each lot to assure isolation distances from sources of pollution as provided under R 325.1451 to R 325.1461 and R 325.1601 to R 325.1722 of the Michigan Administrative Code. In addition, the minimum isolation distances may be increased where the depth to the aquifer or the nature of the overburden material is not sufficient to protect adequately the water from possible pollution.

History: 1954 ACS 53, p. 70, Eff. Feb. 14, 1968.

R 560.404 On-site sewage disposal.

Rule 404. (1) In determining suitability of the proposed subdivision for the disposal of sewage through systems dependent on subsurface disposal of liquid domestic wastes, the following items shall be considered:

(a) The high water table elevation, which is that elevation at which groundwater may be present during the normally wet periods of the year. Site evaluations shall include an evaluation of the soil profile characteristics to consider the soil drainage condition, soil color, mottling and organic matter, and such other profile features as may indicate the presence or absence of a fluctuating water table.

(b) Sufficient borings may be required to determine the depth to rock formations or other impervious strata where such are within 6 feet of the final grade in the proposed plat. Impervious strata shall be considered to be any ground condition or soil type where the percolation rate exceeds 60 minutes per inch.

(c) The relation of existing and proposed drainage areas or flood hazard zones.

(d) In conducting reviews of soil conditions to determine suitability of the soil for sewage disposal, factors such as swelling, clogging, topography, and seasonal hydrologic conditions shall be considered in addition to percolation tests. Percolation tests shall be conducted in accordance with procedures consistent with the department of public health's engineering division bulletin no. 2, "Questions and Answers About Home Sewage Disposal."

(e) The adequacy of lot sizes, each of which shall provide sufficient area of suitable soil for the building site and for present and future sewage disposal use in a location that will be properly isolated from streams, county drains or storm water drains, lakes, wells, property lines, embankments or other features which may adversely influence the operation and maintenance of the system or create a condition of hazard to the public health.

(2) Due to extenuating local circumstances the health department responsible for the enforcement of this rule may modify its provisions. The modifications shall be supported by local ordinance or rules and be made in writing to the proprietor with a copy to the director of the state department of public health either increasing or decreasing the requirements and the health department shall state the justification for each modification.

History: 1954 ACS 53, p. 70, Eff. Feb. 14, 1968.

R 560.405 Preliminary plat approvals or rejections.

Rule 405. Notice of approval or rejection of the preliminary plat shall be sent to the proprietor and the governing body within 30 days of receipt of the

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preliminary plat and site report. A preliminary plat shall be rejected for 1 or more of the following reasons:

(a) Failure to provide for installation of public water and sanitary sewer facilities where they are available for immediate use for the subdivision or where the proposed subdivision is in a location for which water or sewer services are planned.

(b) When the site conditions are not suitable for on-site sewage or water systems where either is proposed.

(c) When information submitted is not sufficient to make a determination as to the suitability of ground conditions.

(d) When information submitted is determined to be in error.

(e) When conditions exist or may be created which may endanger public health.

History: 1954 ACS 53, p. 70, Eff. Feb. 14, 1968.

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DEPARTMENT OF PUBLIC HEALTH

CRIPPLED CHILDREN COMMISSION

PROCEDURE FOR CONDUCTING HEARINGS

(By authority of Act No. 197 of the Public Acts of 1952, as amended, being §24.101 et seq. of the Michigan Compiled Laws)

R 722.1 Notice of hearing.

Rule 1. Notification of any hearing before the Michigan crippled children commission will be by registered mail and will state the date, time, place, issues involved, and reasons for holding such hearing. Such notice will be mailed at least 30 days prior to date of said hearing.

History: 1954 ACS 30, p. 24, Eff. May 15, 1962.

R 722.2 Appearance.

Rule 2. When an appearance is made at a hearing it shall be made either in person or by a duly authorized representative, or by counsel.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

R 722.3 Written answer or oral statement.

Rule 3. The person or persons who have been served with a notice of hearing may, at his option, file a written answer thereto prior to the date set for hearing, or at said hearing may appear and present an oral statement on the charges contained in the notice of hearing. When written briefs or arguments are presented, a copy shall be served upon the Michigan crippled children commission and opposite parties at least 5 days prior to the date set for the hearing.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

R 722.4 Failure to appear.

Rule 4. If the person or persons who have been previously served with a notice of hearing fail to appear at a noticed hearing, the Michigan crippled children commission or its designated representative may proceed with a hearing of the case brought before it and may, on the evidence presented, make its decision.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

R 722.5 Statement of facts.

Rule 5. When a hearing is requested, the party requesting the hearing shall submit in writing a fair and accurate statement of the facts to the Michigan crippled children commission and all interested parties. The facts shall be accepted as evidence unless a written answer is filed denying said facts and stating new facts relied upon with the Michigan crippled children commission and all interested parties.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

R 722.6 Adjournment or continuance.

Rule 6. No hearing shall be adjourned or continued except upon an order of the Michigan crippled children commission or its designated representative

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conducting the hearing. All motions and requests for an adjournment or a continuance shall be in writing, which instrument shall state concisely the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or continuance will be considered unless the same is filed with the Michigan crippled children commission at least 5 days prior to the date assigned for the hearing of the application, complaint or petition except upon order of the Michigan crippled children commission, which exception will be granted only upon a showing that for reasons not within the control of the person or party making the motion or request, the motion or request could not be filed within the time limited.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962

R 722.7 Stipulation.

Rule 7. The parties to any hearing before the Michigan crippled children commission may, by a stipulation in writing filed with the Michigan crippled children commission, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to thus agree upon the facts whenever practicable.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

R 722.8 Depositions.

Rule 8. Depositions shall only be taken upon written authority of the Michigan crippled children commission where it is proved in writing to the Michigan crippled children commission that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the rules for taking depositions in civil cases in the state of Michigan, being §617.6 et seq. of the Michigan Compiled Laws, with all parties given an opportunity to cross-examine the witness under oath.

History: 1954 ACS 30, p. 25, Eff. May 15, 1962.

HOSPITAL AND MEDICAL TREATMENT FOR CRIPPLED AND AFFLICTED CHILDREN

R 722.101—R 722.191 Rescinded.

History: 1954 ACS 44, pp. 58-63, Eff. Nov. 14, 1965; rescinded 1954 ACS 65, p. 57, Eff. Nov. 9, 1970.

R 722.201—R 722.565 Rescinded.

History: 1944 AC, pp. 206-221; 1944 ACS 2, p. 8; 1944 ACS 4, pp. 19-25; 1954 AC, pp. 7001-7024; rescinded 1954 ACS 44, p. 63, Eff. Nov. 14, 1965.

DIVISION OF SERVICES TO CRIPPLED CHILDREN

HOSPITAL AND MEDICAL TREATMENT FOR CRIPPLED CHILDREN

(By authority conferred on the department of public health by section 4 of Act No. 158 of the Public Acts of 1937 and section 432 of Act No. 380 of the Public Acts of 1965, being §§722.204 and 16.532 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 722.601 Purpose and interpretation.

Rule 1. (1) These rules are promulgated to implement the crippled children's act and to provide hospital and medical treatment services to crippled children under standards prescribed in the act.

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(2) Questions concerning the application or interpretation of these rules may be referred for consideration under the "Procedure for Conducting Hearings," being R 722.1 to R 722.8 of the Michigan Administrative Code.

History: 1954 ACS 65, p. 57, Eff. Nov. 9, 1970.

R 722.603 Definitions.

Rule 3. (1) "Application" means a request for financial assistance for care of a child under the crippled children's act, made to the department's designated representative by a parent, guardian or person acting in the place of a parent.

(2) "Authorization" means the department's agreement to pay providers for specified services to an individual child.

(3) "Crippled children's act" means Act No. 158 of the Public Acts of 1937, as amended, being §§722.201 to 722.244 of the Michigan Compiled Laws.

(4) "Crippling condition" means a health condition which is determined by the department to have caused a child to be crippled or which leads to crippling as defined in the crippled children's act.

(5) "Department" means the Michigan department of public health.

History: 1954 ACS 65, p. 57, Eff. Nov. 9, 1970.

R 722.619 Rescission.

Rule 19. The rules entitled "Hospital and Medical Care for Crippled and Afflicted Children," being R 722.101 to R 722.191 of the Michigan Administrative Code, and appearing on pages 3413 to 3419 of the 1964-65 Annual Supplements to the Code, are rescinded.

History: 1954 ACS 65, p. 57, Eff. Nov. 9, 1970.

PART 2. AUTHORIZATION OF CARE AND TREATMENT

R 722.621 Applications.

Rule 21. (1) An application for care shall be made to the department's designated interviewer by a parent, guardian or person acting in place of a parent.

(2) An application may be made by an emancipated, abandoned, neglected or deserted child in lieu of a parent, guardian or person acting in place of a parent. A minor's signature may be accepted for an agreement of repayment.

(3) The application process shall include medical certification by a licensed practitioner of the child's need.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970.

R 722.622 Economic investigations.

Rule 22. The interviewer shall investigate the parent's or guardian's ability to pay for the cost of a child's medical care and treatment. Information received shall be confidential.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970.

R 722.623 Recipients of categorical aid, social security, or pensions.

Rule 23. A parent, guardian or person acting in place of a parent, who is the recipient of aid to dependent children, old age assistance, aid to the blind, aid to the disabled, or whose primary source of income is social security or similar forms of retirement pension, shall qualify for crippled children services without further economic investigation.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970.

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R 722.624 Children in state mental institutions.

Rule 24. Crippled children services shall be rendered to children in state mental institutions upon application without further investigation of the parents' or guardians' economic status or negotiation of an agreement to repay the state for such services.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970

R 722.625 Assignment of claims against third parties.

Rule 25. Under circumstances creating a claim of liability for a person other than the child, parent, guardian or person acting in place of a parent, for care and services rendered under the crippled children's act, an applicant shall assign his interests to the department to the extent of cost of treatment and care expended by the department. The assignment shall provide that the department is authorized to effect any adjustment with parents, guardians or other persons similarly interested in the cost of treatment, care or hospitalization of the child.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970

R 722.626 Repayments.

Rule 26. (1) If upon investigation it is determined that a family has the ability to repay in accordance with section 32 of the crippled children's act, the parent, guardian or person acting in place of a parent shall sign an agreement to pay a specified amount monthly for not more than 60 payments or until the amount paid by the department during the period of the authorization is paid in full.

(2) The terms of the agreement to repay may be appealed to the department by the parent, guardian or person acting in behalf of a parent at any time that meeting such terms appears to be working a hardship on the child or his family.

(3) If the reinvestigation indicated inability to repay, the parent or others shall not be required to sign an agreement to repay.

(4) Payments as specified in the repayment agreement shall be made to the department of treasury.

(5) The balance of a payment by a family or any other person in behalf of a family, which exceeds the amount paid for services by the department, shall be returned to the family.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970.

R 722.627 Authorizations of payments.

Rule 27. When a child is determined to be economically and medically eligible for services under the crippled children's act according to criteria established by the department, the department's designated representative shall issue a certificate of authorization to pay for treatment services within the scope of the crippled children's act for a period not to exceed 1 year, except under special circumstances as determined by the department for the parent's benefit.

History: 1954 ACS 65, p. 58, Eff. Nov. 9, 1970.

R 722.628 Renewal applications and repayment agreements.

Rule 28. (1) A parent, guardian or person acting in place of a parent shall reapply for services needed by a child beyond the expiration date of the original certificate of authorization, in the same manner as the original application was made.

(2) If, on reapplication, the investigation still indicates ability to repay, the parents, guardian or person acting in place of a parent shall sign a new agreement which shall supersede the previous agreement.

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(3) If, on reapplication, the investigation indicates inability to repay, the parents, guardian or person acting in place of a parent shall not be required to sign a new agreement, and the previous agreement shall be appropriately modified.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

R 722.629 Renewal authorizations.

Rule 29. (1) A renewal certificate of authorization shall be issued by the department on the basis of reapplication, under the same criteria described in R 722.626.

(2) A renewal authorization is subject to medical certification of need, unless a child is under active treatment or has been examined during the previous 12-month period and further treatment is recommended.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

PART 3. HOSPITAL CARE AND TREATMENT

R 722.631 Hospital applications and approval.

Rule 31. (1) A hospital wishing to participate in the crippled children's program shall submit an application on a form provided by the department.

(2) A hospital participating in the crippled children's program shall signify full compliance with title VI of the civil rights act of 1964, so that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

(3) Hospital care and treatment services shall be provided in hospitals approved by the department for care of crippled children.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

R 722.632 Admissions and readmissions to hospitals.

Rule 32. (1) An approved hospital shall accept and provide medical care and treatment for all children for which the department issues certificates of authorization for care.

(2) The certificate of authorization shall cover a maximum of 12 days of care for each admission. Payment for care beyond 12 days for a single admission shall be requested as described in R 722.634.

(3) A child may be readmitted for treatment during the valid term of the certificate of authorization. The hospital shall submit notification of readmission within 10 days after admission on a form provided by the department.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

R 722.633 Hospital admission and discharge reports.

Rule 33. (1) An approved hospital shall report an admission within 48 hours thereafter, on forms provided by the department, including the date of admission, the name of the approved attending physician or surgeon, and such other information as the department may require.

(2) A discharge report giving the date of discharge and such other information as the department may require shall be filed within 30 days after the date of discharge.

(3) The death of a patient shall be recorded on the discharge report and the date on which death occurred shall be regarded as the date of discharge.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

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R 722.634 Long-term treatment reports.

Rule 34. An approved hospital shall report progress to the department on the treatment of crippled children remaining in the hospital in excess of 12 days, together with a request for the department's approval to pay for the necessary care beyond the 12 days. Forms for this purpose shall be provided by the department.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

R 722.635 Special nursing service and intensive care.

Rule 35. Special nursing service and intensive care will be authorized and given on the following conditions:

(a) A request for the service shall be made by the physician in charge of the case.

(b) Special nursing service shall be given by registered nurses or licensed practical nurses, on a full-time basis, unless otherwise approved by the medical coordinator.

(c) Treatment in intensive care units or by special nurses shall be on the basis of information supplied on the department's progress report form, for periods as approved by the department.

History: 1954 ACS 65, p. 59, Eff. Nov. 9, 1970.

R 722.636 Payments for care of newborn children.

Rule 36. Payment for hospital care of a newborn child may be authorized by the medical coordinator if the infant has a crippling condition which qualifies under the crippled children's program.

History: 1954 ACS 65, p. 60, Eff. Nov. 9, 1970.

R 722.637 Hospital and medical insurance or indemnity benefits.

Rule 37. (1) A hospital and parent, guardian or person acting in place of a parent shall decide whether an application to the department will be made when health insurance or indemnity benefits are involved.

(2) If application is made the hospital shall agree:

(a) To accept prepaid hospital insurance or indemnity plan benefits as a first resource, and the applicant shall make such resource available to the hospital. Cash indemnity hospital insurance payments payable directly to patients or their families shall be considered as cash resources of the patients or their families and shall be accepted by the hospital toward the payment for authorized care.

(b) To itemize charges and insurance credits on invoices where prepaid hospital insurance or indemnity plan benefits are involved.

(c) To make reasonable effort to collect the benefits from prepaid hospital insurance or indemnity contracts applicable to patients. Evidence of reasonable attempt to collect such benefits shall be rendered to the department upon request.

(d) To notify the department in case of delay in benefit recovery and upon request to authorize the department to make such recovery for the state.

(e) To take credit on the next billing or remit to the department by credit memo within 30 days after receipt, any benefits recovered at a date later than the date of billing.

(3) An adjustment shall be made so that benefits collected shall not exceed allowable billings.

History: 1954 ACS 65, p. 60, Eff. Nov. 9, 1970.

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R 722.638 Payments to hospitals.

Rule 38. A hospital shall be reimbursed for services at rates agreed upon between the department and the hospital and on the basis of evidence of services maintained and invoices submitted as prescribed by the department under existing federal and state rules and regulations.

History: 1954 ACS 65, p. 60, Eff. Nov. 9, 1970.

PART 4. MEDICAL CARE AND TREATMENT

R 722.641 Payments.

Rule 41. (1) Payment for medical and surgical services rendered to children whose conditions qualify under the crippled children's act is limited to specialists who are approved by the department.

(2) Two physicians shall not be paid for attendance on the same case at the same time except where it can be demonstrated that supplementary care is required.

(3) Upon receipt of invoice and reports as required by the department, it shall pay for medical, surgical and other approved professional services rendered under the crippled children's program, at rates established by the department.

History: 1954 ACS 65, p. 60, Eff. Nov. 9, 1970.

R 722.642 Consultations.

Rule 42. (1) A request for consultation shall be made by the attending physician as prescribed by the department.

(2) A consultation shall be obtained from a board-certified specialist. However, if a specialist is not available in the area, consultation may be obtained from a physician with demonstrated competence in dealing with the particular problem.

(3) Payment for requested consultation shall be made upon receipt by the department of an invoice.

History: 1954 ACS 65, p. 60, Eff. Nov. 9, 1970.

CRIPPLED CHILDREN COMMISSION

PROGRAM OF MEDICAL CARE FOR PREVENTION OF BLINDNESS IN CHILDREN

R 722.701—R 722.706 Rescinded.

History: 1954 ACS 17, pp. 19-21, Eff. Feb. 14, 1959, rescinded 1954 ACS 44, p. 63, Eff. Nov. 14, 1965.

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DEPARTMENT OF CORRECTIONS

BUREAU OF CORRECTIONAL FACILITIES

COUNTY JAILS

R 791.1—R 791.15 Rescinded.

History: 1944 ACS 36, pp. 11-14, 1954 AC, pp. 7101-7200, rescinded 1954 ACS 42, p. 100, Eff. May 15, 1965.

COUNTY JAILS

R 791.21—R 791.33 Rescinded.

History: 1954 ACS 42, pp. 97-100, Eff. May 15, 1965, rescinded 1954 ACS 62, p. 52, Eff. May 18, 1970.

JAILS AND LOCKUPS

R 791.101—R 791.113 Rescinded.

History: 1954 ACS 62, pp. 48-52, rescinded 1954 ACS 84, p. 90, Eff. Sept. 3, 1975.

PAROLE BOARD

PAROLES, PARDONS, REPRIEVES, AND COMMUTATION OF SENTENCES

R 791.301—R 791.351 Rescinded.

History: 1954 ACS 63, pp. 30-32, Eff. Aug. 14, 1970; rescinded 1954 ACS 93, p. 44, Eff. Nov. 30, 1977.

BUREAU OF CORRECTIONAL FACILITIES

JAILS, LOCKUPS, AND SECURITY CAMPS

(By authority conferred on the department of corrections by section 16a of chapter 13 of the Revised Statutes of 1846, as added, section 62 of Act No. 232 of the Public Acts of 1953, as amended, and section 277 of Act No. 380 of the Public Acts of 1965, being §§45.16a, 791.262, and 16.377 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 791.501 Definitions; A to D.

Rule 501. (1) "Administrator" means the sheriff, chief of police, facility administrator, or other duly authorized person responsible for the operation of a facility.

(2) "Capacity" means the number of persons a facility has been constructed to house under full, normal operation, excluding holding, detoxification and segregation cells, without the addition of extra beds.

(3) "Commission" means the corrections commission which administers the department of corrections or its formally delegated representatives.

(4) "Detoxification cell" means a cell used to temporarily hold 1 or more chemically impaired persons during the detoxification process until they can care for themselves and be moved to general housing areas.

(5) "Director" means the director of the department of corrections.

(6) "Dispensing" means the issuing of 1 or more doses in a suitable container, appropriately labeled for subsequent administration or use by a patient.

(7) "Drugs" means any prescribed medicine or controlled substance.

History: 1954 ACS 84, p. 90, Eff. Sept. 3, 1975.

R 791.502 Definitions; F to H.

Rule 502. (1) "Facility" means a jail, lockup, or security camp, including buildings and site.

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(2) "Fire resistive" means a building having walls, ceilings, floors, partitions, and roofs of noncombustible materials and structural steel frames protected by a noncombustible material having a fire resistance rating of 1 hour. This does not prohibit the use of wood flooring, doors, frames, or trim in other than individual housing areas.

(3) "High security" means accommodations, secure against escape, for persons who cannot be allowed to mingle physically with other inmates without direct supervision and who will therefore be confined essentially full time to these accommodations, normally because of assaultive and aggressive behavior or high escape risk.

(4) "Holding cell" means a cell used to hold 1 or more persons temporarily while awaiting processing, booking, court appearance, or discharge.

History: 1954 ACS 84, p. 90, Eff. Sept. 3, 1975.

R 791.503 Definitions; I to L.

Rule 503. (1) "Inmate living area" means an individual cell or room or groups of cells or rooms which provide as a minimum sleeping accommodations, storage of approved personal effects, and personal hygiene accommodations.

(2) "Inmate occupied area" means that portion of a facility which could normally be occupied by inmates.

(3) "Jail" means a facility operated by a unit of local government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(4) "Lockup" means a facility operated by a unit of local government used to detain persons charged with or convicted of criminal offenses for a period of less than 48 hours.

(5) "Low security" means accommodations for housing and group activities of inmates who are not considered dangerous or likely to escape.

History: 1954 ACS 84, p. 91, Eff. Sept. 3, 1975.

R 791.504 Definitions; M to S.

Rule 504. (1) "Medium security" means accommodations secure against escape and under direct staff supervision, but where inmates will be allowed to participate in group activities.

(2) "Security area" means a defined space whose physical boundaries have controlled access and egress.

(3) "Security camp" means a facility operated by a unit of local government for the housing and correction of inmates who are not considered dangerous or likely to escape.

(4) "Security door" means a door, equipped with the proper hardware, compatible with the security classification of the separation in which it is used.

(5) "Segregation cell" means a cell constructed for the temporary housing of a person whose behavior is disruptive.

(6) "Special problem category" means specific groups of inmates, including, but not limited to, the mentally ill, physically ill, suicide prone, high escape risks, substance abuse offenders, and assaultive, dangerous, or disruptive persons.

History: 1954 ACS 84, p. 91, Eff. Sept. 3, 1975

R 791.511 Variances.

Rule 511. (1) A facility shall comply with the requirements of these rules, except that the commission may grant a variance where it determines that:

(a) Strict compliance would cause unusual difficulties and hardships.

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(b) The exception meets the intent of the rule and would not seriously affect the security, supervision of inmates, programs or the safe, healthful, or efficient operation of the facility.

(2) In previously existing facilities where specific rules cannot be complied with because of unusual difficulty or undue hardship, exception to specific physical plant provisions of the rules may be made if the intent of the rules is met and the security, supervision of inmates, programs or the safe, healthful, or efficient operation of the facility is not seriously affected.

(3) When an exception to a rule is desired for a specific facility, the responsible local authority shall submit a written request to the commission stating the justification for the requested exception and documenting the claim that the exception meets the intent of the rule and will not jeopardize the security, supervision of inmates, programs or the safe, healthful or efficient operation of the facility. An exception, if granted, shall apply only to the petitioner, for the specific situation or equipment cited and for the period of time specified.

History: 1954 ACS 84, p. 91, Eff. Sept. 3, 1975.

R 791.519 Rescission.

Rule 519. The rules of the department entitled, "Jails and Lockups," being R 791.101 to R 791.113 of the Michigan Administrative Code and appearing on pages 5879 to 5883 of the 1970-71 Annual Supplements to the Code, are rescinded.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

PART 2. PLANNING

R 791.521 Review of concepts.

Rule 521. (1) When the construction of a new facility, or the extensive remodeling of an existing facility is considered, the responsible local authority shall contact the commission for review and opinion of concepts.

(2) Information furnished to the commission at subsequent stages shall include, but not be limited to, the areas listed in R 791.522 to R 791.524.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

R 791.522 Objectives and analysis.

Rule 522. (1) A clear definition of functions and objectives for the proposed addition, renovation, or new facility shall be provided.

(2) Careful study shall be given to future needs and possible expansion.

(3) An analysis of facility population trends over a period of not less than 5 years should be made to determine anticipated capacity of facility components. Data should include, but not be limited to, differentiation by age, sex, crime (classification), and status (sentenced, unsentenced, juvenile, adult and other special problem categories).

(4) Different degrees of security housing shall be considered.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

R 791.523 Space allocations.

Rule 523. (1) Space shall be allocated for, but not limited to, the following functions where required by these rules and the needs of the facility:

(a) Inmate reception.
(b) Shakedown.
(c) Adequate separation of inmates.
(d) Attorney interviews.
(e) Guard stations.

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(f) Food service.
(g) Storage.
(h) Visiting.
(i) Booking.
(j) Identification.
(k) Security garage.
(l) Interrogation.
(m) Show-up.
(n) Laundry.
(o) Inmate commissary.
(p) Inmate programming.
(q) Inmate activities.
(r) Counseling.
(s) Dressing in and out.
(t) Medical examination and treatment.

(2) Subdivisions (a) to (h) apply to all facilities; (i) to (l) apply to jails and lockups; (n) to (r) apply to jails and security camps; and (m), (s), and (t) apply only to jails.

(3) A separate classification—diagnostic area and infirmary—is desirable and should be provided in large jails.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

R 791.524 Sites.

Rule 524. (1) The site shall be of sufficient size to provide for expansion over the projected life of a facility, and to provide a buffer zone around the buildings.

(2) The responsible local authority shall consult with the local health department relative to the adequacies of the site for water, sewage, and solid waste disposal and the certification of adequacy shall be submitted to the commission before site acquisition.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

R 791.525 Plans and specifications.

Rule 525. (1) Plans and specifications shall be prepared by an architect or engineer registered in this state pursuant to Act No. 240 of the Public Acts of 1937, as amended, being §338.551 et seq. of the Michigan Compiled Laws, and submitted at the following stages in order to provide approval of plans for lockups or a carefully examined opinion regarding jails or security camps:

(a) At completion of design development phase.
(b) At completion of construction document phase.
(c) Consultation service at other stages will be available to the architect as desired.

(2) Two sets of preliminary documents and 2 sets of final documents shall be submitted to the commission for review of compliance with these rules and the rules for barrier free design requirements. One set of final documents shall be submitted directly to the county department of health having jurisdiction.

(3) The commission shall be consulted relative to any extensive changes in facility equipment which materially affect operations or management.

(4) Construction contracts shall not be awarded until the commission has given written opinion of the final contract documents. Revisions shall not be made to the documents except upon additional opinion by the commission. Final inspection of the completed facility before acceptance by the owner shall be made in conjunction with an on-site inspection by a designee of the commission.

History: 1954 ACS 84, p. 92, Eff. Sept. 3, 1975.

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PART 3. CONSTRUCTION

R 791.531 Laws applicable.

Rule 531. A facility shall conform to the building, safety, and health requirements of the local authority. Standards for a facility which exceed those of a local authority shall take precedence.

History: 1954 ACS 84, p. 93, Eff. Sept. 3, 1975.

R 791.532 Safety and security.

Rule 532. (1) A facility shall provide safety for staff and inmates.

(2) A facility shall provide all necessary custodial security. These security features shall be compatible with modern design which stresses positive aspects rather than negative restraint.

(3) The design shall provide for the orderly flow of facility traffic through strategically located corridors, eliminating all unnecessary cross traffic and undesirable contacts between differently classified types of inmates. The design shall insure the security and efficiency of the facility operations. Particular consideration should be given to this when planning for rehabilitation or treatment areas within the jail complex.

(4) A facility shall be so designed that a section or area can be closed off for varied use to meet changing needs.

(5) A jail or lockup shall be of fire-resistive construction and not attached to a wooden building, except that for housing of low security day-parole inmates or for a multi-purpose room, a building of combustible construction may be attached to a jail if:

(a) The combustible building is constructed in compliance with the recommendations for relocatable classrooms of the fire marshal division, Michigan state police.

(b) A 2-hour noncombustible separation is maintained between the buildings with a 1½-hour fire door and no other openings allowed.

(c) An ionization type detection system is installed in the combustible building which activates an alarm within a control center in case of fire.

(6) A jail, lockup, or security camp shall be designed and maintained as a special security unit. When built in conjunction with other governmental functions, the integrity of the security perimeter shall not be compromised.

(7) A building of 2 stories or more shall have not less than 1 elevator large enough to accommodate a loaded ambulance cot. Closed-circuit television or other acceptable electronic monitoring devices may be used in a security elevator.

(8) Facility construction shall incorporate measures which protect against the entrance of vermin into the institution and the breeding or presence of vermin on the premises. Choice of materials and construction design shall enable satisfactory maintenance and housekeeping.

History: 1954 ACS 84, p. 93, Eff. Sept. 3, 1975.

R 791.533 Separations.

Rule 533. A separation between 2 security classifications shall be as secure as the higher classification but in no case less than medium security.

History: 1954 ACS 84, p. 93, Eff. Sept. 3, 1975.

R 791.534 Administrative section.

Rule 534. (1) A facility shall provide sufficient space for administrative and clerical personnel. Equipment, supplies, and storage space shall be provided

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adequately to meet established and projected needs. These spaces shall be located outside the inmate occupied area.

(2) A jail shall have a conference area conveniently located for general facility use.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.535 Squad rooms.

Rule 535. In jails, locker space, water closets, lavatories, showers, and dressing areas should be provided for all uniformed personnel, and if provided shall be located outside the inmate occupied area.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.536 Public accommodations.

Rule 536. (1) Public areas of the facility shall be located outside the inmate occupied area and shall comply with the rules of the state fire marshal according to Act No. 207 of the Public Acts of 1941, as amended, being §29.1 et seq. of the Michigan Compiled Laws, and state barrier free design requirements promulgated pursuant to Act No. 1 of the Public Acts of 1966, as amended, being §125.1351 et seq. of the Michigan Compiled Laws.

(2) Public access to a building shall be through a main entrance. The public shall not have uncontrolled access to inmate occupied areas.

(3) A public lobby or waiting area should provide for the comfort and convenience of the public, including sufficient seating, water closets, lavatories, drinking fountains, and public telephones.

(4) A public lobby or waiting area shall be so situated that it does not interfere with general office routine.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.537 Visiting areas.

Rule 537. (1) A facility shall provide visiting accommodations inside the inmate occupied area near a control room or other guard station. The visiting area shall be designed to provide flexibility in the degree of physical security and supervision commensurate with security needs of variously classified inmates.

(2) Visiting space shall be provided for cases where maximum supervision is required in which visitors can be kept physically separate from inmates at all times.

(3) For all other cases, a common visiting area shall be provided for visits from law enforcement officers, attorneys, clergy, and probation and parole officers.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.538 Entrances.

Rule 538. (1) A jail or lockup shall be so designed that inmates may board or disembark from a transportation vehicle inside a security garage located inside or abutting on the building. Space shall be sufficient to accommodate anticipated transportation vehicles, including buses where applicable, and to insure the adequate handling of inmates in the security garage. Supplies, materials, equipment, and vehicles shall not be stored in a security garage.

(2) The inmate entrance shall be from the security garage through a safety vestibule into the processing area. This entrance shall allow for passage of a loaded ambulance cot between interlocking doors.

(3) A safety vestibule shall be designed and constructed to allow a corrections officer to observe and identify a person approaching the inmate entrance. Electronic surveillance equipment may be used.

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(4) Separate secure storage space shall be provided for disposition of weapons at all entrances to the inmate occupied area.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.540 Processing areas.

Rule 540. (1) Jails and lockups shall have a processing area located inside the inmate occupied area, but away from the inmate living area.

(2) The processing area shall be designed to readily permit the booking, shakedown, identification and dressing of inmates.

(3) One or more holding cells shall be provided to temporarily detain inmates pending booking, court appearance, identification, housing assignment, or discharge.

(4) Space shall be provided for a thorough strip search of an inmate, a clothing inspection for contraband and fumigation if necessary, a shower, and delousing of an inmate. Some form of modesty panels shall be provided.

(5) Space shall be provided for photographing, fingerprinting, and carrying out identification procedures for inmates.

History: 1954 ACS 84, p. 94, Eff. Sept. 3, 1975.

R 791.541 Storage areas.

Rule 541. Processing storage areas based upon capacity shall be provided as follows:

(a) In a jail inmate property storage adjacent to the processing area in the amount of 2 cubic feet per inmate, excluding shelving, bins, and baskets.

(b) In a jail or lockup space for inmates' personal effects.

(c) Jail uniforms, towels, bedding, and linen in the amount of 3 cubic feet per inmate, excluding shelving, bins, and baskets.

(d) Off-floor storage for mattresses in the amount of 5.25 cubic feet per mattress for 25% of beds, excluding aisles.

History: 1954 ACS 84, p. 95, Eff. Sept. 3, 1975.

R 791.543 Medical treatment and infirmary.

Rule 543. (1) Space and equipment for medical examination, treatment, and convalescent care shall be provided in each jail or written protocol established and implemented with a recognized community health care facility for inmates of the jail.

(2) The construction of an infirmary should be considered for a jail having a capacity of 50 or more whenever it is anticipated that:

(a) Emergency services may have to be rendered frequently.

(b) There is a high frequency of cases where the jail physician deems it unnecessary to remove an inmate to an outside medical facility, but where recuperative or convalescent care is required.

(c) Convalescent care cannot be provided by utilization of vacant single cells or dormitory units.

(3) Where an infirmary is constructed, the following components shall apply:

(a) Nurses station.

(b) Locked medication station with storage for individually filled prescriptions.

(c) Separate clean utility room with sink, storage for nourishments, linen, and equipment.

(d) Soiled utility room with double tub sink and clinical service sink with flushing rim.

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(e) Eighty square feet of floor space per bed; not more than 4 beds per ward.
(f) One hundred square feet of floor space for single room.
(g) Three-feet 8-inch door widths.
(h) Hand washing lavatory accessible to each ward. The lavatory shall have a gooseneck inlet with wrist controls.
(i) Janitor closet.
(j) Additional elements may be needed as dictated by the health care program carried out.

History: 1954 ACS 84, p. 95, Eff. Sept. 3, 1975.

R 791.544 Corridors and vestibules.

Rule 544. (1) A guard inspection corridor and inmate corridor shall be provided where needed. In a high security area, a corridor shall separate an inmate living area from any exterior wall in which openings occur.
(2) A corridor shall be not less than 5 feet wide and permit the free passage of all movable equipment within the facility.
(3) A safety vestibule of sufficient size to permit passage of a loaded ambulance cot between interlocking doors shall be provided at the entrance of each inmate living area designed to hold medium or maximum security inmates.
(4) A safety vestibule shall provide full visibility of the areas from which a person enters or leaves the vestibule.

History: 1954 ACS 84, p. 95, Eff. Sept. 3, 1975.

R 791.545 Laundries.

Rule 545. (1) A laundry or an acceptable vendor contract, or both, shall be maintained to provide clean clothing, bedding and supplies. When a laundry is maintained, space for soiled clothing storage, clean laundry storage, and laundry supply storage shall be provided. Where applicable, space shall be provided for washer, extractor, or dryer. Size of equipment and area required may be based on 20 pounds of wash per inmate per week at capacity.
(2) Equipment shall be commercial or heavy duty type.
(3) Where an inmate is used on laundry assignments, a hand washing lavatory and water closet shall be provided in or in close proximity to the laundry.

History: 1954 ACS 84, p. 95, Eff. Sept. 3, 1975.

R 791.546 Commissaries.

Rule 546. Space appropriate to capacity of the jail or security camp shall be provided for an inmate commissary.

History: 1954 ACS 84, p. 96, Eff. Sept. 3, 1975.

R 791.551 Arsenals.

Rule 551. An arsenal shall be provided in a jail or lockup for the issuance, storage, and care of weapons. It shall be located outside the inmate occupied areas and secure from access by unauthorized persons.

History: 1954 ACS 84, p. 96, Eff. Sept. 3, 1975.

R 791.552 Guard stations.

Rule 552. (1) Not less than 1 guard station shall be provided for a corrections officer on each floor.
(2) In a jail or lockup, 1 of the guard stations shall be a control center located outside the inmate occupied area. A control center shall be protected so as to be inaccessible to inmates and unauthorized persons under all foreseeable circumstances.

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(3) Door openings of the inmate occupied area perimeter, except those operated by and at the security garage entrance, shall be controlled from the control center by manual or electrical locking devices or both. Strategic doors within a security area may also be remotely controlled from the control center.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.553 Monitoring, communication, and surveillance systems.

Rule 553. (1) In a jail or lockup, a security area shall have an electronic monitoring system built in so that activities can be checked by the corrections officer and so an inmate can advise the officer of emergency needs. Where applicable, closed-circuit television surveillance equipment may be used.

(2) Where closed-circuit television is not included but is planned or anticipated, space and conduits should be provided so that the equipment can be installed without need for alteration of the physical plant.

(3) Plans for the use of the equipment shall be submitted to the commission for review and approval before purchase and installation.

(4) Two-way communication capability shall be provided between any remotely controlled security gate or door and its control point.

(5) Outlets for multi-channel radio or television hookup for education and recreational purposes should be provided in an inmate-occupied area.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.554 Exits.

Rule 554. (1) Two separate means of evacuation shall be provided on each floor where inmates are confined.

(2) Two separate exits in multi-level buildings shall be provided by properly enclosed 1 hour rated stair shafts.

(3) An exit shall lead directly from the inmate occupied area to a hazard-free area at street grade where adequate supervision shall be provided. This stairway shall serve only the inmate occupied area.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.555 Detoxification cells.

Rule 555. (1) A jail or lockup shall provide 1 or more detoxification cells which shall be designed for detention of chemically impaired persons during the detoxification process only.

(2) The cell shall be equipped with a raised bunk slab 27 inches wide and not more than 8 inches high.

(3) The cell shall be provided with a prison-type combination water closet/lavatory/drinking fountain, angle jet type, for each 8 inmates or fraction thereof. One or more 4-inch flushing floor drains shall be provided. The floor shall be properly pitched to drains. A plumbing fixture shall have outside water shutoffs and controls, individually by cell.

(4) The size of a cell shall be determined by the anticipated maximum number of chemically impaired persons received at any 1 time but shall be at least 80 square feet in area.

(5) The cell shall have a minimum of 15 square feet of floor space, exclusive of bunk slab, for each inmate at maximum capacity of the detoxification cell.

(6) The cell shall have a floor and bunk slab covered with not less than a ¾-inch resilient surface which shall be durable and easily cleanable. A nonskid coating shall be applied to the surface or other methods exercised to minimize slippage. Edges and corners on projecting surfaces shall be rounded.

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(7) The cell shall be located near a guard station in order to insure proper supervision. The cell shall be separate from an inmate living area.

(8) A detoxification cell shall be constructed to provide unhampered supervision of the entire detoxification cell area and to materially reduce noise.

History: 1954 ACS 84, p. 96, Eff. Sept. 3, 1975.

R 791.557 Holding cells.

Rule 557. (1) A jail or lockup shall provide 1 or more holding cells with not less than 150 square feet of floor space or not less than 15 square feet per inmate, excluding benches, at capacity of the holding cell.

(2) Seating shall be sufficient to provide not less than 24 linear inches per person at capacity. Corners and edges of benches shall be rounded.

(3) A prison-type water closet/lavatory/drinking fountain, angle jet type, shall be provided for each 8 inmates or fraction thereof. Permanent modesty panels shall be provided.

(4) A holding cell shall have 1 or more 4-inch, flushing floor drains. A plumbing fixture shall have outside water shut-offs, individually by cell. The floor shall be constructed of material which is durable and easily cleanable. A floor shall have a nonskid surface to minimize slippage.

(5) A holding cell shall be located near a guard station in order to insure proper supervision. A holding cell shall be separate from an inmate living area. It shall be constructed to provide unhampered supervision of the entire holding cell area and to materially reduce noise.

History: 1954 ACS 84, p. 97, Eff. Sept. 3, 1975.

R 791.558 Segregation cells.

Rule 558. (1) A jail shall have 1 or more segregation cells to temporarily house disruptive inmates, located within the inmate occupied area.

(2) The cell shall be a minimum of 80 square feet and shall contain a raised bunk slab 18 inches high by 24 inches wide by 8 feet long. Exposed surfaces of the floor and bunk slab shall be troweled concrete with surface hardener, terrazzo, or other approved finish. Corners and edges of the bunk shall be rounded.

(3) The cell shall have a 4-inch, flushing floor drain. The floor shall be properly pitched to the drain.

History: 1954 ACS 84, p. 97, Eff. Sept. 3, 1975.

R 791.559 Segregation cell interiors and vestibules.

Rule 559. (1) Walls and ceiling of the segregation cell shall be uncovered reinforced concrete. The cell shall be sufficiently sound isolated to materially reduce noise transmission to other parts of the jail.

(2) A cell door shall have a 12-inch by 4-inch food pass located 40 inches above the floor or other approved alternate.

(3) A security-type mattress shall be provided.

(4) A cell shall contain a prison-type combination water closet/lavatory/drinking fountain, angle jet type. A plumbing fixture shall have outside water shutoffs and controls, individually by cell.

(5) An entrance vestibule shall be located in front of a segregation cell. This vestibule shall be enclosed with an outer solid door with view plate. This door shall be not less than 5 feet removed from the cell door.

(6) A cell and its vestibule shall be separated by a solid wall from an adjacent cell.

History: 1954 ACS 84, p. 97, Eff. Sept. 3, 1975.

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R 791.563 General cells and areas.

Rule 563. (1) Except for a holding or a detoxification cell, housing shall be constructed so that each inmate has an individual cell or room.

(2) Innovative architectural concepts and the use of new materials are encouraged to reduce problems of security, maintenance and sound reverberation while creating a practical, safe, and healthful environment for staff and inmates.

(3) Light, soft-toned, washable paint shall be used for untiled walls and metalwork in the facility.

(4) Inmate-occupied cells, rooms, activity and multi-purpose rooms or space should be decorated in varied light color shades to permit an introduction of human scale within the facility. This is particularly important in high security areas where inmate movement is restricted.

(5) A litter stretcher and storage therefor shall be provided on each floor for the transportation of the critically ill or injured.

History: 1954 ACS 84, p. 97, Eff. Sept. 3, 1975.

R 791.564 High security cells and areas.

Rule 564. (1) A high security cell shall have not less than 75 square feet of floor space, except for lockups where minimum size shall be 52 square feet.

(2) Minimum equipment for a high security cell shall include a prison-type combination water closet/lavatory/drinking fountain, angle jet type, a rigidly constructed perforated steel-bottomed metal bed or other approved alternate, small steel table and seat and a mirror. All equipment shall be securely fastened to the floor or wall.

(3) A shower head for each 15 cells or fraction thereof shall be provided in each high security area.

(4) A high security door shall be of sliding bar grillwork or other approved construction where maximum vision is required and of sliding or hinged 14 gauge reinforced hollow metal or ¼-inch minimum hinged steel plate elsewhere.

(5) Sliding doors shall have tracks and guides inaccessible to inmate living areas and shall be equipped with a locking device which permits them to be remotely opened and closed and locked and unlocked, either individually or collectively.

(6) A partition in a high security area shall be of reinforced concrete with a minimum of #4 bars at 12 inches O.C. each way, or other approved construction.

(7) A floor shall be of reinforced concrete and may be covered with terrazzo or other approved finish.

(8) Uncovered steel plate construction shall not be used for a floor, wall, or ceiling.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.565 Medium security cells and areas.

Rule 565. (1) A medium security cell shall have not less than 52 square feet of floor space when an activity area is available and directly accessible from the cell. If an activity area is not provided a medium security cell, excluding corridor, shall not have less than 75 square feet of floor space, except for lockups where minimum size may be 52 square feet.

(2) Minimum equipment for a medium security cell shall include an institutional water closet, lavatory, and drinking fountain, angle jet type, a fixed bunk, desk, shelf and hooks, mirror, and a chair or stool.

(3) A shower head for each 15 cells or fraction thereof shall be provided in each medium security area.

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(4) A medium security door shall be of not less than 16 gauge reinforced hollow metal, side hinged or pivoted, hung in a 12 gauge specially reinforced hollow metal frame.

(5) Doors shall be equipped with a locking device which permits them to be remotely locked and unlocked, either individually or collectively.

(6) In a medium security area a partition shall be of minimally reinforced concrete or reinforced concrete masonry units with high strength mortar.

(7) A floor shall be of reinforced concrete and may be covered with terrazzo or other approved finish.

(8) Uncovered steel plate construction shall not be used for a floor, wall, or ceiling.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.566 Low security rooms and areas.

Rule 566. (1) A low security room shall have not less than 52 square feet of floor space when an activity area is available and directly accessible from the room. If an activity area is not provided a low security room, excluding corridor, shall not have less than 75 square feet of floor space.

(2) Minimum equipment for a low security room shall include a bed, writing surface, chair, mirror, a locker or hooks or hangers, and a shelf or drawer.

(3) Gang-type water closets and showers may be used. One shower head shall be provided for each 15 rooms or fraction thereof. One institutional water closet and lavatory shall be provided for each 8 rooms or fraction thereof. Some form of modesty panels shall be included.

(4) A low security door shall be of not less than 18 gauge reinforced hollow metal, or solid core laminated plastic, side hinged or pivoted, hung in a hollow metal frame of not less than 16 gauge steel.

(5) A partition shall be constructed of durable materials easily cleanable.

(6) A room floor shall be of reinforced concrete and may be covered with terrazzo or other approved finish.

(7) Uncovered steel plate construction shall not be used for a floor, wall, or ceiling.

History: 1954 ACS 84, p. 98, Eff. Sept. 3, 1975.

R 791.571 Exercise areas.

Rule 571. (1) A jail shall provide an inside and outside exercise area which meets the definition of a security area.

(2) The responsible local authority shall consult with the commission relative to design and approval of rooftop exercise areas.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

R 791.572 Outside exercise area fences.

Rule 572. (1) An outside exercise area shall be enclosed by double security fence 12-feet high or a single masonry-type wall 12-feet high. The outer perimeter fence shall be not less than 6 feet from the interior fence. Fencing shall be installed inside fence posts.

(2) Fencing shall be 2-inch mesh not less than 144 inches high, and shall provide visual privacy and security against escape and contraband.

(3) The footing of the fence shall be sufficiently secure to preclude tunneling or caching contraband. This may be achieved by construction of a 12-inch ratwall or similar barrier.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

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R 791.573 Activity areas.

Rule 573. (1) When an activity area is required by R 791.565 or R 791.566, the area shall provide not less than 30 square feet of space per inmate at maximum usage. This shall be directly accessible from the cell or room.

(2) If the activity area is not directly accessible from the cell or room, group toilet facilities shall be provided consisting of a water closet, lavatory, and drinking fountain, angle jet type, for each 8 inmates or fraction thereof. Some form of modesty panel shall be provided in conjunction with a water closet.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

R 791.574 Multipurpose rooms.

Rule 574. (1) A jail with a capacity of 35 or less shall have, in addition to any activity area, a multipurpose room of not less than 200 square feet.

(2) A jail of more than 35 capacity shall have, in addition to any activity area, 1 or more multipurpose rooms for group assembly of inmates of not less than 600 square feet for each 100 inmates or fraction thereof.

(3) A multipurpose room shall be located outside the inmate living area.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

R 791.577 Kitchens.

Rule 577. (1) If food is to be prepared in a facility, a kitchen shall be provided.

(2) The kitchen shall be planned for efficient food preparation, receipt of supplies, storage and removal of waste without affecting security of the facility.

(3) The kitchen shall be designed so that it will not be used as a passageway for nonfood handling staff or the public.

(4) In designing a food preparation and service area, planning should allow space for the following operations: receiving, storage, processing, preparation, cooking and baking, serving, dishwashing, cleaning, menu preparation and record keeping, staff personal hygiene, and maintenance.

(5) Issue areas for fresh, dry, and frozen foods shall be adjacent to the kitchen.

(6) A kitchen floor shall be properly pitched to a floor drain. The junction between the floor and the wall shall be coved. The walls and ceilings shall be finished with smooth, washable, light-colored surfaces.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

R 791.578 Kitchen lighting, ventilation, and water.

Rule 578. (1) Adequate natural or artificial light shall be provided on work surfaces in the kitchen where food is prepared and cooking and eating utensils are washed.

(2) Food service rooms shall be adequately ventilated to control disagreeable odors and moisture and any opening to the outer air shall be effectively screened and barred.

(3) Adequate hot and cold running water under pressure shall be provided in the kitchen area. Hot water equipment shall be of sufficient size and capacity to meet the kitchen and other facility needs and consistent with public health standards.

History: 1954 ACS 84, p. 99, Eff. Sept. 3, 1975.

R 791.579 Kitchen equipment.

Rule 579. (1) A kitchen shall be provided with appropriate equipment for preparation and serving of meals, for refrigeration of perishable foods, storage of

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dry and frozen foods, and for washing and sanitizing of silverware, dishes, and cooking utensils.

(2) A hand-washing lavatory shall be provided.

(3) Minimum kitchen equipment shall consist of 1 or more triple sinks with integral flanking drain boards, a refrigerator of commercial size, and a cooking range with not less than 6 burners or equivalent heating surface; ovens as required.

(4) A work table or counter top shall be constructed of impervious materials.

(5) Commercial dishwashing and sanitization equipment sized for the needs of the facility shall be provided.

History: 1954 ACS 84, p. 100, Eff. Sept. 3, 1975.

R 791.580 Feeding space.

Rule 580. In initial planning for new construction or remodeling of an existing facility, provision should be made for group feeding as well as segregated feeding. Group feeding should avoid an overly-large concentration of inmates.

History: 1954 ACS 84, p. 100, Eff. Sept. 3, 1975.

R 791.583 Electrical power and lighting.

Rule 583. (1) Electrical installation shall meet the requirements of Act No. 217 of the Public Acts of 1956, as amended, being §338.881 et seq. of the Michigan Compiled Laws. In pursuance of this act, a certificate of approval of electrical work may be issued by the state electrical administrative board or by any city, village, or township permitted by the act to adopt and ordinance providing standards for electrical work.

(2) In addition to the requirements of that act, a jail or lockup shall have:

(a) Light controls, and conduit and lighting fixtures out of reach of inmates in high security areas.

(b) Inmate living area interiors devoid of dark corners.

(c) Lighted entrances and exterior sufficient to observe a person approaching the entrance and exterior perimeter during hours of darkness.

(d) An emergency electrical power facility for quick recovery to maintain essential services, security, and safety. Emergency power shall supply electricity for entrance lighting, exit signs, guard and inmate corridors, fire alarm, electrically operated locks and gates, and the like to meet the fire safety statutory requirements of Act No. 207 of the Public Acts of 1941, as amended. Emergency power shall also provide electricity for the emergency ventilation unit if operable windows are not provided.

(e) Where heated food carts are used, appropriate electrical outlets shall be provided.

(3) Lighting shall be of sufficient intensity to clearly illuminate cells and corridors for supervision purposes at all times and to permit an inmate to read in his cell. Lighting should follow standards established by the illuminating engineers society.

History: 1954 ACS 84, p. 100, Eff. Sept. 3, 1975.

R 791.584 Heating and ventilation.

Rule 584. (1) Heating systems and all equipment shall be designed to provide a minimum temperature of 67 degrees Fahrenheit in all occupied areas with an outside design temperature of minus 10 degrees Fahrenheit below latitude 44°10′ and minus 20 degrees above that line.

(2) Controlled ventilation shall be provided in all occupied areas. Minimum outside air shall be 5 cubic feet per minute per occupant. The system shall be

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designed to control odors, and to routinely provide temperatures within the normal comfort zone (67 degrees to 85 degress Fahrenheit).

History: 1954 ACS 84, p. 100, Eff. Sept. 3, 1975.

R 791.585 Plumbing and drainage.

Rule 585. (1) Plumbing work shall meet the requirements of Act No. 266 of the Public Acts of 1929, as amended, being §338.901 et seq. of the Michigan Compiled Laws, and Act No. 222 of the Public Acts of 1901, being §338.951 et seq. of the Michigan Compiled Laws. Water closets, showers, and lavatories used by inmates shall be of a type designed for jail or prison use. Both hot and cold water shall be available to each cell. Hot water shall not exceed 110 degrees Fahrenheit at a lavatory or shower in the inmate living area. A lavatory shall have a quick shutoff valve and no stopper.

(2) A drain shall be located to reduce the incidence of malicious tampering and flooding. Except where specified, a drain shall not be located in a cell but in a guard corridor.

(3) A drain cover shall be securely anchored to preclude an inmate using it as an assault weapon.

(4) A floor shall be properly pitched to a drain.

(5) Sufficient mop sinks shall be conveniently located to insure proper janitorial service within and outside a security area to preclude excessive passage through its perimeter.

(6) Plumbing space, or any other mechanical space, shall have a lockable access door.

(7) Hose bibbs shall be provided in plumbing access space or corridors out of reach of inmates.

History: 1954 ACS 84, p. 100, Eff. Sept. 3, 1975.

R 791.586 Windows.

Rule 586. (1) Windows in an inmate occupied area shall be architecturally treated to preclude direct vision into an inmate occupied area from the outside.

(2) A sufficient number of windows capable of being opened or an emergency mechanical ventilation unit shall be provided in order to allow for sufficient ventilation in case of a breakdown in the normal ventilation system or power failure.

(3) An operable window in an inmate occupied area shall be equipped with an insect and security screen.

History: 1954 ACS 84, p. 101, Eff. Sept. 3, 1975.

R 791.587 Hardware.

Rule 587. (1) All electric operated hardware shall provide for manual key override in an emergency. Electric hinges shall be equipped with concealed wires so that electric parts are not exposed when hinge is installed.

(2) All hardware in the inmate occupied area shall be attached with security type or tamperproof fasteners.

(3) Hardware for high security doors shall be of a type designed for prison or maximum security use.

(4) High security hinged doors shall be equipped with a lock, a door closer, and ball bearing fast-pin prison type hinges.

(5) Medium security doors shall be equipped with not less than a heavy duty mortise or unit lockset, a door closer and ball bearing fast-pin hinges or pivots.

(6) Low security doors shall be equipped with not less than a heavy duty mortise or unit lockset and ball bearing hinges or pivots.

History: 1954 ACS 84, p. 101, Eff. Sept. 3, 1975.

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R 791.591 Security camps.

Rule 591. (1) A security camp or inmate work farm shall be designed and constructed to reflect low security objectives including durable housing and facilities which implement community-based work and rehabilitative programs.

(2) Construction standards for a security camp or work farm shall follow applicable standards for facilities prescribed elsewhere in these rules and consistent with the low security objectives and requirements.

(3) Inmate housing shall provide not less than 40 square feet of sleeping area floor space per person at capacity. Sleeping quarters shall be subdivided into units with not more than 20 beds per sleeping area.

(4) Activity and multipurpose space shall be provided consistent with low security objectives and program requirements.

(5) The kitchen, food storage and feeding space shall conform to R 791.577 to R 791.580, but shall be consistent with the size and type of the operation.

(6) Electrical, heating, plumbing, and lighting standards as prescribed in R 791.583, R 791.584(1), and R 791.585 shall apply, but shall also be consistent with low security requirements.

History: 1954 ACS 84, p. 101, Eff. Sept. 3, 1975.

PART 4. OPERATIONS

R 791.601 Administrative.

Rule 601. (1) A facility shall remain operational 24 hours a day with sufficient personnel on duty, fully dressed, awake and alert for an emergency to insure proper security and correctional control.

(2) The administrator shall supervise, schedule, and control personnel including maintenance employees working in the facility.

(3) Not less than 1 corrections officer shall be provided for each floor of security area and additional officers in sections of a floor wherever separations occur, if supervision by sight or sound cannot be made by 1 officer.

(4) Sufficient personnel shall be provided to perform ancillary functions such as transportation or court escort without jeopardizing security, supervision of inmates, programs, or the efficient operation of the facility.

(5) A facility shall not house juveniles, except as otherwise provided by statute.

(6) Under exceptional circumstances involving extreme hardship, privation, or act of God, a facility may be used temporarily as a house of refuge.

(7) The administrator shall initiate procedures which will effectively control the receipt, storage, and release of inmate property.

History: 1954 ACS 84, p. 101, Eff. Sept. 3, 1975.

R 791.602 Personnel standards.

Rule 602. (1) It is recommended that the selection, appointment, and promotion of corrections personnel should be made on the basis of demonstrated ability.

(2) It is recommended that officials responsible for selecting facility staff should apply standards requiring experience, aptitude, a minimum of a high school education or equivalent, training, maturity, psychological stability, and good character. It is recommended that there should be a probationary period before an appointment is made permanent.

(3) It is recommended that personnel assigned to correctional duties in the facility should meet physical standards to accomplish correctional objectives.

History: 1954 ACS 84, p. 102, Eff. Sept. 3, 1975.

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R 791.603 Staff training.

Rule 603. (1) The commission shall recommend standards for correctional staff orientation and in-service training programs.

(2) It is recommended that the administrator should develop and implement a continuing orientation and in-service training program for correctional staff in conjunction with the standards recommended by the commission and training sponsored by the department of corrections.

History: 1954 ACS 84, p. 102, Eff. Sept. 3, 1975.

R 791.604 Work stations, post orders, and procedures.

Rule 604. (1) The administrator shall develop written policies, procedures, and regulations for the operation of a facility and establish methods to familiarize staff with these policies, procedures, and rules. Copies shall be available at the facility for commission inspection.

(2) The administrator shall prescribe the work stations of officers and describe their specific orders and duties. These descriptions shall include, but not be limited to, the following:

(a) Security checks of building and equipment.

(b) Inmate counts.

(c) Housekeeping or sanitation duties.

(d) Specific responsibilities in carrying out fire, disturbance, escape, or other emergency plans.

(3) Post orders and duties shall be available at the facility for review.

History: 1954 ACS 84, p. 102, Eff. Sept. 3, 1975.

R 791.605 Unusual occurrences.

Rule 605. (1) An unusual occurrence shall be reported within 72 hours to the department of corrections on forms provided by the commission.

(2) An unusual occurrence to be reported includes, but is not limited to:

(a) Suicide attempt.

(b) Suicide or death by violence.

(c) Escape by force or subterfuge.

(d) Riot or mass disturbance.

(e) Physical assault on personnel or inmate.

(f) Use of deadly force by staff.

History: 1954 ACS 84, p. 102, Eff. Sept. 3, 1975.

R 791.611 Kitchen administration.

Rule 611. (1) The administrator shall provide at least 3 meals or their equivalent daily, at regular times, with not more than a 15-hour span between a substantial evening meal and breakfast, unless a substantial snack is served after the evening meal when this time span may be increased to 16¾ hours excepting emergencies.

(2) Copies of menus used shall be available for commission inspection over the current 30-day period. Menus should include portion sizes of all items served where applicable.

(3) The kitchen staff shall prepare necessary special diet meals as prescribed by the designated medical authority.

(4) In-cell feeding shall be restricted to inmates in a high security area or who for other specific reasons cannot be given access to a central or other dining area.

History: 1954 ACS 84, p. 102, Eff. Sept. 3, 1975.

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R 791.612 Kitchen furnishings and maintenance.

Rule 612. (1) Kitchen equipment and serving utensils shall be furnished by the responsible unit of local government and shall remain at the facility.

(2) Nonfunctioning or malfunctioning equipment shall be promptly repaired or replaced.

(3) Work table or counter top surfaces shall be free of checks or cracks.

(4) Dishes for inmate food service shall be approved for institutional use by the national sanitation foundation or other appropriate body. Dishes shall be resistant to damage or construction into weapons. Disposable dishes shall be flame resistant and utilized for single service only.

(5) Service of meals shall be consistent with public health standards regarding thermal and bacterial protection. All equipment utilized for transporting or holding meals shall be approved by the national sanitation foundation or other appropriate body.

(6) Dishes, flatware, utensils and other kitchen equipment including heated food carts shall be removed after feeding, and washed, rinsed, and sanitized consistent with public health standards.

History: 1954 ACS 84, p. 103, Eff. Sept. 3, 1975.

R 791.614 Food groups and calories.

Rule 614. (1) The basic food groups shall be used in establishing a minimum basic food ration for inmates. A minimum daily food ration, which supplies the fundamental elements of good nutrition, shall include selections from the following 7 basic food groups:

Group 1—green and yellow vegetables; raw, cooked, frozen, or canned.

Group 2—citrus fruits and tomatoes, raw cabbage, or salad greens.

Group 3—potatoes, root vegetables, and fruit other than citrus.

Group 4—milk and milk products, fluid, evaporated or dried milk, or cheese.

Group 5—meat, poultry, fish, or eggs supplemented by dried beans, peas, nuts, or peanut butter.

Group 6—cereals; natural, whole grain enriched.

Group 7—butter, fortified margerine, or oil.

(2) Minimum calorie requirements for inmates shall be 2,500 per day for sedentary inmates and 2,800 for inmates doing physical labor, including 60 to 70 grams of protein per person per day plus identifiable sources of vitamins A and C, and calcium.

History: 1954 ACS 84, p. 103, Eff. Sept. 3, 1975.

R 791.615 Food preparation and storage.

Rule 615. (1) Food while being stored, prepared or served shall be protected from contamination.

(2) Perishable food shall be stored at temperatures which will protect against spoilage. Frozen food shall be kept at a temperature so as to remain frozen, except when being thawed for preparation or use.

(3) Potentially hazardous foods shall be maintained at safe temperatures, 45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above, except during necessary periods of preparation.

(4) A cold storage unit for the storage of perishable food in a nonfrozen state shall be provided with an indicating thermometer accurate to ± 2 degrees Fahrenheit located in the warmest part of the unit in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

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(5) Meats, canned goods and frozen foods shall be from government-inspected sources. Home canned foods shall not be served to inmates. Milk and milk products shall be pasteurized.

(6) Raw fruits and vegetables shall be washed before use.

History: 1954 ACS 84, p. 103, Eff. Sept. 3, 1975.

R 791.618 Food service, lockups, and security camps.

Rule 618. (1) A lockup or security camp shall submit to the commission and review and approval a plan for food service.

(2) R 791.577 to R 791.579 and R 791.611 to R 791.615 apply to a lockup or security camp having a kitchen or food preparation area, but shall be consistent with the size of the operation.

(3) All meals and foods prepared in other than a lockup or security camp kitchen shall meet the requirements of Act No. 269 of the Public Acts of 1968, being §325.801 et seq. of the Michigan Compiled Laws.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.621 Records.

Rule 621. (1) The administrator shall keep an accurate and complete set of facility records which shall remain the property of the unit of local government.

(2) A coordinated record system shall be adopted so that statistical information is readily available when needed. The administrator shall develop procedures which will determine:

(a) What records are initiated and filed.

(b) How long each record shall be kept to satisfy agency operating requirements.

(c) Legal, audit, and historical requirements for records retention.

(d) When records may be destroyed consistent with local and state requirements.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.622 Inmate records.

Rule 622. Records pertaining to inmates shall include:

(a) Personal and criminal history.

(b) Physical description.

(c) Medical and health records of inmates' physical condition on admission, during confinement and at discharge; unusual behavior within the facility and referrals for mental health services.

(d) Dates of commitment and discharge, and authority therefor, with the name and title of the officer delivering or receiving.

(e) Temporary absences from the facility and authority therefor.

(f) Escapes.

(g) Cash, valuables, and other personal items taken from inmates on commitment.

(h) Itemization of inmate expenditures and receipts while in custody.

(i) Visitors, with names, addresses, and dates of visits.

(j) Misconduct and disciplinary action taken during confinement. Dates of misconduct and disciplinary actions shall be documented.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.623 Management records and reports.

Rule 623. (1) Adequate records shall be maintained by the administrator including, but not limited to:

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(a) Operating expenses.

(b) Population trends differentiated at least as to age, sex, crime (classification), status (sentenced, unsentenced, juvenile, adult and other special problem categories).

(c) An accurate and current account of individual inmate funds.

(2) The administrator at the end of each month shall furnish to the director information reasonably prescribed by the commission on forms furnished by the commission.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.626 Fingerprints.

Rule 626. An inmate admitted to a facility shall be fingerprinted and each facility shall keep on file a transcript of offense record for each inmate in lieu of additional sets of fingerprints in accordance with state and federal requirements.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.631 Security procedures.

Rule 631. (1) Security procedures shall be developed and prepared in written form and shall be available for inspection by the commission.

(2) The administrator shall develop a specific written plan to be employed in case of an emergency such as fire, escape, or riot. The administrator shall annually review these plans and update as necessary. The plan shall be available to the commission for review.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.632 Searches of inmates and facilities.

Rule 632. (1) Whether he has been previously searched or not by an arresting or transportation officer, upon admission, a thorough search of the body, clothing, and personal effects of a newly received inmate shall be made. A strip search shall be made as soon as possible, but in all cases before transfer to an inmate living area. An item which might be used by the inmate as a weapon or to harm himself such as a necktie, shoelace, or belt shall be removed from him.

(2) An inmate permitted to leave a facility under a work program shall be thoroughly searched before re-entering medium or high security areas of a facility.

(3) Frequent, but irregular, shakedowns of inmates shall be made.

(4) Inmate living areas, including those unoccupied, shall be systematically and routinely searched at irregular intervals for items of contraband and material which would serve as a weapon, means of self-destruction, or escape.

(5) An inmate shall not assist in a search of a cell or in other security inspection.

History: 1954 ACS 84, p. 104, Eff. Sept. 3, 1975.

R 791.633 Keys and locks.

Rule 633. (1) Facility keys shall be stored in a secure key locker when not in use and a record of all keys shall be kept. There shall be at least 2 sets of facility keys, 1 set in use, and 1 or more sets stored in a safe place accessible to facility personnel and kept for use in an emergency. Personnel shall be given instructions concerning the use of keys and held strictly accountable for keys assigned to them.

(2) Security keys shall not be handled by inmates.

(3) An unoccupied cell shall be kept locked at all times.

(4) An inmate living area door and all doors in a security area shall be kept locked, except when necessary to permit admission or exit of an inmate, visitor, or

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employee. A door to a vacant unit or storage room shall be kept locked at all times.

(5) An inmate shall not be permitted to act as turnkey or be assigned work that requires access to or use of security keys, personnel records, or inmate records.

History: 1954 ACS 84, p. 105, Eff. Sept. 3, 1975.

R 791.634 Tools, equipment, and hazardous substances.

Rule 634. (1) Control and secure storage of tools and equipment which might be fashioned into weapons or instruments which could be a security threat shall be provided. After each use, tools and equipment shall be accounted for and returned to a designated secure storage area.

(2) An officer of the facility shall make a maintenance check twice each week, or more often, for the purpose of checking defective faucets, water closets, pipes, light fixtures, switches, sockets, and the interior and exterior perimeter of the facility including all bars, windows, locks, and doors.

(3) Damaged, nonfunctioning, or malfunctioning security equipment shall be promptly repaired or replaced.

(4) Provision shall be made for the safe storage of flammable materials, insecticides, rodenticides, and other toxic substances.

History: 1954 ACS 84, p. 105, Eff. Sept. 3, 1975.

R 791.635 Accounting for inmates.

Rule 635. (1) Visual supervision of each inmate shall be provided at least once every 60 minutes on a 24-hour basis and in high-risk areas on a more frequent basis.

(2) Provision shall be made to provide close visual supervision for an inmate who is potentially suicidal, mentally ill, or demonstrates unusual or bizarre behavior.

(3) Inmates shall be accounted for regularly by actual physical count taken by a facility employee at each shift change and as necessary.

History: 1954 ACS 84, p. 105, Eff. Sept. 3, 1975.

R 791.638 Female inmates.

Rule 638. (1) The administrator shall develop a plan for processing female inmates. The plan shall be available to the commission for inspection.

(2) The administrator shall provide 1 or more matrons on a part- or full-time basis as needs may require.

(3) Upon admission to the facility, a female inmate shall be under the immediate supervision and control of a matron.

(4) A female inmate shall be processed separately from males either in a separate processing area or by scheduling. A female inmate shall be confined separately from males.

(5) Whenever a female inmate is incarcerated, a matron shall be present in the facility at all times for the care and control of female inmates. A male shall not be permitted in occupied female quarters unless accompanied by a matron.

(6) A matron shall accompany a female inmate when she is presented in court, questioned by a law enforcement officer, or otherwise removed from the place of her confinement.

History: 1954 ACS 84, p. 105, Eff. Sept. 3, 1975.

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R 791.641 Inmate separation.

Rule 641. A person arrested shall be confined or separated in a jail or lockup in the following manner:

(a) Groups of arrested persons shall be under direct staff supervision prior to and during processing into a jail or lockup.

(b) Following processing, housing separation shall be provided to reasonably preclude perilous influence and to assure the health and safety of the detainee.

(c) A person confined to a detoxification cell shall be moved to a general housing area as soon as he can properly care for himself.

(d) Housing separation shall permit effective management in the care and control of the special problem inmate; drug addict; sex deviate; mentally and physically ill; assaultive, dangerous or disruptive; escape risk; crime partners; recidivist; and unsophisticated.

(e) A first offender shall be housed separately; the misdemeanant from the felon, and the sentenced from the unsentenced.

(f) A material witness or other person detained for a noncriminal charge shall be housed separately and distinctly from a person charged with a criminal offense.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

R 791.642 Inmate classification.

Rule 642. (1) A facility administrator shall provide a basic plan for classifying inmates. The plan shall be available to the commission for review.

(2) Items to be considered in reference to classification of inmates are:

(a) Housing separation.

(b) Determination of the type and extent of security required for each classification of inmates.

(c) Determination of ability of inmate to benefit from treatment, rehabilitation, or other correctional services.

(d) Assignment to educational and vocational training classes.

(e) Assignment of work programs commensurate with physical and mental ability.

(f) Post release referrals to appropriate agencies for additional care and treatment.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

R 791.644 Inmate rules.

Rule 644. (1) The administrator shall provide complete printed rules for the guidance of an inmate which are approved by the circuit court judge and sheriff or chief of police.

(2) An inmate received in a facility shall be given the rules which will be a part of his regular issue. When the inmate leaves the facility, the rules shall be turned in and reissued if possible. An inmate who is illiterate shall have the rules read to him by a staff person. Some form of orientation to rules and institutional expectations shall be effected by a facility.

(3) A rule applying to an inmate shall be pertinent and necessary to the safety, security, or function of the facility or the harmony of the inmates. A capricious or redundant rule shall be avoided. An inmate shall have every opportunity to comply with the institutional rules and changes shall be announced in advance and well publicized.

(4) A copy of the rules shall be available to the commission.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

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R 791.646 Inmate discipline.

Rule 646. The administrator shall develop and implement a plan for inmate disciplinary procedures. The plan shall be available for commission inspection. The administrator shall periodically review the plan and update it as necessary. The plan and its subsequent modifications shall comply with applicable state and federal law concerning administrative disciplinary procedures for inmates. Additionally the following requirements shall be met:

(a) An inmate shall not prescribe or administer disciplinary action.

(b) Corporal punishment is prohibited.

(c) An inmate shall not be confined in a segregation cell for more than 48 consecutive hours. Meals for an inmate in a segregation cell shall be the same as those served to other inmates in the jail and in amounts and at times prescribed in R 791.611(1) and R 791.614.

History: 1954 ACS 84, p. 106, Eff. Sept. 3, 1975.

R 791.648 Inmate treatment programs.

Rule 648. (1) Constructive inmate treatment programs shall be provided in each jail or security camp. All inmates shall be given every reasonable opportunity to participate. The programming may consist of work, education, self-help, vocational training, counseling, hobbycraft or recreation. Closed-circuit television may be used in conjunction with educational and recreation programs. Where security permits, treatment programs should be conducted in areas other than an inmate's cell or sleeping area. The nature of work or tasks performed by an inmate should be positive and constructive. While recreational activities and constructive leisure time pursuits are an important facet of rehabilitative activities, a purely recreational program is not considered adequate.

(2) Inmate treatment programming shall be made available to, but not required of, a nonsentenced inmate. A female shall receive equivalent opportunities for programming.

(3) Community resources should be sought for treatment programs in the jail or security camp and in the community for inmates eligible for such placement.

History: 1954 ACS 84, p. 107, Eff. Sept. 3, 1975.

R 791.649 Activities outside of cells.

Rule 649. (1) An inmate in a high security cell shall be allowed daily movement outside the cell, except when the administrator can document that the good order of the facility may be jeopardized. Reading, radio hookup, and cell study materials shall be available to the inmate. Closed-circuit television may be used to provide educational opportunities.

(2) Other inmates should be free to leave their cells to participate in recreation or treatment activities on a daily basis.

History: 1954 ACS 84, p. 107, Eff. Sept. 3, 1975.

R 791.651 Counseling and education.

Rule 651. (1) A system of counseling should be devised which provides the inmate with an opportunity to discuss his personal, family, and behavior problems with a qualified individual who may be able to provide a solution or guidance. Alcoholics anonymous, narcotics anonymous, psychotherapy, group counseling and the like, would be included in this area.

(2) Arrangements should be made with a local school system to provide educational self-improvement programs for inmates.

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(3) Vocational and academic education should be interrelated. One objective is to improve the inmate's employability with supplemental academic education to remedy deficiencies. It is advisable that with an education program there be developed a referral procedure so that the inmate may continue in a similar program in the community upon release.

(4) The administrator should acquaint an inmate leaving his jurisdiction with programs and resources in the community relevant to the inmate's apparent problems, and upon request of the inmate make referrals to those programs and resources.

History: 1954 ACS 84, p. 107, Eff. Sept. 3, 1975.

R 791.652 Proposals and implementation of programs.

Rule 652. (1) It is recognized that immediate compliance with R 791.648 and R 791.649 will not be possible for many jurisdictions. Therefore, 12 months from the effective date of these rules is allowed for each jail to develop a plan for the implementation of inmate rehabilitative programming. Consideration should also be given to recommendations contained in R 791.651.

(2) The plan shall be placed on file with the commission and shall include a definite timetable for implementation which may be phased over a period of from 1 to 3 years.

(3) As a minimum, a plan should include an analysis of the jail or security camp population and their treatment needs, a survey of existing or projected resources or both, and a determination of program goals and objectives to meet the needs within each local jurisdiction. Program goals and objectives, inmate needs and program implementation shall be evaluated continually and updated as necessary. The department of corrections will provide consultation relative to rehabilitative program development if requested.

(4) The administrator may wish to combine resources with nearby jurisdictions to provide treatment programming on a regional basis. It is not expected that a jail or security camp with few inmates will provide the extensive programming which may be required for a larger jail or security camp.

History: 1954 ACS 84, p. 107, Eff. Sept. 3, 1975.

R 791.654 Inmate visitors.

Rule 654. (1) The administrator shall uniformly set the number of permissible visits for each inmate and the number of visitors permitted for each visit. Visits should be governed by administrative constraints and space availability.

(2) Visits shall be allowed for identified members of an inmate's immediate family, his counsel, clergyman, and in the case of an inmate awaiting trial, persons with whom he may need to confer in order to prepare the defense of his case. Where security permits, provision may be made for family members under 18 years of age and established friends to visit inmates.

(3) An inmate shall not be denied visits by properly identified clergy, counsel of his own choosing, or counsel appointed by the court. These conversations shall not be monitored.

(4) The administrator may deny a visit to an inmate when he has reasonable grounds to believe that the visit might endanger the good order or the security of the facility. Reasons for denial of a visit shall be in writing.

(5) A visitor shall register, giving his name, address, relationship and nature of business. Visits shall be under supervision.

(6) A visitor shall not be allowed inside an inmate living area.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

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R 791.655 Inmate correspondence.

Rule 655. (1) An inmate shall be allowed to send uninspected correspondence to any person or organization, unless there are reasonable grounds to believe that 1 or more of the following exist:

(a) The correspondence contravenes law or postal regulations.

(b) The inmate is a suicidal risk.

(c) There is plotting against the good order and security of the facility.

(d) The correspondence concerns plans or schemes for criminal activity.

(e) There is a prior substantiated instance wherein 1 or more of the conditions enumerated above was present.

(2) Incoming mail shall be inspected for contraband.

(3) Properly identified incoming attorney and court mail for an inmate shall be opened only in the presence of the inmate and its confidentiality shall be maintained. An inmate shall be allowed to send unopened correspondence to public officials or counsel representing him.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

R 791.656 First aid.

Rule 656. The administrator shall insure that adequate first aid equipment and supplies are provided and maintained.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

R 791.657 Inmate health care.

Rule 657. (1) The administrator shall insure that appropriate medical screening and health care is provided to inmates. The administrator shall develop a plan for provision of medical and health services to inmates. The plan shall be available to the commission for inspection.

(2) Upon admission, provision shall be made to detect symptoms of narcotic addiction, diabetes, epilepsy, heart disease, chemical impairment, and the like. Immediate attention shall be given to persons in a stupor or comatose state.

(3) An inmate shall be examined by trained medical personnel within a reasonable period of time if an inmate is visibly ill, chronically ill, on medication, complains of illness, or whenever it is suspected that medical attention is necessary. The administrator may use either the inmate's personal physician or any trained medical person. The extent of the examination or the need for additional examinations shall be at the discretion of trained medical personnel.

(4) If a communicable disease is suspected or symptoms are observed, appropriate examinations, lab tests, and treatment shall be provided. A licensed physician shall be consulted in all cases involving an unexplained rash or discharge, chronic coughing, diarrhea, and the like. The extent of the examination shall be at the discretion of the physician. An inmate diagnosed as being contagious shall be removed from the facility, or quarantined in quarters well ventilated and separate from other inmates. In a case of suspected contagion, the administrator shall consult with the local health department.

(5) A physical disease or defect shall be noted in the inmate's record. The examining physician or dentist shall determine whether the disease or defect is to be treated or corrected during the period of incarceration.

(6) Provision shall be made for the prompt treatment of a case involving ectoparasites.

(7) If, in the opinion of a licensed physician, an inmate needs hospitalization, the administrator, as directed by the physician, shall deliver the inmate to the nearest hospital or to any hospital designated by the board of commissioners or the governing body of the municipality.

History: 1954 ACS 84, p. 108, Eff. Sept. 3, 1975.

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R 791.658 Inmate medicines and controlled substances.

Rule 658. (1) The administrator shall establish policies and procedures which shall insure compliance with applicable federal and state regulations governing the distribution, dispensing, prescribing, administration, or disposal of any controlled substance or prescribed medication affecting a facility inmate in accordance with Act No. 196 of the Public Acts of 1971, being §335.301 et seq. of the Michigan Compiled Laws and Act No. 151 of the Public Acts of 1962, as amended, being §338.1101 et seq. of the Michigan Compiled Laws. Where controlled substances and precribed medicines are stored in a facility, such storage shall be secure and total control by staff shall be assured. Procedures shall be established which will provide for a monthly audit of all drugs on the premises. The audit shall reconcile amount stored, and dispensed and disposed.

(2) Drugs may be dispensed for a patient only pursuant to the written orders of a practitioner licensed to prescribe in accordance with his professional practice act.

History: 1954 ACS 84, p. 109, Eff. Sept. 3, 1975.

R 791.659 Inmate hygiene.

Rule 659. (1) One shower per week shall be the minimum requirement and daily showers shall be permitted where possible. An inmate employed in food service capacities shall shower daily.

(2) Provisions shall be made for daily shaving and other appropriate personal hygiene.

History: 1954 ACS 84, p. 109, Eff. Sept. 3, 1975.

R 791.661 Inmate clothing and bedding.

Rule 661. (1) The administrator shall provide sufficient inmate clothing and bedding to meet needs at maximum inmate capacity.

(2) A jail shall issue standard clothing to all inmates held in areas other than processing, day parole, or other special programs. Standard clothing issue for an inmate shall consist of clean socks and suitable outer garments. An adequate supply of suitable undergarments for male and female inmates shall be maintained by the jail and issued to the inmates if they cannot provide their own. Clothing shall be exchanged at least once each week or more often as necessary. These garments shall remain the property of the local government.

(3) Clothing, bedding, or linen shall be laundered at county, township, or city expense. Laundered items shall be free of stains and processed for clean appearance.

(4) Standard bedding or linen shall be issued to an inmate with exception of those confined to holding and detoxification cells. The standard issue consists of a mattress, towel, 2 sheets or a mattress cover, and sufficient blankets to provide comfort under existing temperature conditions.

(5) Bedding items shall be issued in a clean condition, and washable items such as mattress covers, towels, and sheets shall be exchanged on a weekly basis and more often as necessary. Blankets shall be laundered before reissue and at least every 3 months and more often, if necessary, to maintain a satisfactory state of cleanliness.

(6) The collection, storage, and transfer of clean and soiled clothing, bedding, and linen shall be accomplished in a manner which will minimize the danger of disease transmission.

History: 1954 ACS 84, p. 109, Eff. Sept. 3, 1975.

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R 791.663 Sanitation.

Rule 663. (1) Bars, walls, and other exposed surfaces shall be washed as often as necessary to be maintained clean and vermin free.

(2) An effective insect and rodent control procedure shall be implemented and maintained. A corridor shall be kept free from litter, and the facility shall be scrubbed thoroughly and frequently to maintain sanitary conditions.

(3) A floor shall be swept and mopped as often as necessary to be maintained in a clean condition. The use of disinfectants in mopping floors should be kept to a minimum to avoid unpleasant odors.

(4) Building finishes and fixtures shall be maintained in good condition and repair. Particular attention shall be given to floors and painted surfaces.

(5) The administrator shall inspect kitchens, refrigerators, food storage facilities, and plumbing units not less than once each week for the maintenance of proper sanitation.

(6) A nonself-flushing drain should be flushed out weekly to avoid unpleasant odors and the escape of sewer gas to adjoining rooms, as well as to eliminate the possibility of becoming a breeding or hiding place for vermin.

(7) A water closet, lavatory, sink, and bathing facility should be thoroughly cleaned not less than once each day.

(8) Suitable containers, easily cleanable with tight-fitting lids, shall be provided for the storage of solid waste materials to eliminate unpleasant odors, vermin, and insects.

(9) Disposal of solid waste materials shall meet local health department requirements.

History: 1954 ACS 84, p. 109, Eff. Sept. 3, 1975.

R 791.665 Safety.

Rule 665. (1) The administrator shall develop and implement safety standards which will protect the health and welfare of inmates and staff.

(2) The ultimate responsibility for keeping the facility clean and eliminating accident hazards shall not be delegated to inmates, but actual housekeeping tasks may be done by inmates under supervision.

(3) Noncombustible receptacles shall be provided for cigarette stubs and burned matches. Separate containers shall be provided for other refuse. These receptacles shall be emptied and cleaned not less than once each day.

(4) Equipment shall be maintained in good repair. Moving parts shall be protected.

(5) A slippery floor surface shall be avoided. Particular attention shall be given to potentially hazardous areas such as a shower drying area, kitchen, holding, detoxification, and segregation cells, corridors, and the like.

History: 1954 ACS 84, p. 110, Eff. Sept. 3, 1975.

COMMISSION OF CORRECTIONS

GENERAL RULES

(By authority conferred on the commission of corrections and the director of the department of corrections by sections 6, 23, 40a, 44, 64, and 65 of Act No. 232 of the Public Acts of 1953 and section 1 of Act No. 89 of the Public Acts of 1935, being §§791.206, 791.223, 791.240a, 791.244, 791.264, 791.265, and 798.101 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 791.1101 Definitions.

Rule 101. As used in these rules:

(a) "Client" means a person committed to the jurisdiction of the department.

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(b) "Commission" means the corrections commission.

(c) "Department" means the department of corrections.

(d) "Director" means the director of the department of corrections.

(e) "Facility" means a camp, center, training unit, institution, or a part thereof maintained by the department.

(f) "Institution" means a facility under the administrative control of the bureau of correctional facilities. The camps are collectively considered to be 1 institution.

(g) "Ombudsman" or "corrections ombudsman" means the legislative corrections ombudsman created by Act No. 46 of the Public Acts of 1975, being §4.351 et seq. of the Michigan Compiled Laws.

(h) "Performance contract" means a formal and binding agreement between the resident, the department, and the parole board, which guarantees the resident's parole on a specified date, contingent on achievement of specified objectives set forth in the agreement.

(i) "Resident" or "prisoner" means a client assigned to a department facility.

History: 1954 ACS 93, p. 44, Eff. Nov. 30, 1977.

R 791.1105 Information as to practice and procedure.

Rule 105. (1) Information as to established practice or procedure under these rules shall be furnished to any person upon a request made to the director of the department.

(2) Communications shall be addressed to the Director, Department of Corrections, Lansing, Michigan.

History: 1954 ACS 93, p. 44, Eff. Nov. 30, 1977.

R 791.1110 Rescission.

Rule 110. Rules 1 to 51 of the parole board, being R 791.301 to R 791.351 of the Michigan Administrative Code and appearing on pages 5883 to 5887 of the 1970-71 Annual Supplements to the Code, are rescinded.

History: 1954 ACS 93, p. 44, Eff. Nov. 30, 1977.

R 791.1115 Declaratory rulings.

Rule 115. (1) Pursuant to section 63 of Act No. 306 of the Public Acts of 1969, being §24.263 of the Michigan Compiled Laws, an interested person may request a declaratory ruling from the department as to the applicability of a statute, rule, or order of the department to an actual state of facts.

(2) The request for declaratory ruling shall be submitted, in writing, to the Director, Department of Corrections, Stevens T. Mason Building, Lansing, Michigan 48913, and shall contain the following information:

(a) A complete account of facts which actually exist for which the declaratory ruling is sought.

(b) Specific reference to the statute, rule, or order in question.

(3) The director or his designate may, but is not required to, issue a declaratory ruling when properly requested. Lack of response within 30 days of receipt of the request shall be deemed a denial of the request for a declaratory ruling.

History: 1954 ACS 93, p. 45, Eff. Nov. 30, 1977.

PART 2. ORGANIZATION AND OPERATION OF DEPARTMENT

R 791.2201 Deputies; chairperson of the parole board; delegation of power and duties.

Rule 201. (1) The director shall appoint deputies to be in charge of correctional facilities, field services, administrative services, programs, and other areas as the need arises.

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(2) The deputies designated under subrule (1) shall perform the duties and exercise the powers conferred by law, and such other powers and duties as may be assigned by the director, subject at all times to the director's control.

(3) The commission shall appoint the chairperson of the parole board who shall act pursuant to sections 32 to 44 of Act No. 232 of the Public Acts of 1953, as amended, being §§791.232 to 791.244 of the Michigan Compiled Laws.

(4) Except where contrary to law, the director may delegate any of the powers and duties conferred by the commission to members of the department staff.

History: 1954 ACS 93, p. 45, Eff. Nov. 30, 1977.

R 791.2205 Warden or superintendent; appointment; duties.

Rule 205. The director shall appoint a warden or superintendent at each institution who shall have the following responsibilities:

(a) Discipline, control, and governing of the institution.

(b) Organize and enforce procedures for security.

(c) Establish procedures to ensure regular inspection of all buildings, grounds, security equipment, fire fighting equipment, and maintenance equipment.

(d) Superintendence of the business concerns and moneys of the institution.

(e) Respond to resident grievances pursuant to R 791.325(4)(c).

(f) Designate a program classification committee to determine appropriate programs for residents pursuant to R 791.4430 and R 791.4435.

(g) Ensure the exercise of residents' rights set forth in R 791.6601 to R 791.6639, and implement the requirements of those rules.

(h) Ensure that the standards of safety, security, and humane treatment set forth in R 791.6641, R 791.6643, and R 791.6645 are met.

(i) Develop procedures for media access as required by R 791.2220, punitive segregation as required by R 791.5510, and periodic searches as required by R 791.2210.

History: 1954 ACS 93, p. 45, Eff. Nov. 30, 1977.

R 791.2210 Search and seizure.

Rule 210. (1) The department shall conduct periodic and spontaneous searches of housing units and other areas within all institutions and facilities.

(2) Searches shall be conducted for the following purposes:

(a) To maintain security.

(b) To preserve order and discipline.

(c) To ensure the safety of the facility.

(3) Contraband, stolen property, or other material possessed in violation of department rules shall be seized and recorded.

(4) The department shall conduct a body search of a resident whenever such search is warranted by the paramount interest of security, discipline, and order.

(5) A search shall not be conducted for the purpose of harassing or humiliating a resident.

(6) The head of each facility shall develop procedures for implementing this rule for the approval of the appropriate deputy director.

History: 1954 ACS 93, p. 45, Eff. Nov. 30, 1977.

R 791.2215 Duties of physician.

Rule 215. Each institutional physician shall ensure that:

(a) The medical services enumerated in R 791.6629(3)(a) to (f) are provided.

(b) Special diets are prescribed for prisoners where medically indicated.

(c) Prisoners who claim inability to fulfill work or school assignments are examined. Where disability exists, the physician shall so certify.

History: 1954 ACS 93, p. 46, Eff. Nov. 30, 1977.

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R 791.2220 Business hours of facilities; tours; visits.

Rule 220. (1) The normal business hours of department facilities shall be from 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

(2) Persons desiring to conduct business in a particular facility during non-business hours shall request permission from the head of the facility.

(3) Professionals and college students in the areas of criminal justice and corrections may request permission to tour a particular facility from the head of that facility.

(4) Persons who wish to visit a departmental facility, but who do not meet the criteria of subrules (2) or (3), shall request permission from the director.

(5) Each facility shall establish procedures for news media representatives to have access to department facilities during business hours.

(6) Visits during disturbances may be permitted only with prior approval from the office of the director.

(7) All visitors inside walled or fenced facilities shall be escorted by facility staff.

(8) Visits with residents are governed by R 791.6607, R 791.6609, R 791.6611, and R 791.6613.

History: 1954 ACS 93, p. 46, Eff. Nov. 30, 1977.

R 791.2225 Research requests.

Rule 225. (1) Pharmaceutical research is governed by R 791.6631, R 791.6633, and R 791.6635.

(2) All nonpharmaceutical research requests shall be submitted to the director and shall specify all of the following:

(a) Purpose of the research.

(b) Hypotheses to be investigated.

(c) Size of the sample to be studied.

(d) Amount and nature of staff or client time required.

(e) Equipment, facilities, or costs involved.

(f) Method of collecting and analyzing the data.

(g) Uses to which the results of the research will be put.

(3) Approval of research requests shall be based upon:

(a) Relevance of the research to the issues of the corrections system.

(b) Degree of disruption to normal activities.

(c) Methodological merits of the proposed research.

(d) Probability of achieving the stated research aims.

(4) Research which is unprofessional in design or redundant, or which would seriously impede security, program, or administrative efficiency, shall not be approved.

(5) The department reserves the right to review reports or publications resulting from approved research requests for factual accuracy of descriptive statements concerning the department.

History: 1954 ACS 93, p. 46, Eff. Nov. 30, 1977.

R 791.2230 Resident orientation.

Rule 230. (1) The head of each facility shall develop an orientation program for newly arrived residents to describe the programs, procedures, and policies of the department and the facility.

(2) A resident shall receive the orientation within 1 week of his or her arrival at a facility.

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(3) During orientation, each resident shall receive, in writing, rules regarding resident behavior. The rules, their rationale, and their implications shall be discussed during the orientation program.

(4) Rules shall be read to residents who are unable to read.

(5) All resident rule changes shall be announced prior to their taking effect, posted on facility bulletin boards, and publicized in appropriate resident publications.

History: 1954 ACS 93, p. 46, Eff. Nov. 30, 1977.

R 791.2235 Resident benefit fund.

Rule 235. (1) Each institution shall establish a resident benefit fund from specified profits of resident store sales, hobbycraft sales, employee club operations, approved resident fund-raising activities, contributions, and assets confiscated following a formal hearing. The director shall establish the percentages of profits to be paid into the resident benefit fund.

(2) Accounting and auditing procedures shall be consistent with the requirements for appropriated funds, and shall be approved by the director's authorized representatives.

(3) An equal number of resident representatives and institutional staff shall constitute the resident benefit fund council, and shall manage the facility's fund.

(4) All action of the council shall be by majority vote, and a summary report shall be made to the resident body.

(5) The council may authorize disbursement of funds for the following purposes:

(a) Recreation and entertainment.

(b) Institutionally approved self-help programs.

(c) Institutionally authorized resident services.

(d) Reimbursement of residents for lost property where the loss is confirmed and resident negligence is not involved.

Expenditures for these purposes may not include purchase or rental of equipment, contractual services, supplies and materials, employee and resident wages, special maintenance, and capital outlay.

(6) Resident benefit fund expenditures which are repaid or otherwise recovered shall be returned to the resident benefit fund.

History: 1954 ACS 93, p. 47, Eff. Nov. 30, 1977.

R 791.2240 Employee training.

Rule 240. (1) All new departmental employees shall receive training, relevant to their responsibilities, on the philosophy, objectives, and policies of the department; on corrections law; and on regulations and operation of the facility or bureau to which they are assigned.

(2) In addition to subrule (1), operating employees of facilities shall receive intensive, job-related training, including both classroom and supervised on-the-job experience.

(3) Training shall be developed by the departmental training officer in conjunction with the appropriate facility and bureau staff.

History: 1954 ACS 93, p. 47, Eff. Nov. 30, 1977.

R 791.2245 Employee conduct.

Rule 245. (1) An employee who violates the code of ethics for state employees and appointed officials is subject to disciplinary action under the rules of the civil service commission.

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(2) An employee shall not accept gifts, loans, goods, services in the form of labor, or other arrangement for personal benefit from a corrections client, a client's relative, or any other person in connection with, or on behalf of, a client.

(3) An employee shall not keep private property or personal belongings at a facility without prior approval of the facility head.

(4) An employee shall not report to work while under the influence of alcohol or drugs.

(5) A full-time employee who wishes to engage in supplemental employment shall request prior written approval from the facility head, regional administrator, or deputy director. Requests shall be in writing and shall contain all of the following:

(a) The hours and extent of proposed employment.

(b) Type and place of employment.

(c) Employer's name and business.

(6) Requests for supplemental employment shall be approved if:

(a) The supplemental employment does not pose a conflict of interest.

(b) The employee's efficiency or required availability will not be adversely affected.

(c) The supplemental employment does not demean the employee's position with the department.

(d) The supplemental employment does not exceed 20 hours per calendar week or 4 hours of any regular work day. Denials of request for supplemental employment may be grieved pursuant to the rules of the civil service commission.

(7) An employee may not use, for personal benefit or gain, any state-owned or leased work materials, foodstuffs, clothing, tools, or other supplies or equipment.

(8) An employee shall not allow a corrections client file to be examined by a person not employed or authorized by the department.

History: 1954 ACS 93, p. 47, Eff. Nov. 30, 1977.

PART 3. CLIENT HEARING AND GRIEVANCE PROCEDURE

R 791.3301 Hearing officers; designation; powers.

Rule 301. (1) The department shall assign employees as hearing officers to conduct administrative hearings regarding corrections clients.

(2) A hearing officer shall:

(a) Insure that all parties are notified of the time and place of hearings.

(b) Regulate the course of a hearing.

(c) Insure that an adequate record or summary is made of the proceeding.

(d) Render a written decision or recommendation.

(e) Impose prescribed disciplinary sanctions pursuant to R 791.5505.

History: 1954 ACS 93, p. 48, Eff. Nov. 30, 1977.

R 791.3305 Administrative hearings; types; phases.

Rule 305. (1) Two types of administrative hearings shall be available to residents of the department: the fact-finding hearing and the formal hearing.

(2) Preliminary parole revocation hearings shall be conducted pursuant to R 791.7740, R 791.7745, and R 791.7750.

(3) Each hearing shall have the following 2 phases:

(a) The fact determination phase, at which the issue of guilt, violation, or commission of conduct warranting department intervention is established.

(b) The disposition phase, at which the appropriate action is determined.

History: 1954 ACS 93, p. 48, Eff. Nov. 30, 1977.

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R 791.3310 Fact-finding hearing; notice; rights of resident; report; waiver.

Rule 310. (1) Sufficiently prior to a fact-finding hearing to allow preparation of a response, a resident shall receive written notice of the purpose of the hearing. A copy of any disciplinary report, or other information regarding circumstances giving rise to the hearing, shall accompany the notice.

(2) A resident has the following rights at a fact-finding hearing:

(a) To be present and speak on his or her own behalf.

(b) To receive a copy of any department document specifically relevant to the issue before the hearing officer.

(3) The hearing officer shall make a summary report of the hearing and decision or recommendation.

(4) A resident, before a designated staff person, may waive the right to a fact-finding hearing. If waiver is made before the officer reporting a minor misconduct, summary sanctions under R 791.5505 (3) may be imposed.

History: 1954 ACS 93, p. 48, Eff. Nov. 30, 1977.

R 791.3315 Formal hearing; notice; evidence; staff investigator; decision; waiver.

Rule 315. (1) Not less than 24 hours prior to a formal hearing, a resident shall receive written notice of the purpose of the hearing. A copy of any disciplinary report, charges of alleged violation, or description of the circumstances giving rise to the hearing shall accompany the notice. The resident shall indicate on the notice form:

(a) Necessary witnesses the resident wishes to call, if any.

(b) A request for department documents specifically relevant to the issue before the hearing officer, if any.

(c) Request for assistance of staff investigator, if necessary, to gather evidence or speak for the resident.

(2) A resident may waive the 24-hour notice requirement by signing the appropriate waiver form.

(3) A resident has the following rights at a formal hearing:

(a) To be present and speak or present written documents on his or her own behalf.

(b) To compel disclosure of department documents specifically relevant to the issue before the hearing officer, unless disclosure presents a threat to personal or institutional safety.

(c) To call necessary, relevant, and material witnesses, when to do so is not unduly hazardous to institutional or safety goals.

(d) To require the report of a staff investigator who interviewed and obtained statements from relevant witnesses, secured departmental documents subject to disclosure, and gathered other evidence.

(4) If the hearing officer denies a request made by a resident on the notice form provided under subrule (1), specific reasons for the denial shall be placed in the record. The presence of a witness is not necessary if the witness's testimony is repetitious or if the witness is able to provide the hearing officer or investigator with a complete written statement.

(5) A staff investigator shall be available when necessary to gather and present factual evidence orally or in writing, at the request of either the resident or the hearing officer. If the hearing officer determines that a resident appears to be incapable of speaking effectively for himself or herself, the hearing officer shall request the staff investigator to appear and present arguments on the resident's behalf. Failure of a staff investigator to present requested documents or statements is justifiable where to do so would be unduly hazardous to institutional or

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safety goals or where the information is irrelevant or unnecessary to the particular case. The specific reason for such failure shall be placed in the record.

(6) The hearing officer shall render a written decision or recommendation in every case, which shall include: the reasons for the denial of a resident's request, if any; a statement of the facts found; the evidence relied upon in support thereof; and the reasons for the action taken. A copy of the decision shall be furnished to the resident, who shall be advised of the right to appeal.

(7) After being informed of the charges or circumstances giving rise to the hearing and his or her rights, a resident may make a written waiver before a designated staff person. This waives the resident's right to a hearing, but the resident shall be heard on the issue of appropriate disposition.

History: 1954 ACS 93, p. 48, Eff. Nov. 30, 1977.

R 791.3320 Appeals; notice; sanctions stayed; basis of review; permissible dispositions on appeal; finality.

Rule 320. (1) All determinations in administrative hearings, except those involving minor or major misconduct, may be appealed only through the grievance procedure of R 791.3325.

(2) Minor and major misconduct may be appealed to the officials designated in department policies and procedures.

(3) Oral notice of intent to appeal in misconduct cases shall be given by the resident at the conclusion of the hearing and shall be followed by a written basis for the appeal within 24 hours after receipt of the written decision pursuant to R 791.3315(6). Sanctions ordered by the hearing officer may be held in abeyance until the appeal is resolved.

(4) Appeals shall be reviewed on the basis of the written summary or record of the hearing, any documentary evidence submitted at the hearing, and the resident's written reason for appeal. The reviewing official may affirm or reverse a finding of guilt, or vacate the finding and remand for a new hearing.

History: 1954 ACS 93, p. 49, Eff. Nov. 30, 1977.

R 791.3325 Grievance procedure.

Rule 325. (1) All corrections clients shall follow the procedures contained in this rule to complain about an alleged violation of rights or unsatisfactory conditions of confinement or supervision due to an administrative action or failure to act by the department.

(2) A client shall not be penalized in any way for exercising his or her grievance right. Copies of grievances filed by clients shall not appear in their case reports or institutional files.

(3) A client may initiate a grievance, and may appeal to each of the levels set out below. The department shall provide forms for the filing of grievances and inform all clients of the availability of the grievance procedure, the forms, and any applicable time limitations.

(4) Recourse to the grievance procedure shall be in the following sequence:

(a) Verbal complaint to the department employee directly involved in the incident or condition.

(b) Written grievance to the appropriate supervisory staff.

(c) Grievance filed under subdivision (b) forwarded with decision to facility head, if the grievant is a resident.

(d) Grievance and decisions forwarded to appropriate deputy director.

(e) Grievance and decisions forwarded to director.

(f) Grievances and decisions forwarded to ombudsman.

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(5) At each of the levels enumerated in subrule (4), the appropriate department employee shall, within the applicable time period, insure review of the grievance and return a written decision to the grievant. Such review may include interviews with the grievant, employees, and other clients where necessary.

(6) Notwithstanding the above provisions, charges of racial or ethnic discrimination, brutality, or corruption may be brought directly to the attention of the director.

History: 1954 ACS 93, p. 49, Eff. Nov. 30, 1977.

PART 4. RESIDENT CLASSIFICATION AND TRANSFER

R 791.4401 Security classification; criteria; security classification committee; levels of custody; additional criteria for certain classifications; right to hearing; reclassification; transfer; grievance.

Rule 401. (1) Each resident shall be classified according to his or her behavior, attitude, circumstances, and the likelihood that the trust implicit with the level of security prescribed will be honored. A security classification is not a punitive or disciplinary action on the part of the department. Residents shall be classified according to security requirements necessary for their protection, the safety of others, the protection of the general public, prevention of escape, and maintenance of control and order.

(2) Security classifications shall be determined at each institution by a committee authorized by the director.

(3) After examination by the classification committee of all information on the resident, the resident shall be assigned 1 of the following categories of security classification which is the least restrictive level of custody consistent with the requirements of subrule (1):

(a) Administrative segregation, subject to R 791.4405.

(b) Maximum custody.

(c) Close custody.

(d) Medium security.

(e) Minimum security.

(f) Community status, with the concurrence of the appropriate department official in charge of community programs and subject to R 791.4410, R 791.4415, R 791.4420, and R 791.4425.

(4) A resident under consideration for minimum security or community status classification shall receive psychological or psychiatric evaluation before the classification decision is made if the resident meets the requirements of subrule (1) and has a history of:

(a) Hospitalization for mental illness within the past 2 years.

(b) Predatory or assaultive sex offenses.

(c) Serious or persistent assaultiveness within the institution.

(5) A resident being considered for reclassification to a more restrictive level of security is entitled to an opportunity for a hearing pursuant to R 791.3310, except as provided in subrule (6).

(6) A resident is not entitled to a hearing where a more restrictive security classification is necessitated by an inter-facility transfer made for 1 of the following reasons:

(a) The transfer is part of the initial classification process.

(b) The transfer is necessary to prevent overcrowding.

(c) Appropriate medical treatment may not be obtained at the transferring facility.

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(d) The custody level of the facility is changed so that the security classification of the resident is inconsistent with that of the facility.

(e) The resident was placed in the facility in order to participate in programming for which that resident no longer qualifies.

(f) There is reliable evidence that the resident is in immediate physical danger, which may not be averted by a less burdensome alternative.

(g) The transfer is requested by the resident.

(h) The transfer is approved by a security classification committee or other designated authority after review of findings made at a misconduct hearing pursuant to R 791.3310 or R 791.3315.

(7) The head of a facility may order an immediate increase in security status on a temporary basis pending a hearing pursuant to R 791.3310. The hearing shall be held within 10 calendar days of the increased security, except that placement in administrative segregation is governed by R 791.4405.

(8) A resident who objects to being reclassified is entitled to file a grievance under R 791.3325.

History: 1954 ACS 93, p. 50, Eff. Nov. 30, 1977.

R 791.4405 Administrative segregation status; criteria for imposition; hearing; status review; monthly report; privileges; showers; daily inspection.

Rule 405. (1) Administrative segregation may be imposed only when:

(a) A resident demonstrates inability to be managed with group privileges.

(b) A resident needs protection from other prisoners.

(c) A resident is a serious threat to the physical safety of staff or other residents or to the good order of the facility.

(d) A resident is a serious escape threat.

(2) A resident shall be afforded an opportunity for a hearing pursuant to R 791.3315 before being classified to administrative segregation; however, a resident may be temporarily held in segregation status pending a hearing upon order of the institutional head, or at the resident's request. This temporary period may not exceed 4 weekdays.

(3) A resident classified to administrative segregation shall be interviewed and have his or her security status reviewed at least monthly. This review shall be written, and a copy shall be given to the resident and to the security classification committee. The interviewers may initiate a request for security reclassification at any time that it appears that administrative segregation is no longer required in light of all of the following:

(a) The resident's behavior and attitude in segregation.

(b) Reappraisal of the circumstances necessitating segregation.

(c) An evaluation of the resident's potential for honoring the trust implicit in a less restrictive status.

(4) In every instance where a resident is confined in administrative segregation longer than 60 days, a monthly report shall be submitted to the deputy director of the bureau of correctional facilities, which shall include the reasons for continued segregation, alternative solutions considered, the date classified to segregation, and prospects for reclassification in the immediate future.

(5) A resident placed in administrative segregation shall be afforded all privileges that are administratively feasible and which can be safely allowed, including, but not limited to, participation in educational, religious, and treatment activities.

(6) A resident in administrative segregation shall be afforded opportunity for at least weekly showers.

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(7) Department staff shall daily inspect each administrative segregation unit and visit each resident so segregated. A record shall be maintained of all such inspections and visits.

History: 1954 ACS 93, p. 51, Eff. Nov. 30, 1977.

R 791.4410 Community status; eligibility criteria; procedures.

Rule 410. (1) A resident is eligible for consideration for community status when the head of the institution at which he or she is confined reasonably believes that the resident will honor this trust, that release would not undermine public confidence in the program, and that the resident meets all of the following criteria:

(a) Qualifies for minimum security status according to the bureau of correctional facilities standards, and is housed in a medium or minimum security facility.

(b) Evidences a background free from: patterns of assault; predatory, compulsive, or assaultive sexual offenses; recent, acute mental disturbance; or other behavior indicating an unwarranted risk to the public.

(c) Has no involvement in organized crime, professional criminal activities, or narcotics traffic. Residents with histories of substance abuse are eligible so long as there is no history of involvement in narcotics traffic beyond personal use and limited sale to support the resident's own addiction.

(d) Is within 180 days of the expiration of the minimum sentence, if serving for certain crimes of violence or assaultive crimes specified by the director.

(e) Has a physical and mental condition consistent with the demands of the program.

(f) Has a good institutional adjustment showing a willingness to conform to the rules and regulations of the program, including support of dependents receiving public assistance or for whom a judicial order for support has been entered.

(2) The procedures of R 791.4401 shall be followed in determining community status classification.

History: 1954 ACS 93, p. 51, Eff. Nov. 30, 1977.

R 791.4415 Community status; furlough; purposes; criteria; waiver; family furlough; medical examination on return.

Rule 415. (1) When all the criteria and procedures of R 791.4410 are met, a furlough may be authorized to permit:

(a) A visit to a critically ill relative.

(b) Attendance at the funeral of a relative.

(c) Obtaining medical services not otherwise available, with the approval of the facility head.

(d) Contacting prospective employers.

(e) Any other compelling reason consistent with the public interest.

(2) The eligibility criteria of R 791.4410(1) may be waived in the following circumstances:

(a) A furlough granted under subrule (1)(a) or (b), if the resident is escorted by a responsible public official or immediate family member.

(b) A furlough granted under subrule (1)(c), if the resident qualifies for minimum security status or is so incapacitated by infirmity as to be deemed harmless to society. Reasonable security measures shall be provided after medical recovery of dangerous residents.

(3) A furlough granted under subrule (1)(e) includes, but is not limited to, a family furlough to reestablish community ties and accept family responsibility. A resident is eligible for a family furlough if:

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(a) The criteria of R 791.4410(1) are met.

(b) The applicant has strong family ties and temporary release is to the custody of an immediate family member.

(c) Destination and escort are approved by both the institution and the investigating field agent.

(4) Each resident returning from temporary release is to be examined by a physician or medical aide within 7 to 10 days after return.

History: 1954 ACS 93, p. 52, Eff. Nov. 30, 1977.

R 791.4420 Community status; work or study release; conditions.

Rule 420. (1) When all the criteria and procedures of R 791.4410 are met, a resident may be classified to community status to work at paid employment or to participate in a program of training or study.

(2) Each institution shall designate personnel responsible for screening, selection, and processing of work and study release applications.

(3) Work release employment shall not result in the displacement of employed persons. The pay scale shall meet minimum wage requirements for similar work in the community. The place of employment shall provide proof of workmen's compensation coverage and shall meet prevailing safety standards. The department shall maintain liaison with the employer and the appropriate Michigan employment security commission office.

History: 1954 ACS 93, p. 52, Eff. Nov. 30, 1977.

R 791.4425 Community status; residence; expenses; conditions; violation.

Rule 425. (1) A resident classified to community status may reside at any designated department facility. A resident classified to community status who meets the requirements of R 791.4415 may be furloughed from any designated department facility.

(2) Each resident classified to community status shall pay expenses as specified by the director. Appropriated funds in a specified amount may be used to pay for room and board, transportation, and necessary incidental expenses for a cumulative period established by the director through an authorized representative.

(3) Each resident classified to community status shall be subject to general and special conditions established by an authorized representative of the director. When a violation of a condition is alleged, which constitutes major or minor misconduct, the charged resident is entitled to an administrative hearing as provided for in R 791.3310 and R 791.3315.

History: 1954 ACS 93, p. 52, Eff. Nov. 30, 1977.

R 791.4430 Program classification; objectives; committee; basis; review; reclassification; procedure; grievance.

Rule 430. (1) Each institution shall provide programs for rehabilitation to provide residents the opportunity to emphasize their individual strengths and develop the ability to handle responsibility. Programs for rehabilitation shall include, but not be limited to, considerations of job readiness, educational preparedness, mental and physical health, substance abuse treatment, and socialization.

(2) All program classification and reclassification decisions shall be made by a program classification committee designated by the head of each institution.

(3) A resident shall be assigned a program classification on the basis of all of the following:

(a) The individual's needs.

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(b) Background information.
(c) Institutional needs.
(d) Security requirements.
(e) Parole board recommendations.
(f) Reception and guidance center recommendations.
(g) Performance contract objectives.
(h) Anticipated length of stay.
(i) Demonstrated degree of responsibility.
(j) The resident's views regarding his or her needs and desires.
(k) Availability of programs.

(4) The department shall specify time periods within which each resident's program classification will automatically be reviewed.

(5) A resident may request consideration of reclassification at any time.

(6) Institutional staff may request consideration of reclassification at any time.

(7) Whenever classification review is made:

(a) The resident shall receive notice that his or her program classification is being reviewed.

(b) The reviewing official shall interview the resident and solicit the resident's views regarding reclassification.

(c) The reviewing official shall make a written report to the program classification committee, which shall include:

(i) The resident's viewpoint.
(ii) The reviewer's recommendation.
(iii) The rationale for the recommendation.

(d) The program classification committee shall make a decision based on the reviewer's report.

(8) A resident objecting to the classification decision is entitled to file a grievance pursuant to R 791.3325.

History: 1954 ACS 93, p. 53, Eff. Nov. 30, 1977.

R 791.4435 Program classification; work and school assignments; work availability; transfer; refusal to work; wage rates; profits; holidays; work day; grievances; suggestions.

Rule 435. (1) A resident's program classification shall include a work or school assignment whenever possible.

(2) Residents shall be informed of available work assignments and minimal qualifications for each assignment.

(3) The procedure and considerations of R 791.4430 shall be followed in determining and reviewing work and school assignments. As far as possible, the work provided shall be such as to maintain or increase the resident's ability to obtain gainful employment after release. Input from the resident regarding needs and reasonable desires shall be solicited and given full consideration.

(4) A request for a job transfer shall involve reclassification where the transfer is into, or out of, an assignment in prison industries.

(5) A resident who refuses a work assignment shall be confined to his or her cell during the working day unless another assignment is agreed to. If it is determined at a hearing that the refusal was unjustified, disciplinary action may also be taken against the resident.

(6) The department shall establish a wage schedule for full-time work assignments. Rates of pay above this schedule shall be determined by each facility, consistent with budgetary allotments and available work force. The range of pay shall reflect the relative difficulty of the job, the skills required, the working

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conditions, and seniority whenever possible. The civil service compensation manual shall be used as a guide for establishing these ranges where applicable.

(7) Income generated from prison industries above the direct and indirect costs entailed in its operation shall be returned as bonuses to the residents in industry work assignments.

(8) All residents on work assignments shall be paid for the holidays designated by the civil service for departmental employees, with time off corresponding to that for institutional staff.

(9) The department shall establish a standard workday and each facility shall establish procedures for regulation of absences and tardiness.

(10) A resident objecting to working conditions or work-related decisions is entitled to file a grievance pursuant to R 791.3325.

(11) Residents shall be encouraged to submit written suggestions regarding methods by which work assignments may be operated more efficiently and safely. These suggestions may be made anonymously.

History: 1954 ACS 93, p. 53, Eff. Nov. 30, 1977.

R 791.4440 Program classification; job safety; accident and injury reporting and compensation.

Rule 440. (1) The department shall provide a safe working environment including full compliance with department of labor requirements for safety devices. Supervisors shall enforce the safety rules and require use of all safety devices. Each resident shall be instructed in the safe operation of equipment and tools. A resident who refuses to use safety devices, after being directed to do so, shall be removed from the assignment pending investigation of the advisability of disciplinary action.

(2) All accidents or injuries involving residents shall be reported according to procedures established by each facility.

(3) A resident injured on a job-related assignment, or a resident whose glasses or other prosthetics are irreparably damaged on a job-related assignment, shall be entitled to compensation if the injury or damage is not a result of deliberate negligence or malice on the part of the resident.

(4) The director shall establish procedures for determining the amount of compensation and conditions for the expiration of the compensation.

History: 1954 ACS 93, p. 54, Eff. Nov. 30, 1977.

PART 5. RESIDENT MISCONDUCT

R 791.5501 Major misconduct; minor misconduct; hearing; confiscation and disposition of contraband.

Rule 501. (1) An alleged violation of resident rules shall be classified as "major misconduct" or "minor misconduct" on the basis of the seriousness of the act and the punitive sanctions allowed.

(2) A resident alleged to have committed the following behavior shall be charged with major misconduct:

(a) Escape or attempt to escape.

(b) Behavior that constitutes a felony under state or federal law.

(c) Serious insubordination as defined in resident guide book.

(d) Assault or threat of violence.

(e) Repeated rule violations as defined in resident guide book.

(f) A violation of rules that clearly jeopardizes facility security or safety as defined in resident guide book.

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(3) A resident charged with major misconduct has a right to a formal hearing as provided in R 791.3315. The hearing shall be held within 10 business days of notice of charges, except that a resident confined pending the hearing shall be accorded the hearing within 4 business days of placement in confinement. These time limits apply unless good cause for delay is contained in the written decision prepared pursuant to R 791.3315(6). Upon a finding of guilt, a resident shall be subjected to the punitive sanctions provided in R 791.5505(1).

(4) A resident charged with a violation of law or resident rules not enumerated in subrule (2) shall be charged with minor misconduct and has a right to a fact-finding hearing provided in R 791.3310. Upon finding of guilt, the resident shall be subjected to the punitive sanctions provided in R 791.5505(2).

(5) Property determined to be contraband at a misconduct hearing shall be confiscated and disposed of in accordance with departmental procedure.

History: 1954 ACS 93, p. 54, Eff. Nov. 30, 1977.

R 791.5505 Sanctions for major and minor misconduct; guilty plea; waiver.

Rule 505. (1) A hearing officer or committee shall impose 1 or more of the following sanctions upon a finding of guilt in major misconduct:

(a) Detention (punitive segregation), not to exceed 7 days, with the maximum range reserved for only the most serious or persistent violators.

(b) Confinement to quarters or top lock, not to exceed 5 days, but not to be combined with a detention sentence.

(c) Loss of privileges, not to exceed 30 days.

(d) Restitution for property damage.

(e) Recommendation to the institution head for forfeiture of good time or denial of special good time in accordance with guidelines established by the department.

(f) Suspended sentence, contingent upon no further misconduct, to be in effect not more than 6 months.

(2) A hearing officer or committee shall impose 1 or more of the following sanctions upon a finding of guilt in minor misconduct:

(a) Confinement to quarters or top lock, not to exceed 5 days (not applicable in minimum security or community classifications).

(b) Loss of privileges or assignment of extra duty, not to exceed 2 weeks.

(c) Suspended sentence, contingent upon no further misconduct, to be in effect not more than 90 days.

(d) Counselling and reprimand.

(3) If a resident wishes to plead guilty to a minor misconduct and waive a fact-finding hearing, the resident may sign a written waiver. If the reporting employee accepts the waiver, that employee may impose summary punishment, not to exceed 1 day top lock, 1 day extra duty, or 1 week loss of privilege. A record of this action shall be on file with the supervisory staff.

History: 1954 ACS 93, p. 55, Eff. Nov. 30, 1977.

R 791.5510 Punitive segregation; regulations and procedures; limitations; daily inspection; record.

Rule 510. (1) A resident shall not be placed in punitive segregation without prior examination and approval by the medical director or the psychiatric staff if the resident has a history of psychiatric problems or a significant medical problem.

(2) Each institution shall adopt specific regulations and establish procedures applying to punitive segregation, and shall provide copies of those regulations and procedures to residents so segregated.

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(3) Sanctions imposed for punitive or disciplinary reasons shall not include deprivation of:

(a) Normal meals.

(b) Mattress and blanket.

(c) Clothing.

(d) Smoking materials.

(e) Adequate heat, light, and ventilation.

(f) Basic writing materials.

(g) Visits.

(h) Basic means of maintaining personal hygiene, including, but not limited to, soap, water, towel, toilet paper, and toothbrush.

(i) Mail privileges.

(j) Access to courts or legal materials.

(4) Punitive segregation shall not be imposed for a period of longer than 7 days.

(5) Supervisory staff shall daily inspect each punitive segregation unit and check each resident so detained. Visual supervision of each detainee shall be made at least once every 60 minutes on a 24-hour basis. A record shall be maintained of all such inspections.

History: 1954 ACS 93, p. 55, Eff. Nov. 30, 1977.

PART 6. RESIDENTS' RIGHTS

R 791.6601 Religions treated equally; attendance at worship; proselytizing; foods; literature; medals.

Rule 601. (1) All religions shall be given equal status and treatment at all institutions and facilities, unless to do so presents a danger to good order and security.

(2) Each institution or facility shall allow attendance at worship or meditation services, except to those prisoners who are so dangerous and disruptive, or so medically or psychologically infirm, as to require immobilization or close confinement.

(3) An agent of the department shall not proselytize, or permit others to proselytize, any corrections client without the consent of that client. However, chaplains shall serve prisoners of all denominations to the best of their ability.

(4) A resident shall be permitted to abstain from any foods which violate his or her religious tenents, and may substitute from other available food. Information about menus shall be available sufficiently in advance to permit residents to observe dietary restrictions. However, special or separate menus shall not be provided.

(5) A resident shall be permitted to receive religious literature through channels established in institutional procedures.

(6) A resident shall be permitted to carry on his or her person religious medals or symbols which cannot be formed into dangerous weapons or are not potentially disruptive.

History: 1954 ACS 93, p. 55, Eff. Nov. 30, 1977.

R 791.6603 Mail rights; writing materials and postage; incoming mail; inspection; limitations; legal correspondence; notice of rejection; violation of rules; hearing.

Rule 603. (1) A resident in general population status shall be permitted to send uncensored letters to any person or organization, subject to the limitations of subrules (5) to (8). Mail of a resident in segregation status shall be subject to inspection, except for correspondence to persons enumerated in R 791.6615(2).

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(2) A resident shall be provided, at no individual expense, with a reasonable quantity of writing materials and postage. The department shall provide air, certified, registered, oversized, and overweight mail service for use at the resident's individual expense.

(3) There is no limit on the amount of incoming mail a resident may receive. Incoming mail from other correctional facilities may be read, and all incoming mail shall be opened and inspected for money and contraband prior to delivery to the addressee. The department shall follow the guidelines of the auditor general for receiving and safe handling of money and valuables confiscated from incoming mail. A resident may receive any book, periodical, or other publication which does not present a threat to the order or security of the institution or to resident rehabilitation.

(4) Pursuant to a specific written request by a resident, mail which is clearly identified as coming from the resident's designated attorney or the corrections ombudsman shall be opened and inspected for contraband in the resident's presence.

(5) The following shall be considered violations of the department's mail rules:

(a) Correspondence which contravenes federal or state law.

(b) Correspondence which violates postal regulations.

(c) Correspondence containing contraband.

(d) Correspondence containing a criminal plan or conspiracy.

(e) Threatening correspondence.

(f) Correspondence addressed to any party who expressly objects to receiving mail from a resident, if sent after the resident has been notified of the objection.

(6) The department may intercept, open, inspect, and refuse to transmit mail when there are reasonable grounds to believe the mail is being sent contrary to department mail rules. This provision shall not apply to clearly identified correspondence to courts, attorneys of record, public officials, the corrections ombudsman, and members of the department's central office staff.

(7) Whenever the department does not transmit first class mail, it shall notify the sender of the rejection, including the reasons therefor.

(8) A resident charged with violating department mail rules shall be afforded an appropriate hearing, pursuant to procedures established in R 791.3305, R 791.3310, and R 791.3315, before any disciplinary action is taken.

History: 1954 ACS 93, p. 56, Eff. Nov. 30, 1977.

R 791.6605 Access to the media, publishers, and interviews; suspension of right during emergencies.

Rule 605. (1) General population residents shall be allowed uncensored correspondence with, and telephone access to, media representatives, subject to reasonable regulation as to time and frequency.

(2) Residents may submit uncensored manuscripts to publishers, and may serve as literary reviewers for newspapers or other publications.

(3) Residents permitted outside an institution for rehabilitative or public service purposes may participate in news interviews when approached by media representatives.

(4) A resident shall not be interviewed, filmed, or photographed by the media in a department institution or facility without the resident's prior written consent. Both the department and the resident must consent to requests for personal interviews. The department shall grant requests for personal interviews of a resident if the number and duration of the interviews are reasonable and the granting of the request does not create a threat to security, order, or rehabilitation.

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The department shall take appropriate steps in evaluating interview requests to insure that the resident is not coerced into consenting to an interview.

(5) The institutional head may temporarily suspend all resident access to the media during emergencies or disorders. Such suspension shall end with the return to normalcy.

History: 1954 ACS 93, p. 56, Eff. Nov. 30, 1977.

R 791.6607 Visitation; visiting hours; quotas; religious, legal, and official visits.

Rule 607. (1) Each institution shall establish reasonable visiting hours and uniform quotas for visits to residents for the purpose of promoting order and discipline in the institution and preventing interference with institutional routine and disruption of the resident's programming.

(2) Visits within established visiting hours shall be unlimited, and shall not be counted toward visiting quotas for:

(a) Qualified members of the clergy of the resident's designated religion, or clergy that the resident specifically requests to see.

(b) The resident's designated counsel or a legal paraprofessional or law clerk acting as an aide to counsel for the resident, if the visitor shows proof of authorization to represent the resident.

(c) Official representative of the legislative, judicial, or executive branch of government.

History: 1954 ACS 93, p. 57, Eff. Nov. 30, 1977.

R 791.6609 Limits on visitation.

Rule 609. (1) Except as otherwise provided in this section, any person not a resident may visit any resident if:

(a) The resident gives approval for the visit.

(b) The visit is within the allowable quota established by the institution.

(c) The visit does not constitute a threat to the resident's physical or mental well-being.

(d) The visit does not constitute a clear and present threat to the order and security of the institution.

(e) Allowing the visit is not clearly harmful to the resident's chance for rehabilitation.

(f) The purpose of the visit is not to commit an illegal act.

(2) A former resident who wishes to visit an institution shall request permission to visit from the institution head. Permission shall be granted if subrule (1) is met. Former residents on parole status shall also have the approval of their supervising field agent.

(3) Probationers may visit residents with the prior approval of their supervising field agents.

(4) Persons on furlough status from any department facility shall have a compelling reason to visit a resident and shall obtain permission from the heads of all facilities or institutions involved.

(5) Adult immediate family members may visit institutionally hospitalized residents whenever it is medically allowable.

(6) Visitors allowed inside the gates of maximum, close, and medium security institutions shall be provided with adequate protective escort.

History: 1954 ACS 93, p. 57, Eff. Nov. 30, 1977.

R 791.6611 Disapproved visitors list.

Rule 611. (1) A person may not visit a resident of a correctional institution if the visit is prohibited under R 791.6609 or if that person:

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(a) Appears intoxicated or drugged.
(b) Refuses to submit to a reasonable search.
(c) Fails to produce valid and adequate identification.
(d) Intentionally makes a false statement with respect to the request to visit.

(2) Each institution shall maintain a disapproved visitor list. Disapproved visitors shall be listed according to the nature of restriction on visiting, including:
(a) Prohibition from visiting any resident at any time.
(b) Prohibition from visiting a specific resident or residents.
(c) Prohibition from visiting any resident except under prescribed conditions.

(3) Disapproved visitor lists shall contain a brief statement of the reason for placing each person on a disapproved status.

(4) A previously authorized visitor placed on the disapproved list shall be afforded an opportunity to challenge, in writing, the appropriateness of the decision.

History: 1954 ACS 93, p. 57, Eff. Nov. 30, 1977.

R 791.6613 Search of visitors and residents; rules for visits; violation of rules; hearing.

Rule 613. (1) All residents in maximum, close, and medium security institutions shall be searched following all visits. All persons visiting residents inside an institution shall be searched for contraband.

(2) Each institution shall prescribe and display reasonable rules of conduct for visits to preserve order and to prevent conduct offensive to other visitors or members of the public who may be present.

(3) Residents accused of violating any rules relating to resident visits shall be entitled to a hearing pursuant to R 791.3310 or R 791.3315. A visitor who violates the rules of conduct may be placed on an institution's disapproved visitors list pursuant to R 791.6611.

History: 1954 ACS 93, p. 58, Eff. Nov. 30, 1977.

R 791.6615 Access to courts; confidential communications.

Rule 615. (1) Residents shall have reasonable access to the courts for the resolution of legal grievances, including, but not limited to:
(a) Challenges to the legality of conviction or confinement.
(b) Suits for redress of allegedly illegal conditions of confinement or treatment while incarcerated or under correctional control.
(c) Suits in connection with civil legal problems.
(d) Asserting any other constitutional or statutory rights against a governmental authority.

(2) A communication between a resident and the following persons or agencies shall be confidential:
(a) Designated attorneys.
(b) Courts.
(c) Public officials.
(d) The director of the department of corrections.
(e) The corrections commission.
(f) The corrections ombudsman.

(3) A legal document filed in court by a resident shall not be included in the resident's case history files at any level.

(4) A resident shall not be punished in any way for exercising the right of access to the courts.

History: 1954 ACS 93, p. 58, Eff. Nov. 30, 1977.

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R 791.6617 Legal assistance from other residents; written agreement; approval; grievance; violation.

Rule 617. (1) A resident may not directly or indirectly receive compensation in goods or services for providing legal assistance. However, residents may obtain legal assistance from other residents if an agreement for that assistance is in writing.

(2) A written agreement for legal assistance shall have prior written approval from the institution head or his designate, shall contain all the terms and conditions of the provision of assistance, and shall be signed by the residents involved.

(3) The institution head or his designate shall approve an agreement for legal assistance, unless:

(a) Either of the residents has violated subrule (1).

(b) The terms of the agreement would interfere with the normal institutional programming.

(4) A resident claiming to be aggrieved by a department violation of a valid agreement for the preparation of legal documents under this rule may seek redress through the grievance procedures established in R 791.3325.

(5) Willful violation of regulations for legal assistance shall be grounds for disciplinary action.

History: 1954 ACS 93, p. 58, Eff. Nov. 30, 1977.

R 791.6619 Law libraries; access to legal materials.

Rule 619. (1) Major institutions shall maintain adequate law libraries.

(2) Legal materials shall be made reasonably available to all residents, except that the department may restrict or revoke a resident's library privileges for misuse. A resident accused of misusing legal materials shall be entitled to a prior hearing pursuant to R 791.3310 before library privileges may be restricted or revoked.

(3) A resident shall be entitled to assignment to an institution where an adequate law library is available upon showing a need for access to legal materials in order to prepare legal communications regarding a matter cognizable under R 791.6615(1).

(4) A resident may keep personal legal materials in his or her cell.

History: 1954 ACS 93, p. 58, Eff. Nov. 30, 1977.

R 791.6621 Resident dress, grooming, and personal hygiene.

Rule 621. (1) Resident dress, grooming, and personal hygiene shall be consistent with reasonable standards of public health and the security of the institution.

(2) The department shall issue each resident adequate institutional clothing and items necessary to maintain personal hygiene. Special clothing necessitated by a resident's assignment or travel outside the institution shall also be provided.

(3) Any resident in general population status of a department facility may wear items of personal clothing instead of institutional clothing, if such attire meets the requirements of subrule (1), is modestly priced, and is suitable for institutional laundry facilities.

(4) The head of each institution or facility shall establish procedures by which residents may obtain personal clothing items.

History: 1954 ACS 93, p. 59, Eff. Nov. 30, 1977.

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R 791.6623 "Resident publication" and "editor-in-chief" defined.

Rule 623. As used in R 791.6625 and R 791.6627:

(a) "Resident publication" means a newspaper or periodical published by residents under the administrative control and supervision of an institutional staff member.

(b) "Editor-in-chief" means the resident member of the resident publication staff, designated by the institution head, with responsibility for selecting the proposed content of the publication. Residents of major institutions shall be permitted a penal press for presentation of institutional news and resident self-expression, subject to R 791.6625.

History: 1954 ACS 93, p. 59, Eff. Nov. 30, 1977.

R 791.6625 Resident publication; procedures; contents; grievance.

Rule 625. (1) Each institution in which a resident publication is maintained shall establish procedures allowing publication staff reasonable access to events and persons in the institution for newsgathering purposes.

(2) The department may establish reasonable procedures for regulating and limiting the printing of resident opinions and editorial comments.

(3) A resident publication shall not contain material which is obscene; which constitutes a threat to institutional security or order; or which constitutes a personal attack or an attack upon any religious, racial, or ethnic group.

(4) Each issue of a resident publication shall contain a statement that material contained in the publication does not necessarily represent the viewpoint of the publication staff, institution, or department of corrections.

(5) A client claiming to have been aggrieved by a statement or omission in a resident publication may seek redress through the grievance procedure described in R 791.3325.

History: 1954 ACS 93, p. 59, Eff. Nov. 30, 1977.

R 791.6627 Resident publication; review; deletions and change; statement; rights of editor-in-chief.

Rule 627. (1) All material proposed for publication in a resident publication shall be submitted for review to the institution head, or the designated representative thereof, far enough in advance of the scheduled publication date to permit the review provided for herein.

(2) Material may be rejected for publication, or changes may be proposed, by the reviewing official whenever the material fails to conform to the restrictions contained in R 791.6625 or procedures issued thereunder. The reviewing official shall provide the editor-in-chief of the publication with a statement of reasons for deletions, or of suggestions for changes, in material proposed for publication. This statement shall be provided to allow the publication staff to conform to, or challenge, the deletions and proposed changes without impeding the timeliness of the publication. The statement shall be made prior to the scheduled publication date where the editor-in-chief complies with subrule (1).

(3) Upon notification of deletions and changes in material proposed for publication, the editor-in-chief may do either of the following:

(a) Alter the material so as to conform to the deletions and changes suggested.

(b) Challenge the deletions and changes through appropriate administrative channels set forth in institutional procedures. If this alternative is selected, the reviewing official shall put the reasons for changes or deletions in writing.

History: 1954 ACS 93, p. 59, Eff. Nov. 30, 1977.

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R 791.6629 Health care system; examinations; procedures; grievances.

Rule 629. (1) The department shall maintain a health care system consistent with standards for non-correctional public institutions.

(2) All residents shall be given physical and mental examinations by qualified medical personnel upon initial commitment.

(3) Each facility shall establish procedures to ensure that:

(a) Medical attention is provided residents by qualified personnel in a reasonably prompt manner.

(b) Adequate first aid equipment and personnel trained in its use are available to all residents.

(c) Treatment ordered by health care professionals is administered as prescribed.

(d) Seriously ill or injured residents are taken to a suitable medical facility as soon as safely possible.

(e) Prescriptions can be filled in accordance with the requirements of the state board of pharmacy as needed.

(f) Emergency medical treatment is available on a 24-hour basis.

(g) The health care system is periodically reviewed and inspected by appropriate representatives of the medical and public health professions.

(4) Any resident claiming to be aggrieved through the operation of departmental or institutional health care policy may seek redress through the grievance procedure established in R 791.3325.

History: 1954 ACS 93, p. 60, Eff. Nov. 30, 1977.

R 791.6631 Pharmaceutical research projects; procedures; sponsors; protection committee; duties of sponsors; violation.

Rule 631. (1) The corrections commission shall adopt reasonable procedures by which pharmaceutical firms, medical schools, and research institutes may request permission to sponsor pharmaceutical research projects involving resident volunteers, and insure that such research projects conform to the principles expounded in the Nuremberg code, and the Helsinki resolutions; the guidelines of the department of health, education, and welfare; and the rules of the federal food and drug administration. Independent researchers who evaluate drugs on a contractual basis shall be ineligible as sponsors.

(2) The corrections commission shall appoint 1 or more protection committees to evaluate research proposals, supervise research projects, and establish regulations for their proper management. Sponsors shall reimburse the state for the reasonable compensation and expenses of these committees.

(3) Research under this rule may be conducted at any correctional institution and may involve resident volunteers, subject to reasonable regulation by the corrections commission to protect the resident's health and the security and good order of the institution.

(4) Eligible research sponsors shall provide all necessary equipment, supplies, materials, personnel, and facilities necessary to conduct the research project. Research shall not be conducted in a department medical facility.

(5) Sponsors shall maintain and provide the department with full clinical records of each volunteer's participation for a sufficient time to allow for discovery of delayed effects of the research.

(6) Sponsors shall agree to indemnify the state for all actual costs of treating illness or disability arising from participation in a research project. Disputes between the department and a sponsor shall be resolved by a committee appointed by the corrections commission.

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(7) Violation of any of the regulations made pursuant to this rule or failure to comply with valid regulations made by any person or committee authorized by this rule shall be sufficient grounds for termination as a sponsor.

History: 1954 ACS 93, p. 60, Eff. Nov. 30, 1977.

R 791.6633 Pharmaceutical research; volunteers; notice; informed consent; withdrawal; termination; rejection; effect of participation or nonparticipation.

Rule 633. (1) The department shall establish reasonable procedures to determine the eligibility of resident volunteers for pharmaceutical research.

(2) Residents shall be provided with prior written notice of available research projects, which notice shall include a description of procedures for volunteering.

(3) A volunteer shall give his or her informed written consent to the terms of the research project prior to commencement of participation.

(4) A statement of consent shall not be considered informed consent unless both of the following conditions have been complied with:

(a) All the terms and conditions of participation in the project, including the nature of the procedure involved, the degree of risk, and all other factors affecting the resident's welfare, are explained to the resident in the presence of an employee of the department.

(b) The witnessing employee executes a written statement that a full explanation has been made and that the resident has given consent without evidence of coercion or undue influence.

(5) A volunteer may withdraw from pharmaceutical research at any time and for any reason. The department shall not impose adverse consequences on a resident for withdrawal. However, a future sponsor may reject a volunteer on the basis of past unreliable performance where the facts warrant.

(6) A sponsor may terminate a volunteer when the volunteer's performance or lack of performance endangers the validity of the research.

(7) A resident volunteer rejected as a participant in a research project shall be provided with a written statement of the reasons therefor, unless disclosure would be detrimental to the resident's physical or mental welfare. A resident claiming to be aggrieved by a rejection may seek redress through the grievance procedure established in R 791.3325.

(8) The fact of participation, or nonparticipation, in a research project shall not be included in a resident's institutional file. Prospective volunteers shall be informed that participation or nonparticipation in a research project shall not affect a resident's treatment program, parole eligibility, or security classification.

History: 1954 ACS 93, p. 61, Eff. Nov. 30, 1977.

R 791.6635 Pharmaceutical testing; volunteer compensation; amount; continuation; inducement prohibited.

Rule 635. (1) Volunteers in a pharmaceutical testing research project shall be compensated in a uniform manner.

(2) Compensation shall be provided by the sponsor of the project.

(3) The amount of compensation may be determined by the degree of discomfort or inconvenience suffered, but shall not reflect the amount of risk incurred.

(4) The compensation of a volunteer who incurs illness or disability as a result of participation in pharmaceutical research shall continue during care or treatment for such illness or disability.

(5) An inducement, monetary or otherwise, to resident participation in research projects is prohibited, except compensation as provided herein.

History: 1954 ACS 93, p. 61, Eff. Nov. 30, 1977.

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R 791.6637 Right to be kept informed, transact personal business, marry, and hold personal property; recreation; freedom from discrimination; freedom of speech.

Rule 637. (1) A client shall be fully informed of his or her treatment planning, adjustment, and programs, except as limited by statute or professional privilege, if such information is not clearly detrimental to the resident's condition or treatment.

(2) A resident may bank or invest moneys and conduct legitimate personal business, subject to reasonable regulation to insure adequate funds for re-entry into the community and to insure the security and good order of the facility.

(3) A resident may marry if the law is complied with and there is no evidence of coercion or severe psychiatric incapacity.

(4) A resident may keep personal property in his or her housing unit, subject to reasonable regulations to safeguard the public health and the security, order, and housekeeping of the facility.

(5) Each resident with general population status shall be provided daily opportunity for indoor or outdoor recreation.

(6) A corrections client shall not be discriminated against, or penalized in any manner, because of his or her religious or political opinions or beliefs. A resident may express his or her opinions or beliefs if that expression does not present an immediate danger of serious disruption.

History: 1954 ACS 93, p. 61, Eff. Nov. 30, 1977.

R 791.6639 Resident accounts; accumulation and use of funds; institutional scrip; controls on spending; illegal funds; negative balance; authorized withdrawals; return of balance.

Rule 639. (1) The department shall allow each resident to have an account in which he or she may accumulate funds without limit, subject to regulation as to authorized sources of funds.

(2) Unless the funds are designated by the source for a specific purpose, they may be used by the resident for:

(a) Transfer to family members.

(b) Payment of authorized business or legal expenses.

(c) Transfer to approved savings account or purchase of savings bonds.

(d) Payment for authorized services or merchandise.

(3) Transfer of funds between residents is prohibited, except to purchase hobbycraft items to be sent from a facility as gifts.

(4) The department shall develop regulations regarding the purchase of institutional scrip by residents and visitors.

(5) Controls may be imposed on a resident's spending if it is established at a formal hearing, pursuant to R 791.3315, that the resident is:

(a) Incurring heavy indebtedness to other residents.

(b) A victim of extortion by other residents.

(c) Using scrip or store purchases to exploit or corrupt other prisoners.

(d) Setting up his or her own store.

(e) Stockpiling canteen merchandise in his or her cell so as to create housekeeping problems.

(6) Possession of money or scrip in violation of this rule, or in violation of regulations issued under this rule, constitutes possession of illegal funds. A resident alleged to be in possession of illegal funds shall be subject to disciplinary action. In addition to the sanctions authorized by R 791.5505, a resident found guilty of such misconduct shall have the illegal funds confiscated and placed in the inmate benefit fund.

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(7) When a resident's account has a negative balance, collections on department debts shall be limited to ½ the resident's subsequent funds unless the resident consents in writing to a larger assessment.

(8) Funds shall not be taken from a resident's account except at the resident's request, unless justification is first established at a formal hearing pursuant to R 791.3315.

(9) A client released from sentence shall receive the balance of his or her account.

History: 1954 ACS 93, p. 62, Eff. Nov. 30, 1977.

R 791.6641 Housing and living standards.

Rule 641. A resident shall be housed in a living unit which meets accepted standards for institutional life in nonprison settings, including, as a minimum:

(a) Clean and orderly surroundings.

(b) Adequate toilet, bathing, laundry, and other personal hygiene facilities.

(c) Lighting, ventilation, and heating adequate for comfort.

(d) Compliance with state fire and occupational safety regulations.

(e) A wholesome and nutritionally adequate diet.

(f) Clothing.

(g) Mattress and blanket.

History: 1954 ACS 93, p. 62, Eff. Nov. 30, 1977.

R 791.6643 Protection of residents; master count system; suicide attempts; deaths.

Rule 643. (1) A resident shall have reasonable protection against the threat, or fact, of intimidation, assault, exploitation, and other abuse. The following safeguards shall apply:

(a) Institutional classification, cell or room assignment, and operating procedures shall be employed to provide reasonable safety from assault.

(b) Disciplinary action shall be taken for all acts of violence committed within the institution, and where these constitute felonies, criminal prosecution shall be sought.

(c) Corporal punishment is prohibited.

(d) Force shall be utilized by department staff only as a last resort and only to the extent necessary, as provided in R 791.6645.

(e) Infliction of mental distress, degradation, or humiliation, through language or action, is prohibited.

(f) Promises of leniency, rewards, or other encouragement for information, made to a corrections client whose lifestyle is to secure favorable treatment through incrimination of others, are prohibited.

(2) Each facility shall maintain a master count system and conduct frequent accurate resident counts to insure the positive verification of the whereabouts of each resident.

(3) All suicide attempts shall be treated as genuine until declared otherwise by medical or psychiatric staff.

(4) An autopsy shall be conducted in every death occurring in a department facility. All deaths from other than natural causes, and deaths not attended by a physician, shall be referred to the Michigan state police and the appropriate county medical examiner.

History: 1954 ACS 93, p. 62, Eff. Nov. 30, 1977.

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R 791.6645 Use of force; tear gas; forcible removal from cell; reports, discharge of weapons.

Rule 645. (1) Force shall be used by department staff against a resident only after all other reasonable alternatives are exhausted. Only the force necessary in these circumstances shall be permitted.

(2) Prior authorization from the appropriate supervising official shall be obtained for the use of tear gas. When tear gas is used, each person affected shall be immediately examined and treated for possible burns or other injury.

(3) Forcible moving of a recalcitrant resident from his or her cell shall, whenever possible, be conducted during the institution's regular business hours. If, however, a resident destroys cell property, threatens self-destruction, or exhibits behavior clearly disruptive to the cell housing unit, the resident may be forcibly removed at any time with the prior authorization of the appropriate supervisory staff.

(4) A written report shall be made of each incident involving the use of force or tear gas.

(5) Lethal weapons shall be discharged in the conduct of duty only for the following purposes:

(a) To prevent the escape of a maximum or medium custody resident when lesser action is not effective.

(b) To protect an employee, resident, or other person from death or serious injury when there are reasonable grounds to believe that death or serious injury is imminent.

(c) With the authorization of the commanding officer, to control a mass disturbance.

(6) Gunfire shall be directed with the intent to disable only and, where the circumstances permit, shall be preceded by either an oral warning or a warning shot.

History: 1954 ACS 93, p. 63, Eff. Nov. 30, 1977.

PART 7. PAROLE, PARDON, REPRIEVE, AND COMMUTATION OF SENTENCE

R 791.7701 Parole release hearing; time; rights of resident.

Rule 701. (1) A resident shall appear before the parole board for parole consideration not less than 30 days before expiration of the minimum term of sentence, less regular and special good time allowances, except those subject to section 34 of Act No. 232 of the Public Acts of 1953, being §791.234 of the Michigan Compiled Laws.

(2) At the resident's parole release hearing, the resident shall be informed of the purpose of the hearing, including an explanation that the resident has the following rights:

(a) Presentation of a statement at the hearing, explaining to the board why release is proper or questioning any material considered by the board.

(b) Disclosure of any report or other written material used in making the board's determination, unless that written material:

(i) Is a diagnostic opinion, the disclosure of which might seriously disrupt a program of rehabilitation.

(ii) Reveals sources of information obtained on a promise of confidentiality.

(iii) Is unduly hazardous to persons or to institutional or safety goals.

(iv) Is information privileged by law.

History: 1954 ACS 93, p. 63, Eff. Nov. 30, 1977.

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R 791.7705 Parole release hearing; staff assistance.

Rule 705. (1) To facilitate a parole release hearing, a staff member shall be available to gather and present factual evidence in all cases at the request of either the resident or the parole board.

(2) Where the parole board determines that a resident appears to be incapable of speaking effectively for himself or herself, the board shall request the staff member to present arguments on the resident's behalf.

(3) A resident may object to a particular staff member making arguments on the resident's behalf if that staff member has recommended action adverse to the resident. Where objection is made, the board may designate another employee to speak in the resident's behalf.

History: 1954 ACS 93, p. 64, Eff. Nov. 30, 1977

R 791.7710 Parole release hearing; decision; denial; notice; early parole; mental health residents.

Rule 710. (1) Whenever possible, the decision to grant or deny parole shall be announced at the parole release hearing. A resident shall be given an opportunity to ask questions and request an explanation of the board's decision.

(2) If release is denied, the board shall furnish the resident written notice:

(a) Stating with particularity the grounds on which its determination is based.

(b) Including, wherever possible, a statement of what the resident should do to better qualify for parole.

(c) Except for those residents who are within 18 months of sentence expiration, setting a new hearing date, to be no more than 12 months from the minimum eligibility date or previous pass-over date.

(3) Notwithstanding R 791.701(1), a prisoner may receive a special early parole when R 791.715 and the provisions of §791.233(b) of the Michigan Compiled Laws are complied with.

(4) The director shall issue regulations for the parole consideration of eligible corrections clients committed to facilities of the department of mental health.

History: 1954 ACS 93, p. 64, Eff. Nov. 30, 1977.

R 791.7715 Factors considered in granting parole; psychological or psychiatric evaluations.

Rule 715. (1) The parole board shall evaluate the following factors with regard to the resident in determining whether parole is in the best interests of society and public safety:

(a) Potential for violence, as demonstrated by prior behavior or other objective criteria.

(b) Willingness to accept responsibility for prior behavior.

(c) Patterns or other information indicating a likelihood that the resident is a professional or career criminal.

(d) Pending prosecutions.

(e) Behavior under prior correctional supervision.

(f) Employment history.

(g) Job readiness.

(h) Resident's recognition of critical personal problem areas and progress in dealing with them.

(i) Family or community ties.

(j) Performance at work or school assignments.

(k) Need for further institutional program involvement to improve release readiness.

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(l) Mental stability.

(m) Irreversible medical condition which reduces likelihood of further criminal acts.

(n) A suitable and realistic parole plan.

(2) A resident under consideration for parole, who is successfully evaluated under subrule (1), shall receive psychological or psychiatric evaluation before the release decision may be made if the resident has a history of:

(a) Hospitalization for mental illness within the past 2 years.

(b) Predatory or assaultive sex offenses.

(c) Serious or persistent assaultiveness within the institution.

History: 1954 ACS 93, p. 64, Eff. Nov. 30, 1977.

R 791.7720 Parole board action subsequent to hearing; rescission or annulment of parole.

Rule 720. (1) If new information, which may adversely affect the disposition, is received subsequent to the hearing but prior to parole release, the parole board may suspend the issuance of its parole order and review the case. If the parole board wishes to rescind the parole, the resident is entitled to a hearing in accordance with R 791.7701, R 791.7705, and R 791.7710.

(2) If new information is received after release on parole of behavior that occurred prior to release that would have adversely affected the disposition, the parole order shall be suspended, the client returned to an institution, and a new hearing held in accordance with R 791.7701, R 791.7705, and R 791.7710 to determine whether or not the parole should be annulled.

History: 1954 ACS 93, p. 64, Eff. Nov. 30, 1977.

R 791.7725 Performance contract; formulation; hearing; revision; withdrawal; termination; violation.

Rule 725. (1) Upon agreement of the parole board, bureau of field services, and bureau of correctional facilities, an eligible resident may enter into a performance contract with the parole board, guaranteeing an order of release on a specified date if all contract terms and objectives are successfully completed. Criteria for resident eligibility shall be developed by the director.

(2) A resident who participates in the performance contract program shall be actively involved in the formulation of a performance contract which shall be drawn specifically for that resident and containing only relevant and achievable terms and objectives.

(3) Once the proposed terms are agreed upon, the resident shall have a hearing before the parole board to formalize the contract. This hearing is deemed to fulfill the hearing requirement of §791.234 of the Michigan Compiled Laws for a resident paroled upon successful completion of a performance contract.

(4) A resident may request revision of his or her contract at any time. Approval by a majority of the parole board is required for revision.

(5) A resident may withdraw from contract consideration during negotiations, or may terminate a contract, without prejudice, at any time.

(6) A finding of guilty at a major misconduct hearing or an unjustified failure to meet a contract objective, established at a formal hearing under R 791.3315, constitutes a violation of a performance contract. When a violation is established, a majority of the board may continue, revise, or terminate the contract.

(7) Subrule (6) notwithstanding, the contract of a resident on escape status or who is convicted of a new crime may be terminated without a hearing.

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(8) If a resident's performance contract is terminated, parole shall be considered under R 791.7701, R 791.7705, R 791.7710, and R 791.7715. The fact of violation and termination may properly be considered by the board in its release decision.

History: 1954 ACS 93, p. 65, Eff. Nov. 30, 1977.

R 791.7730 Conditions of parole.

Rule 730. (1) Each order of parole shall contain conditions of parole reasonably necessary to assist a parolee to lead a law abiding life. There shall be a reasonable relationship between parole conditions and both the prisoner's previous conduct and present capabilities. All conditions shall be sufficiently specific to guide both supervision and conduct.

(2) Parole may be conditioned on residence at a community correctional facility when the parole board determines this to be necessary to parole adjustment.

(3) Parole shall not be granted unless a resident agrees to all conditions prescribed by the parole board. A paroled prisoner shall also comply with subsequent conditions lawfully imposed by the board. A parole agreement which specifies the conditions of parole shall be signed by a resident at the time of release.

(4) All conditions of parole shall be provided to the parolee in writing.

History: 1954 ACS 93, p. 65, Eff. Nov. 30, 1977.

R 791.7735 Search of parolee's person or property.

Rule 735. (1) A parole agent may conduct a warrantless search of a parolee's person or property in the following circumstances:

(a) Incident to a lawful arrest pursuant to §791.239 of the Michigan Compiled Laws.

(b) A stop and frisk, if there is reasonable cause to believe that the parolee is presently involved in criminal conduct, has violated a condition of parole, or is carrying a weapon.

(c) Seizure of evidence or contraband in plain view.

(d) With the consent of the parolee or a third party having mutual control over the property to be searched.

(2) Where the circumstances of subrule (1) are not present and there is reasonable cause to believe that a violation of parole exists, a parole agent may conduct a search of a parolee's person or property, if, as soon as possible thereafter, the parole agent files a written report with his or her supervisor, setting forth the specific reasons or grounds for the search, describing the location or place searched, and describing the specific items seized.

History: 1954 ACS 93, p. 65, Eff. Nov. 30, 1977.

R 791.7740 Preliminary parole revocation hearing; time; place.

Rule 740. In all cases where an alleged parole violator is detained and formally charged with a parole violation, a preliminary parole revocation hearing, to determine whether there is probable cause to believe that the parolee has committed an act in violation of parole conditions, shall be conducted as promptly as possible at or near the place of the alleged parole violation or arrest, if: (a) it is likely there will be a substantial delay between the arrest of the parolee and the parole revocation hearing; or (b) the parolee is detained in a location distant from the site of the parole revocation hearing. This rule is inapplicable where a parolee is convicted, or has been bound over after a preliminary

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examination within a reasonable time, on criminal charges which constitute the same conduct as the alleged parole violation.

History: 1954 ACS 93, p. 66, Eff. Nov. 30, 1977.

R 791.7745 Preliminary parole revocation hearing; rights of alleged violator.

Rule 745. In connection with a preliminary parole revocation hearing, the alleged violator shall be:

(a) Given written notice of the time, place, and purpose of the hearing and of the specific charge or charges of parole violation.

(b) Advised of the right to testify and present witnesses and documentary evidence that provide relevant information to the hearing officer.

(c) Informed of evidence used to substantiate the parole violation charges. The parolee shall also be advised of the right to confront and question all persons who have given adverse information regarding the alleged violation, unless the hearing officer determines that the person would be subjected to a risk of harm by disclosure of his or her identity.

(d) Advised of the right to retained or appointed counsel if he or she makes a timely and colorable claim of innocence, or that there are substantial reasons which justify or mitigate the violation, making revocation inappropriate, which reasons are complex or otherwise difficult to present. Counsel may also be provided if the accused is mentally unable to properly present a defense. In all cases where a request for counsel is denied, the grounds for refusal shall be stated in the record.

History: 1954 ACS 93, p. 66, Eff. Nov. 30, 1977.

R 791.7750 Preliminary parole revocation hearing; waiver; summary of hearing; sufficiency of evidence.

Rule 750. (1) An alleged parole violator may waive a preliminary parole revocation hearing or any of the rights specified in R 791.7745. A waiver shall be in writing and signed by the person charged.

(2) When a preliminary parole revocation hearing is held, the hearing officer shall make a written summary of the hearing, which shall include the substance of the statements and evidence in support of the parolee's position and the department's position, and the reasons for the hearing officer's decision.

(3) If the evidence presented at the hearing is insufficient to support a probable cause finding, a finding of no probable cause shall be entered and the parolee shall be released immediately. If the evidence presented at the hearing is sufficient to support a probable cause finding, the parolee shall be continued in custody pending the decision of the deputy director or designate regarding his or her return.

History: 1954 ACS 93, p. 66, Eff. Nov. 30, 1977.

R 791.7755 Parole revocation hearing; parolee's rights; postponement; decision.

Rule 755. (1) Pursuant to §791.240a of the Michigan Compiled Laws, a parolee shall have an opportunity for a hearing to determine whether a violation of parole was committed, and, if so, whether revocation is the appropriate disposition.

(2) The parolee shall have written notice of the time, place, and purpose of the hearing and the specific charge of parole violation. The parolee shall be advised that, at the hearing, he or she has the following rights:

(a) The opportunity to testify and present relevant witnesses and documentary evidence.

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(b) Disclosure of the evidence against him or her.

(c) Confrontation and cross-examination of adverse witnesses, unless the parole board finds good cause for the denial of this right.

(d) Representation by retained or appointed counsel.

(3) A hearing may be postponed beyond the statutory time period at the written request of the parolee or parolee's counsel.

(4) The parole board shall make a written statement of the evidence relied on and reasons for the decision.

(5) When the evidence is insufficient to support the parole violation charge, the parolee shall be reinstated to parole status as soon as possible.

(6) When a parolee is found in violation of parole, the parole board may either revoke or reinstate parole or issue such order as may be appropriate in the discretion of the board.

History: 1954 ACS 93, p. 66, Eff. Nov. 30, 1977.

R 791.7760 Pardons, reprieves, and commutations.

Rule 760. (1) A current or past resident may apply for a pardon, reprieve, or commutation by filing a notarized copy of the appropriate application with the parole board. The application shall contain the following information:

(a) Date of conviction, and sentence imposed for the crime for which the person is seeking clemency.

(b) Personal history, including age, citizenship, marital status, number of dependents, and, if on parole or discharged from sentence, employment history and character references.

(c) Criminal record.

(d) Circumstances of crime for which the person is seeking clemency.

(e) Reasons for seeking clemency.

(f) Other relevant information requested by the parole board.

(2) Upon receipt of an application for pardon, reprieve, or commutation, the parole board shall handle such application pursuant to the procedures contained in §791.244 of the Michigan Compiled Laws.

(3) When a public hearing is to be held, notice shall be given to interested parties as required by §791.244(d) of the Michigan Compiled Laws. Notice shall also be made available to the public press prior to the hearing date. At the public hearing, the applicant may testify and present relevant witnesses, as well as oral and documentary evidence. The applicant may be represented by retained or appointed counsel. The public shall be represented by the attorney general. The presiding parole board members shall summarize all statements and documents presented both for and against the application for clemency.

History: 1954 ACS 93, p. 67, Eff. Nov. 30, 1977.

PART 8. YOUTHFUL TRAINEES

R 791.8801 Definitions.

Rule 801. As used in this part:

(a) "Committing court" means the court of record which has jurisdiction over a criminal offense allegedly committed by a youth and which assigns the youth to youthful trainee status.

(b) "Release with supervision" means release of a youthful trainee from a department facility to the supervision of the committing court.

(c) "Revocation" means the removal of a youth from youthful trainee status and the reinstatement of criminal proceedings.

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(d) "Termination" means the removal of youthful trainee status by the committing court upon successful completion of the program outlined for the trainee.

(e) "Youthful trainee" means a person committed to the custody or supervision of the department pursuant to the provisions of §§762.11 to 762.15 of the Michigan Compiled Laws, commonly known as the "Holmes youthful trainee act."

History: 1954 ACS 93, p. 67, Eff. Nov. 30, 1977.

R 791.8810 Youthful trainees committed to department facilities; appointment and duties of supervisory committee; request for transfer.

Rule 810. (1) A youthful trainee committed to a facility which also houses adult offenders shall be bound by all rules and regulations governing that facility.

(2) A committee of not less than 3 department staff members, appointed by the director, shall supervise youthful trainees committed to a department facility. The supervisory committee shall:

(a) Establish standards for supervision of youthful trainees in facilities.

(b) Establish standards for the release, with supervision, of youthful trainees from department facilities.

(c) Review the records of youthful trainees committed to facilities, at intervals not longer than 6 months, to determine eligibility for release with supervision, termination, and revocation of youthful trainee status.

(d) Make appropriate recommendations to the committing court regarding release with supervision, termination, and revocation of youthful trainee status for those committed to facilities.

(3) Where the department facilities are inappropriate for the treatment and supervision of a youthful trainee, the supervising committee shall request admission of the youthful trainee to a facility of the department of social services.

History: 1954 ACS 93, p. 67, Eff. Nov. 30, 1977.

R 791.8820 Youthful trainees under supervision of committing court.

Rule 820. A youthful trainee under the supervision of the committing court shall be supervised pursuant to R 791.9920 and R 791.9930, unless the court provides otherwise.

History: 1954 ACS 93, p. 68, Eff. Nov. 30, 1977.

PART 9. PROBATION

R 791.9901 Definitions.

Rule 901. As used in this part:

(a) "Disposition" means a term of probation or imprisonment, or a fine, or any combination thereof, imposed upon the offender by the sentencing court.

(b) "Offender" means a person convicted of a felony or misdemeanor.

(c) "Presentence investigation" means an investigation of the antecedents, character, and circumstances of the offender and the offense, made by the presentence investigator for the purpose of preparing a presentence report.

(d) "Presentence investigator" means a probation agent responsible for conducting presentence investigations and preparing presentence reports.

(e) "Presentence report" means a written report, based on the presentence investigation, made by the presentence investigator to the sentencing court for the purpose of aiding the court in reaching a just and rational disposition of an offender's case.

(f) "Probation agent" means a member of the bureau of field services or a public employee certified by the corrections commission, who is responsible for

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the preparation of presentence reports on offenders or for the supervision of probationers placed in his or her care by the sentencing court, or responsible for both such functions.

(g) "Probation plan" means a statement by the presentence investigator in the presentence report describing proposed terms and conditions of probation, the objectives to be achieved by probation, and the program of supervision proposed in order to achieve those objectives.

(h) "Probationer" means an offender who is placed on probation by the sentencing court.

(i) "Sentencing court" means the court with jurisdiction to pass or modify sentence on a particular offender's case, or a member of the bench of that court who has responsibility for sentencing, resentencing, or modifying the sentence of a particular offender.

(j) "Short form" means a brief presentence report which contains a summary of the data relating to the current offense, the offender's criminal and social history, and a recommended disposition.

History: 1954 ACS 93, p. 68, Eff. Nov. 30, 1977.

R 791.9910 Presentence report; contents; confidentiality of certain sources; submission of prior report.

Rule 910. (1) A presentence report shall contain at least the following information:

(a) An objective description of the offense, based on all the relevant information acquired by the probation agent during the presentence investigation.

(b) The offender's description of the current offense and the circumstances surrounding it.

(c) A full description of the prior criminal convictions and juvenile dispositions of the offender.

(d) A description and status of all criminal charges pending against the offender at the time of the presentence investigation.

(e) A personal profile of the offender, including:

(i) Educational background.

(ii) Employment qualifications, background, and status, including any military record.

(iii) Social history, including family relationships, marital status, personal habits, interests, activities, and residence history.

(iv) Medical history, including a psychiatric or psychological report when available and appropriate or when requested by the sentencing court.

(v) Economic situation.

(vi) Other information relevant to the offender's character and circumstances.

(f) A proposed plan, which shall include:

(i) An evaluation of the offender in terms of strengths, weaknesses, abilities, established behavior patterns, and readiness for change.

(ii) Information about resources available, including, but not limited to, treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitative programs of various institutions to which the offender might be committed, special programs in the probation department, and other similar programs relevant to the particular offender's situation.

(iii) A probation plan, as defined in R 791.9901(g), if probation is a possible disposition.

(g) Recommended disposition, unless prohibited by the sentencing court.

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(2) A source of information obtained on a promise of confidentiality, as well as a diagnostic opinion which might seriously disrupt a program of rehabilitation, shall be listed separately from the body of the report.

(3) When the sentencing court or probation office has, or can obtain, a presentence report prepared on an offender within 3 years of the present offense, that report may be submitted, if it is supplemented by a short form report documenting changes in the offender's status since the presentence report was prepared.

History: 1954 ACS 93, p. 68, Eff. Nov. 30, 1977.

R 791.9920 Supervision of probationer; notice of conditions; methods of supervision; modification of order.

Rule 920. (1) When an offender is placed on probation, the supervising probation agent shall provide the offender with a copy of the order and inform the offender of the statutory conditions, as well as all of the terms and conditions contained in the order, and the possible consequences of a failure to adhere to the conditions of probation.

(2) For the purpose of monitoring the probationer's adjustment while on probation, the probation agent may:

(a) Inquire into the probationer's employment status, including, but not limited to, the probationer's performance on the job, relationships with fellow employees, and relationships with supervisors.

(b) Conduct interviews with probationer, members of the probationer's family, and acquaintances.

(c) Make other reasonable inquiries to determine whether the objectives of probation are being met.

(3) Whenever it appears to the probation agent that a modification of the terms or conditions of probation is necessary to achieve the objectives of probation, the agent may petition the sentencing court for a modification of the probation order. The petition shall contain a clear statement of the requested modification and the reason for the change. The probation agent shall provide the probationer with a copy of the modified order of probation and shall explain the changes made by the modified order to the probationer.

History: 1954 ACS 93, p. 69, Eff. Nov. 30, 1977.

R 791.9930 Probation violations; reporting; petition for revocation hearing; notice; violation report.

Rule 930. (1) A probation agent shall inform the court when such agent has reason to believe that a violation has occurred. The agent shall petition the court for a probation revocation hearing when the alleged violation is serious.

(2) A petition for a probation revocation hearing shall contain a statement of the specific condition allegedly violated, and a brief description of the circumstances of the alleged violation.

(3) The probation agent shall provide the probationer with a copy of the petition at least 24 hours prior to the scheduled hearing.

(4) The probation agent shall file a probation violation report with the sentencing court within a reasonable time prior to the hearing. The report shall contain a full description of the alleged violation and the circumstances surrounding it, and a summary of the probationer's development and adjustment while on probation.

History: 1954 ACS 93, p. 69, Eff. Nov. 30, 1977.

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PART 10. INTERSTATE COMPACT ON PAROLE AND PROBATION

R 791.10001 Adoption by reference.

Rule 1001. The rules, regulations and forms used under the parole and probation compact, being chapter 3 of the parole and probation compact administrators' manual (Spring, 1972), adopted by the parole and probation compact administrators' association, are adopted and incorporated herein by reference.

Copies of the adopted matter are available for inspection and distribution to the public at cost from the Department of Corrections, Lansing, Michigan.

History: 1954 ACS 93, p. 70, Eff. Nov. 30, 1977.

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